

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals

HEARING DATE: October 26, 2005

FROM: Department of Community
Development

PREPARED BY: Michelle Kulikowski
Associate Planner

TITLE

ZBA 05-17; 1105 E. Washington Boulevard: The petitioner requests that the Village approve a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 40.2% of the lot area, allowing the petitioner a total variation of 970 square feet of impervious area, for the subject property located within the R2 Single Family Residential Zoning District.

GENERAL INFORMATION

Petitioner/Property Owner: Ray Urban
1105 E. Washington Blvd.
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residential
Size of Property: Approximately 9,860 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences.
South: R2 Single Family Residential District; developed as Single Family Residences.
East: R2 Single Family Residential District; developed as Single Family Residences.
West: R2 Single Family Residential District; developed as Single Family Residences.

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on September 21, 2005.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Kabal Surveying Company, dated October 11, 1999

DESCRIPTION

The petitioner is requesting a variation to decrease the required open space from 50% of the lot area to 40.2% of the lot area, allowing the petitioner a total variation of nine hundred seventy (970) square feet of impervious area. The property currently is legal non-conforming with forty six percent (46%) open space. The petitioner is requesting a variation to add five hundred sixty three (563) square feet of additional lot coverage to widen the driveway.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering raises the issue as to what provisions would be made for detention from increased stormwater runoff. Public Works Engineering is not opposed to the variation.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services does not have any additional comments at this time.

PLANNING

Background

The subject property currently has five thousand three hundred thirty-seven square feet (5,337 s.f.) of lot coverage, leaving the lot with only 45.8% open space. Building permit records indicate that all improvements counting towards lot coverage were completed prior to the 1990 Zoning Code revisions which instituted a fifty percent (50%) minimum open space requirement for the R2 Single Family Residential District. Therefore, the property is considered legal non-conforming with respect to open space.

Improvements Affecting Lot Coverage

| Year | Improvement | Square Footage | Open Space |
|-------------|------------------------------|-----------------------|-------------------|
| 1964 | addition | 480 s.f. | 69.6% |
| 1966 | pool and patio | 1956 s.f. | 49.8% |
| 1973 | shed | 36 s.f. | 49.4% |
| 1987 | attached garage and driveway | 1497 s.f. | 45.8% |

Staff would like to note that the attached garage constructed in 1987 received a variation (ZBA 87-7) to reduce the interior side yard setback to 2.47 feet.

Staff also notes that a permit was issued in 2000 for a second story addition at the subject property. However, the second story addition does not affect the calculated lot coverage. The petitioner also applied for a shed permit in 2000. Building permit tracking notes indicate that the petitioner was called and made aware that his property did not meet open space requirements and the permit could not be issued unless a variation was granted. The petitioner eventually withdrew the permit.

Standards for Variations

Staff is not supportive of this variation for the following reasons. The standards of the Zoning Ordinance are set for the provision of open space, to preserve green space, and maintain the aesthetics of a suburban setting. The Village's Comprehensive Plan states "the existing visual and environmental character of Lombard's various residential neighborhoods should be preserved and enhanced." The open space standards within the R2 District help to achieve that goal by ensuring that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.

Staff typically has not recommended approval for open space variations unless the improvements on the property were replacement of a structure or impervious surface of approximately the same size. Staff finds that the requested relief to reduce the open space to 40.2% is substantial. Also the proposed improvements will not be replacing anything, and will substantially increase the total lot coverage by approximately five hundred sixty (560) square feet. Staff finds that the

existing driveway can reasonably accommodate the property. The driveway is twelve feet (12') wide for the first sixty-four feet (64') but widens to twenty feet (20') for the thirteen feet (13') closest to the garage. The driveway alone can park four cars in addition to any cars that can be parked in the garage.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.* Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The lot is not unusually small. The lot is 9,860 square feet, which exceeds the minimum lot size of 7,500 square feet in the R2 District.
2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.* Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard.
3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the hardship has not been caused by the ordinance and has instead been created by the expansive improvements to the property.
4. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.* Staff finds that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending approval of the variation:

Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental

Zoning Board of Appeals

Re: ZBA 05-17

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Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-17.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK

att-

c: Petitioner

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