

JUNE 24, 2014

Title

ZBA 15-08

Petitioner & Property Owner

Firasat Syed
1057 Daniel Court
Lombard, IL 60148

Property Location

1057 Daniel Court
(06-08-404-009)
Trustee District: #2

Zoning

R2 Single Family Residence
(Melody Lane Subdivision
Unit 4)

Existing Land Use

Single Family Home

Comprehensive Plan

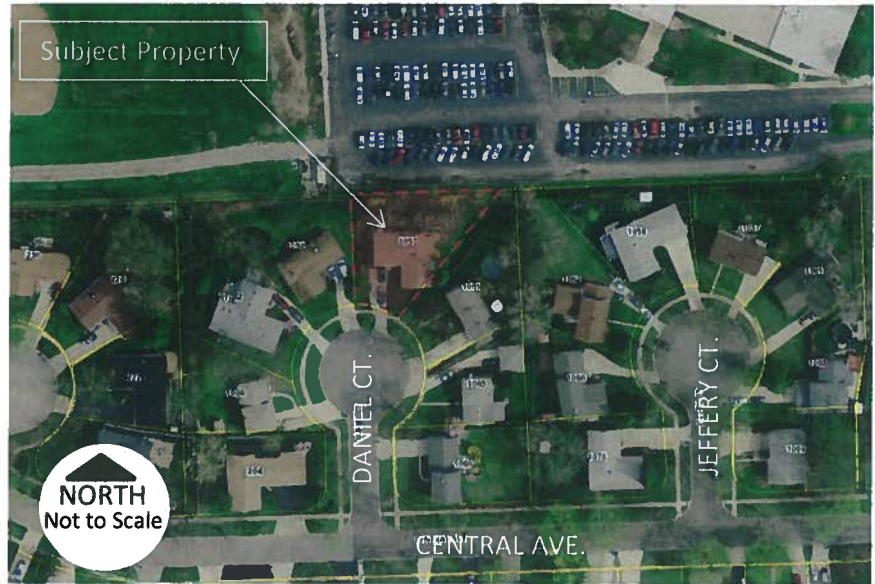
Low Density Residential

Approval Sought

A variation to reduce the required thirty-five foot (35') rear yard setback to twenty-five feet (25') for an addition to an existing single family residence.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an approximately 1,688 square foot addition to the existing structure. The addition will be on the east, west and rear of the house. The rear portion of the addition measures approximately ten feet (10') by seventy-one feet (71') at 710 sq. ft.

APPROVALS REQUIRED

Section 155.407 (F)(2) requires a minimum thirty-five foot (35') rear yard setback. As such, the existing home is setback the minimum thirty-five feet (35'). The proposed addition to the principal structure encroaches into the required setback by ten feet (10') reducing the rear yard setback to twenty-five feet (25'). Therefore, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 1,967 square foot one-story frame single family residence with an attached garage and associated driveway. The property is located at the end of the cul-de-sac of Daniel Court. The rear yard is directly adjacent to the south parking lot of Glenbard East High School. The subdivision was created in 1963 and the house was built in 1965.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 11,275 sq. ft.
Building 1,967 sq. ft.
Footprint: (3,224 sq. ft.)
Lot Coverage: 25% (36%)

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (Daniel) 30' (30')
Side (east) 6' (6')
Side (west) 6' (6')
Rear (north) 35' (25')

Submittals

- 1. Petition for Public Hearing
- 2. Response to Standards for Variation
- 3. Plat of Survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
- 4. Site Plan, prepared and submitted by homeowner June 15, 2015.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	CR	Public High School
South	R2/Daniel Court	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Staff finds that the standards have been affirmed for the rear yard setback variation.

Staff can support the requested variance for the rear yard setback requirements for the following reasons:

- 1. There is precedence for variations to rear yard setbacks on similar lots to allow for the construction of additions to single family homes;
- 2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood. The subject property's rear yard is adjacent to a parking lot. In addition, there are approximately twenty-two properties within the neighborhood considered Jeffrey Court, Daniel Court and Central Avenue that did not originally conform to the rear yard setback or received a variance for encroaching into the rear yard setback; and

3. The subject property is uniquely shaped creating a hardship to expand the existing floor plan of the house in a logical arrangement of room placement.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years:

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
Surrounding Neighborhood History					
ZBA 03-08	8/21/2003	1062 Jeffery Court	21' Rear Yard	Approved, 4-1	Approved, 6-0
ZBA 05-01	3/3/2005	340 W. Central Ave.	31.65' Rear Yard	No recommendation	Approved, 6-0
ZBA 05-18	11/17/2005	322 W. Central Ave.	30' Rear Yard	No recommendation	Approved, 6-0
Cases Village-wide 2010 – 2015*					
ZBA 10-13	12/15/2010	320 S. Martha Court	23' Rear Yard	Approved, 5-0	Approved, 6-0
ZBA 13-01	2/7/2013	236 E. Morningside Ave.	15.7' Corner Side Yard & 29.5' Rear Yard	Approved, 4-0	Approved, 6-0
ZBA 14-03	4/23/2014	304 N. Park Avenue	11.9' Corner Side Yard & 25' Rear Yard	Partial approval (not on rear portion)	Approved, 6-0
ZBA 14-06	6/19/2014	505 E. Sunset Ave.	30' Rear Yard	Approved, 6-0	Approved, 6-0

**There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-two (42) requests brought before the ZBA for a rear yard variance.*

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested rear yard setback. 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 aforementioned rear yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does comply** with the Standards for Variations in the Lombard Zoning Ordinance and therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-08, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the site plan drawn by the petitioner on the plat of survey, prepared by Lambert & Associates, Land Surveyors, dated September 20, 2006.
- 2) The petitioner shall apply for and receive a building permit for proposed plans.
- 3) The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.

- 4) Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

- 5) In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required rear yard setback.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER

5/28/2015

Standards for variations for

1057 Daniel CT, Lombard, IL, 60148

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

Explanation: Kitchen is located in the center of the house and clearance between appliances on either side is only 34 inches. We have kids and our youngest is 4 years and are always walking around the kitchen area with very less clearance for 2 people.

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.

Explanation: The set back is currently 35 feet. Even with the proposed extension, the set back will be 25 feet which is the case with several home around the neighborhood. Also, the back yard is adjacent to parking lot and there is no concern for privacy.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

Explanation: Yes, the variation is not at all for financial gain. Rather for the investment being made, the cost may be much more than the average price of the house sold in the neighborhood.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

Explanation: This is not the case at all.

5. 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 property is located.

Explanation: The back yard is adjacent to parking lot and does not share with any other neighboring house. Therefore there is no concern for injurious situation for neighbor or any public welfare.

6. The granting of the variation will not alter the essential character of the neighborhood; and

Explanation: Several houses around the neighborhood have set back of 25 feet only. Since the current back yard clearance is 35 feet, even with proposed expansion, it will match with the general neighborhood clearance of 25 feet.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural

drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Explanation: There is substantial clearance on either side of the house and there is no danger of fire, or influence of light to neighbors, or public safety issues. There is no issue of drainage problems for the proposed extension.

EXHIBIT B: PLAT OF SURVEY

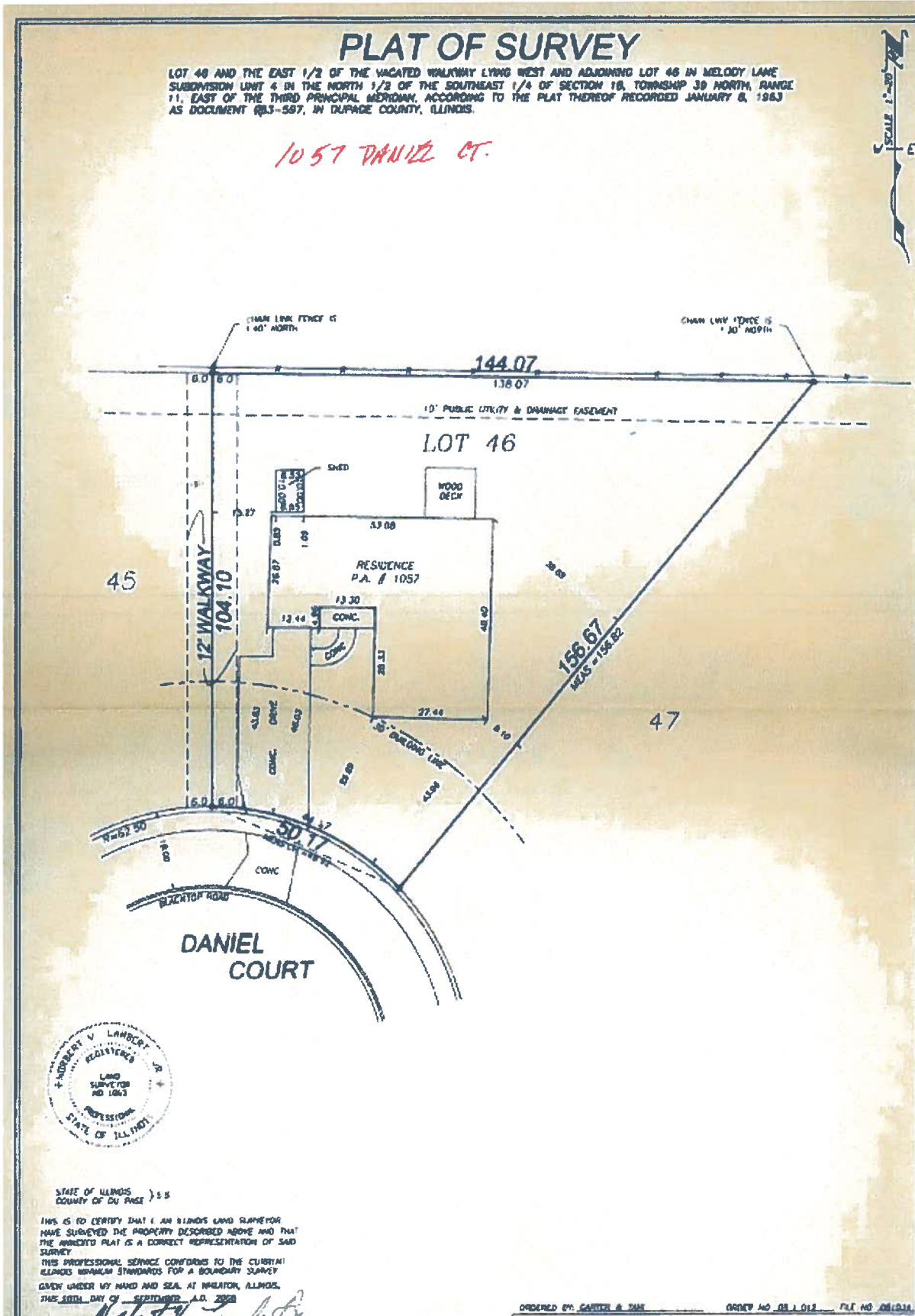


EXHIBIT C: SITE PLAN

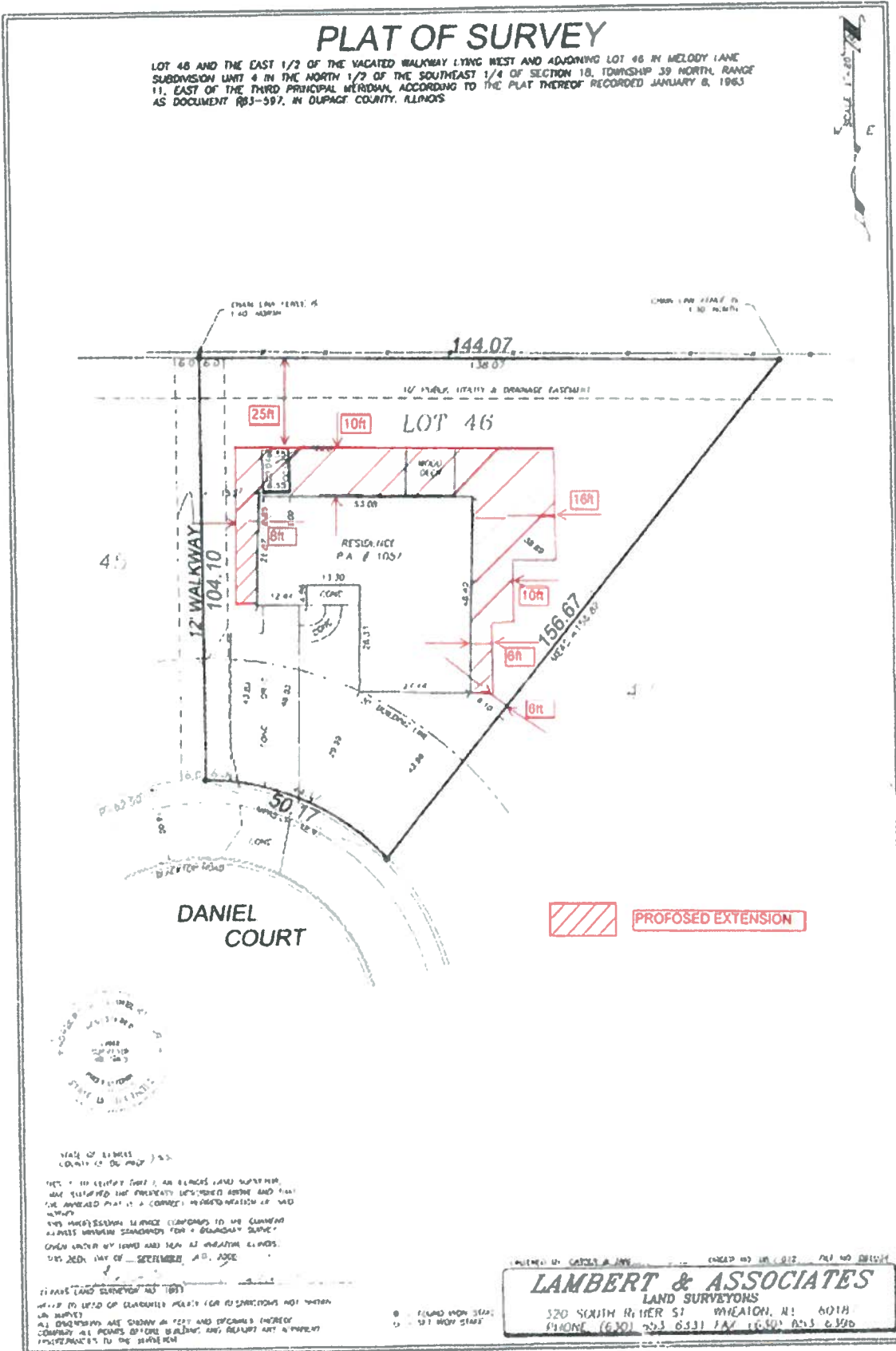


EXHIBIT D: PHOTO OF EXISTING CONDITIONS

