

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: August 24, 2005
FROM: Department of Community PREPARED BY: Angela Clark, AICP
Development Planner II

TITLE

ZBA 05-14; 828 S. Fairfield: The petitioner requests a variation to Section 155.406 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum required interior side yard setback from six (6) feet to approximately two and a half (2.5) feet in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Owner: Michael and Lisa Niforatos
828 S. Fairfield
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Residential
Size of Property: 8,778 square feet

Surrounding Zoning and Land Use:

- North: R2 Single Family Residence District; developed as Single Family Residences
- South: R2 Single Family Residence District; developed as Single Family Residences
- East: R2 Single Family Residence District; developed as Single Family Residences
- West: R2 Single Family Residence 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 July 22, 2005.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey, dated August 12, 2004, prepared by Nekola Signature Survey.
4. Preliminary Elevations, dated July 21, 2005, prepared by Jason B. Kabella Architects, L.L.C.

DESCRIPTION

The petitioner proposes to construct a second story addition as well as an addition to the rear of the residence maintaining the existing building line, per the submitted plans. The petitioner's residence is currently nonconforming as the interior side yard setback is approximately two (2) to two and a half (2.5) feet from the property lines.

Photograph of Subject Property



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has the following comments:

The 6' setback should be maintained for the new second story addition as well as the one story rear addition, even though the existing residence is 2.5' from the property line. The required distance of 6' from the property line to structure should be adhered to, as was the case in a few other similar situations and not have this set a trend for future situations of the same magnitude.

PLANNING

The existing residence is approximately two and a half feet from both interior side property lines. The proposed second story addition as well as a first floor addition are being proposed to be located within the requisite six-foot interior side yard. As this addition would increase the degree of non-conformity on the property a zoning variation from the setback requirements would be required.

There are several other nonconforming residences along the block that do not meet the interior side yard setback. However, many of those homes have side yard setbacks of approximately five feet. The residences immediately adjacent to the subject property have setbacks of approximately eleven and twelve feet on the sides that abut the subject residence.

Staff has frequently supported variation requests that maintain the existing building line of a single-family residence. Many of these requests were for corner yard setback variations for narrow or substandard lot widths. However, staff has several concerns as it relates to the subject property. Staff finds that the proposed additions will considerably increase the degree of nonconformity given the close proximity of the residence to the property line. Staff finds that there is sufficient room to add to the rear of the residence without requiring zoning relief or by shifting the addition away from the property line, thereby meeting the current setbacks.

Furthermore, in order for a variation to be granted all Standards for Variations must be affirmed. Staff finds that the following Standards for Variations have not been met.

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.

Staff finds that there are not any unique topographical conditions that would prevent the petitioner from constructing an addition to the rear of the home by shifting the proposed addition in to meet the setbacks.

2. *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 constructing a second story addition as well as a rear addition within the same building line will increase the bulk that is immediately adjacent to the property line. Staff finds that the proposed additions will considerably increase the degree of nonconformity to the subject property.

3. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of 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 residences adjacent to the subject property are presently located approximately twelve to fourteen feet from the subject residence. Staff finds that the proposed addition could pose potential fire and safety hazards in the event that neighboring properties redevelop according to the current zoning requirements.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the requested 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 find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and therefore, recommend to the Corporate Authorities **denial** of ZBA 05-14.

Zoning Board of Appeals

Re: ZBA 05-14

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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

att-

c: Petitioner

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