

**JANUARY 28, 2015**

**Title**

ZBA 15-03

**Petitioner & Property Owner**

Rehana S. Ali  
135 N. Broadview Avenue  
Lombard, IL 60148

**Property Location**

135 N. Broadview Avenue  
(06-06-306-001)  
Trustee District #1

**Zoning**

R2 Single Family Residence  
(Mager's Addition to Lombard  
Subdivision)

**Existing Land Use**

Single Family Home

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to reduce the required twenty foot (20') corner side yard setback to fourteen and three-tenths feet (14.3').

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The petitioner is proposing to construct an approximately 550 square foot second story addition to the existing structure. Additional renovations are proposed for the existing first floor.

**APPROVALS REQUIRED**

The petitioner requests that the Village grant a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fourteen and three-tenths feet (14.3').

**EXISTING CONDITIONS**

The property contains an approximately 1,100 square foot one-story brick/masonry/stone single family residence with an approximately 264 square foot detached garage with associated driveway and small shed. The existing house was built prior to 1950 with no permits on file with the Village for reference. The lot was created in 1926. The subject property backs up to the Great Northern Trail and surrounded by single-family homes.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

A full review will be conducted during the building permit review process.

**PROJECT STATS**

**Lot & Bulk (Proposed)**

Parcel Size:	8,778 sq. ft.
Building Size:	1,088 sq. ft.
Lot Coverage:	Unchanged

**Reqd. Setbacks & Proposed Dimensions (in parens.)**

Front (south)	30' (31.2')
Side (east)	6' (9.8')
Corner Side (west)	20' (14.35')
Rear (east)	35' (105')

**Submittals**

1. Petition for public hearing;
2. Response to Standards for Variations;
3. Plat of Survey/Site Plan, prepared by Webster & Associates, dated April 25, 1972 and submitted January 6, 2015;
4. Proposed Elevations, prepared by C.B. Designs, dated December 10, 2014 and submitted January 6, 2015;

**Fire Department:**

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

**Private Engineering Services (PES):**

Private Engineering Services 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:**

Corner Side Yard Setbacks

The existing home was built prior to 1950 with a fourteen and four-tenths foot (14.4') corner side yard setback. Staff can support the variations for the corner side yard setback requirements for the following reasons:

1. There is precedence for a variation to corner side yard setbacks on similar lots to allow for the construction of an addition provided the existing non-conformity is not increased; and
2. The proposed improvements will not adversely affect this or other properties in the neighborhood and instead will maintain the existing building line and be an aesthetic improvement consistent with the existing structure and surrounding neighborhood.

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 hardship for each variation is due to the location of the existing single family home in relation to the western property line and the standards have been affirmed.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years.

Broadview Avenue is a dead end street and there are no residences immediately north of the subject property that would be directly impacted by the additional encroachment.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 04-03	5/6/2004	310 W. Morris Ave.	16' Corner Side Yard	Approved, 5-0	Approved, 5-0
ZBA 05-03	4/7/2005	1051 S. Stewart Ave.	17.5' Corner Side Yard (Reverse Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 05-07	6/2/2005	403 S. Edson St.	12.36' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 05-09	7/21/2005	444 E. Taylor Rd.	22' Rear Yard (Corner Lot)	Approved, 5-0	Approved, 6-0
ZBA 06-01	2/6/2006	151 E. Berkshire Ave.	6' Corner Side Yard	Approved, 4-0	Approved, 6-0
ZBA 06-06	5/4/2006	302 W. Loy St.	10.5' Corner Side Yard & 31' Rear Yard (Reverse Corner Lot)	No Recommen- dation	Partial App., 6- 0*
ZBA 06-17	8/23/2006	197 S. Craig Pl.	9' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-22	9/27/2006	601 E. Sunset Ave.	10' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 06-24	12/7/2006	303 W. Harding Rd.	10' Corner Side Yard	Denial, 5-1	App., 6-0**
ZBA 06-26	1/4/2007	117 S. Stewart Ave.	14.67' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 07-02	2/15/2007	206 E. Hickory St.	15' Corner Side Yard	Approved, 4-1	Approved, 6-0
ZBA 08-01	3/6/2007	322 E. Elm St.	17.68' Corner Side Yard	Approved, 5-0	Approved, 6-0
ZBA 10-01	2/18/2010	41 S. 2 <sup>nd</sup> Ave.	16.8' Corner Side Yard & 6' Rear Yard	No Recommenda- tion	App., 6-0
ZBA 10-07	9/16/2010	103 W. Collen Dr.	14.5' Corner Side Yard (Reverse Corner Lot)	Approved, 6-0	Approved, 6-0
ZBA 10-08	9/16/2010	322 E. Elm St.	17.68' Corner Side Yard	Approved, 6-0	Approved, 6-0
ZBA 10-14	1/6/2011	1029 E. Woodrow Ave.	11.5' Corner Side Yard (Reverse Corner Lot)	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 06-06 received approval for the corner side yard variation, but not the rear yard variation.

\*\* ZBA 06-24 received BoT approval when the variation request was reduced to two feet (2').

### **FINDINGS & RECOMMENDATIONS**

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

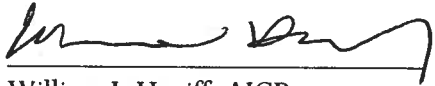
Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards for Variations in the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review

Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-03; subject to the following conditions:

1. The project shall be developed in accordance with the submitted plans prepared by C.B. Designs dated December 10, 2014 and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;

3. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
4. In the event that principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required corner side yard setback.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

## XI. STANDARDS FOR VARIATIONS

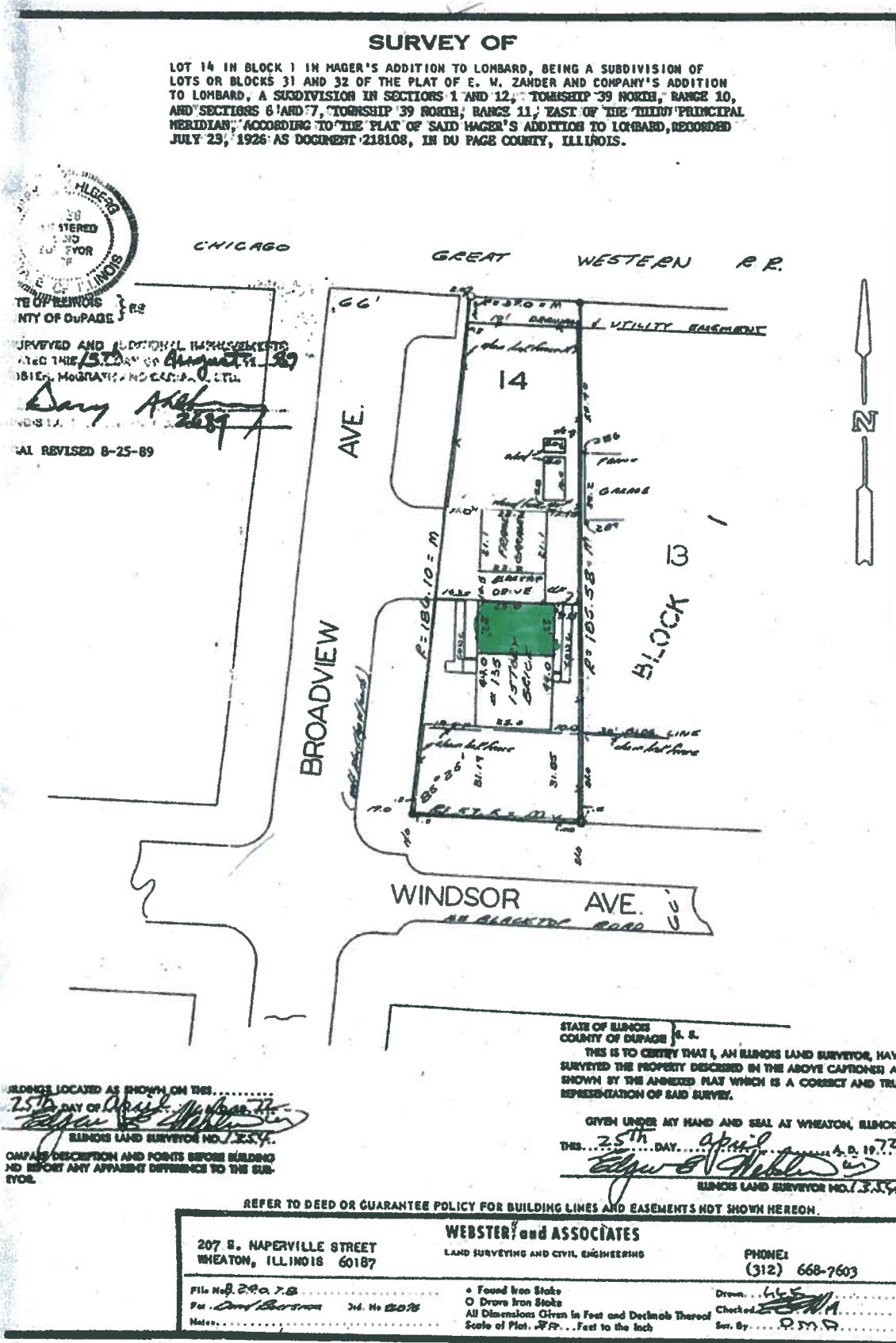
The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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.  
***The physical surroundings of the property do not present a mere inconvenience. The lot shape is unique as the width of the lot narrows from the front to the rear. Therefore, the buildable space for the principal structure narrows as well.***
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.  
***It is impractical to move the house in order to maintain the corner side yard setback for the second story addition.***
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.  
***There is no financial gain sought concerning this project.***
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.  
***No person has created a difficulty or hardship that presently has an interest in the property. It is believed that the house pre-dates the establishment of setbacks.***
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 the property is located.  
***The proposed improvement is holding the line of the existing setback of the house and not increasing it.***
6. The granting of the variation will not alter the essential character of the neighborhood; and,  
***The essential character of the neighborhood will not be altered. The established neighborhood maintains a stock of both one and two story houses.***
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.  
***The second story addition will not impact the above listed concerns due to the fact it is an improvement upon the footprint of the existing house.***

# EXHIBIT A - PLAT OF SURVEY/SITE PLAN



# EXHIBIT B – BUILDING ELEVATIONS

