

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: November 8, 2005 (B of T) Date: November 17, 2005
TITLE: ZBA 05-17: 1105 E. Washington Boulevard
SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests 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. (DISTRICT #5)

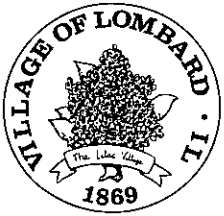
The Zoning Board of Appeals recommended denial of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *11/9/05*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *Delt*

DATE: November 17, 2005

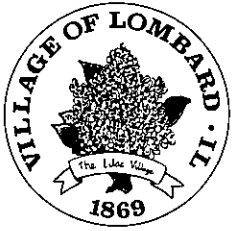
SUBJECT: ZBA 05-17: 1105 E. Washington Blvd.

Attached please find the following items for Village Board consideration as part of the November 17, 2005, Village Board meeting:

1. Zoning Board of Appeals referral letter, with a recommendation for denial of the petition;
2. IDRC report for ZBA 05-17;
3. Plat of Survey; and
4. Site Plan associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.

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VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

November 7, 2005

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 05-17; 1105 E. Washington Blvd.

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. 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.

The Zoning Board of Appeals conducted a public hearing on October 26, 2005. Ray Urban, owner of the property presented the petition. He noted that there has been a problem with parked vehicles being hit on Washington Boulevard. He stated that the Village has alleviated the problem by changing the parking restrictions to only allow parking on one side of the street. Mr. Urban gave a brief description of the property. He noted that his neighbor was not opposed to the proposed driveway expansion. He believes that the driveway expansion will not create a negative effect on the neighborhood.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition.

William Heniff, Senior Planner, presented the staff report. He noted that the variation request is to decrease the required open space from 50% of the lot area to 40.2% of the lot area, allowing a total variation of nine hundred seventy (970) square feet of impervious area. He mentioned that the property currently is legal non-conforming with forty six percent (46%) open space. He stated that the petitioner is proposing to add five hundred sixty three (563) square feet of additional lot coverage to widen the driveway.

Mr. Heniff noted that the building permit records for the subject property indicate that all existing 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 Residence District. He stated that the improvements included a 480 square foot addition in 1964, a pool and patio amounting to 1,956 square feet of lot coverage in 1966, a 36 square foot shed in 1973, and an attached garage and driveway expansion amounting to 1,497 square feet in 1987. He also mentioned that a permit was issued in 2000 for a second story addition, which does not affect the calculated lot coverage on the subject property.

Mr. Heniff stated that 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. He also mentioned that 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. He stated that the requested relief to reduce the open space to 40.2% is substantial. The proposed improvements will not be replacing anything, and will substantially increase the total lot coverage by approximately five hundred sixty (560) square feet.

In review of the Standards for Variations, Mr. Heniff stated that staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. He noted that the lot is not unusually small, being that it is 9,860 square feet, which exceeds the minimum lot size of 7,500 square feet in the R2 District. He noted that the design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard. Mr. Heniff stated that staff finds the hardship has not been caused by the ordinance and has instead been created by the expansive improvements to the property. He mentioned 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.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Polley asked whether the driveway would be constructed of permeable materials such as brick. Mr. Urban stated he planned to construct the driveway with concrete. Mr. Heniff noted that whether it is a brick or concrete driveway, it would still count against the open space requirement.

Mrs. Newman asked about the parking restriction being changed to only allow parking on one side of the street. Mr. Heniff noted that the Village Board received a recommendation from the Transportation and Safety Committee to allow for parking on one side of the street. A first reading of the draft Ordinance was approved at their October 20, 2005 meeting.

Chairperson DeFalco asked whether anything else could be removed in order to reduce the lot coverage. Mr. Urban then described the various improvements on the property, noting that they

either received zoning approvals for the improvements on the property or they built their improvements as required by code at the time of construction. Mr. Heniff noted that the patios do require building permits to construct, but property owners are still required to construct their patios in a manner in which the property is still in compliance with open space requirements. Mr. Urban also noted that there was not a lot of possibilities to remove impervious surfaces on his property, but did note that he could make some modifications to the east side of his residence.

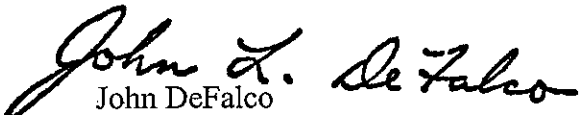
Mr. Urban noted that a principal reason for the request was to provide for a two-car wide driveway that would alleviate the need to "jockey" cars in and out of the driveway.

The Zoning Board of Appeals members then discussed whether they could recommend denial of the petition, but asked staff to work with the petitioner to address his concerns. Mr. Heniff noted that as the property already exceeds open space requirements, even if the driveway was expanded by one square foot, it would still need a variation.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals, by a roll call vote of 4-0, submits this petition to the Corporate Authorities with a recommendation of denial for the requested variation.

Respectfully,

VILLAGE OF LOMBARD


John DeFalco
Chairperson
Zoning Board of Appeals

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

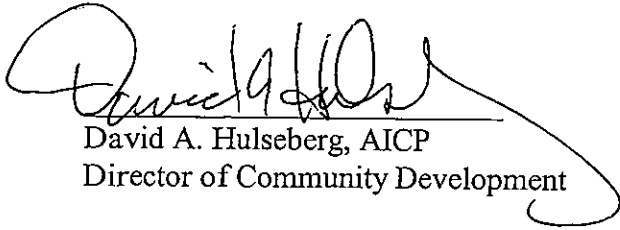
The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following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

ZBA 05-17: 1105 E. Washington

