

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: November 29, 2006
FROM: Department of Community PREPARED BY: Michael S. Toth
 Development Associate Planner

TITLE

ZBA 06-26; 117 S. Stewart: The petitioner requests a variation to Section 155.406(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen feet – eight inches (14'8") to allow for the construction of an addition in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Ruth A., Czyzyk
 117 S. Stewart
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residential
Size of Property: Approximately 8,000 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 November 4, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements.

DESCRIPTION

The subject property is located at the southeast corner of Elm Street and Stewart Avenue. The existing residence is currently situated fourteen feet – eight inches (14'8") from the northern property line along East Elm Street. The petitioner wishes to keep with the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of only fourteen feet – eight inches (14'8"), a variation is needed in order to build.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire Department/Bureau of Inspectional Services has no comments at this time.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Due to poor drainage on this block, the downspouts for the proposed addition shall discharge toward the Ash Street storm sewer, within 15 feet of the addition. Any sump pump shall be connected to the Ash Street storm sewer.

Planning

The proposed addition will not change the neighborhood characteristics in regard to surrounding properties which are also required corner side yard setbacks. Staff notes that 118 S. Stewart,

which is located across the street to the west of the petitioner's property, maintains a corner side yard setback of only eleven feet – one inches (11'1"). The neighboring property to the east, 118 S. Lombard, maintains a corner side yard setback of eighteen feet – one inches (18'1").

While staff would generally not support zoning relief that would increase the degree of non-conformity on a property, there are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Pertinent to this case, the property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') (ZBA 05-03). Also, the property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26).

The subject property is a fifty-foot (50') wide corner lot. The minimum lot width for the R2 Single Family Residential District is sixty feet (60'). The subject property is considered a buildable lot because it is a lot of record, and because Section 155.209 of the Zoning Ordinance allows for the construction of a single-family dwelling on lots meeting at least eighty percent (80%) of the width requirement for the applicable zoning district, provided that the lot of record was established prior to the effective date of the Zoning Ordinance. Because of the minimal lot width and required corner side yard setback, the buildable area on the on the subject lot has been greatly reduced.

Also noted, the principal structure does not conform to the front yard setback requirements under Section 155.406(F)(1), which specifies that buildings and structures in the R2 zoning district are required to be a minimum of thirty (30) feet from the adjacent property line. The subject property maintains a front yard setback of twenty-eight (28) feet, designating it as legal non-conforming. However, the proposed addition will not expand on any of the non-conforming areas of the current structure. The proposed addition will keep with the same building line and will not encroach any further into any of the required setbacks than what is already there.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has 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 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 Review Committee as the findings of the Zoning Board of Appeals and

recommend to the Corporate Authorities **approval** of ZBA 06-26, subject to the following conditions:

1. The proposed addition shall be developed in compliance with the submitted site plan prepared by the petitioner.
2. The petitioner shall apply for and receive a building permit for the proposed improvements.
3. In the event that the principal residence on the subject property be damaged or destroyed more than fifty percent of the value of the structure, any new structures shall meet the full provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH:MST

c: Petitioner

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