

JUNE 22, 2016

Title

ZBA 16-03

Petitioner & Property Owner

Oniba Naqvi
113 Regency Drive
Lombard, IL 60148

Property Location

113 Regency Drive
(06-29-105-026)
Trustee District: #3

Zoning

R4 Limited General Residence
(Highland Green Planned
Development)

Existing Land Use

Attached Single Family Home

Comprehensive Plan

Low-Medium Density
Residential

Approval Sought

A variation to reduce the required thirty foot (30') rear yard setback to twenty-five feet (25') for an addition to an existing attached 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 25 feet (25') by sixty feet (60') [as measured at the widest dimensions of an irregular shape] with 967 sq. ft. of this section. The east portion of the addition measures approximately sixteen feet (16') by eleven feet (11') at 176 sq. ft. with a total square footage of both areas yielding 1,143.

APPROVALS REQUIRED

Section 155.409 (F)(2)(c) requires a minimum thirty foot (30') rear yard setback. As such, the existing home is setback approximately 43 feet from the rear property line. The proposed addition to the principal structure encroaches into the required setback by five feet (5') reducing the rear yard setback to twenty-five feet (25'). Therefore, a variation is required.

EXISTING CONDITIONS

The property contains an approximately 1,000 square foot two-story frame two family dwelling with an attached garage and associated driveway. The rear yard is directly adjacent to the Allerton Ridge Cemetery. The subdivision was created in 1976 and the two family dwelling was built in 1979.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size:	7,260 sq. ft.
Building Footprint:	1,000 sq. ft. (2,292 sq. ft.)
Lot Coverage:	50% (32%)

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front(Regency)	30' (30')
Side (east)	6' (10')
Side (west)	0' (0')
Rear (north)	30' (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 by Flint Architects LLC and dated April 29, 2016.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R4PD	Attached Single Family Home
South	CR	Cemetery
East	R4PD	Attached Single Family Home
West	R4PD	Attached Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments in relation to ZBA 16-03, 113 Regency Drive as it relates to the zoning relief they seek.

However, the applicant is to be aware of building code requirements associated with proximity of windows, and other openings in the wall nearest the other duplex unit (openings must be three feet away from the other unit's wall), and a requirement for fire retardant wood on the roof for the outer four feet where it is adjacent to the adjoining duplex unit.

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. 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 cemetery.

2. There is precedence for variations to rear yard setbacks on similar lots to allow for the construction of additions to single family homes.

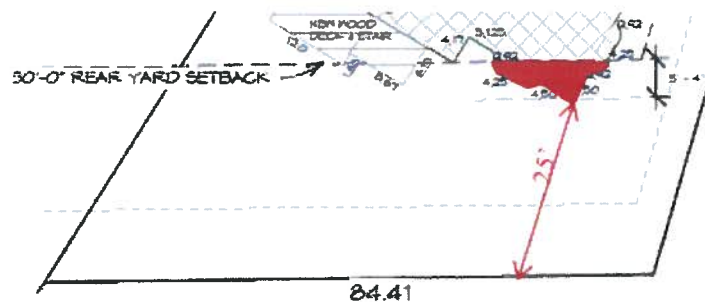
Staff has identified the most similar cases that appeared before the Zoning Board of Appeals based on proximity to the subject property as well as Village-wide cases that have appeared before the ZBA within the past five (5) years:

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
Surrounding Neighborhood History					
ZBA 86-13	1/8/1987	110 Regency Drive	10' Rear Yard (for a deck over 3')	Approved, 5-0	Approved, 5-0
ZBA 92-07	6/29/1992	2420 Royal Drive	25' Rear Yard	Denial	Denial
ZBA 96-03	3/21/1996	111 Majestic Drive	21' Rear Yard	No recommendation	Approved, 5-0
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
ZBA 15-08	7/17/2016	1057 Daniel Court	25' Rear Yard	Approved, 6-0	Approved, 5-0

*There were thirteen (13) approved rear yard variances from 2005 through 2010. Since 1998, there have been forty-three (43) requests brought before the ZBA for a rear yard variance.

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.

The subject property is uniquely shaped (see location map) as a trapezoid instead of the typical rectangle shape creating a hardship to position an addition squarely on the property. As the enhanced image of the site plan (Exhibit C, attached) illustrates, a small portion (42 square feet) or four percent (4%) of the total addition requires the variation. The



portion of the deck that is encroaching into the required rear yard setback is less than three feet (3') in height and is therefore a permitted obstruction per Section 155.212, Table 2.1.

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 16-03, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the site plan prepared by Flint & Associates, LLC dated April 29, 2016.
- 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

Response to Standards for Variations as Prepared by the Petitioner

April 14, 2016

Standards for variation for

113 Regency Dr, 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 mere inconvenience, if the strict letter of regulations were to be applied.*

Explanation: Due to layout of the house on the property, the projected expansion would result in unnecessary added costs due to an oddly shaped master bedroom as well as roofing difficulties without the variation. The proposed design entails a desirable, yet reasonable, size for the master bedroom, as well as, an aesthetically pleasing exterior upon completion.

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: With the proposed extension, the property setback will continue to be 30ft, except for the southeast corner of house that will extend about 42 sq ft into variance. The proposed variance, which is in the backyard, does not directly face the immediate neighbors to either sides of the house, and the condo complex behind the house is separated from the house by several hundred feet of open landscaping.

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

Explanation: The purpose of the variation is not at all for financial gain, but rather to increase the living space in order to better accommodate my family. In addition, with regards to the investment required for this project, the cost of the home will more than likely exceed the average prices of the homes in this 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: Yes, the alleged difficulty or hardship is due to the ordinance, and no, the issue has not been created due to any person having an interest in the property.

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 granting of this variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variation will result in a

tasteful and reasonable addition to the neighborhood that will definitely not encroach upon any neighbor's privacy or property.

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

Explanation: The variation will affect only the southeast corner of the backyard, thus the house will continue to maintain uniformity with the neighborhood. Plus, even with the variance, the house will have a 25ft clearance in the backyard, which is what most houses in the neighborhood maintain, if not less.

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 all sides of the variance, and does not affect the supply of air or light to adjacent properties. The variance area will also not affect the street, nor cause any fire, drainage, or public safety issues, and will not diminish/impair property values in the area.

EXHIBIT B: PLAT OF SURVEY

1281-G Hawthorn Circle
Bartlett, Illinois 60103

Phone: (630) 830-1570
Fax: (630) 830-1844

PLAT OF SURVEY MARCHESE SURVEYING, INC.

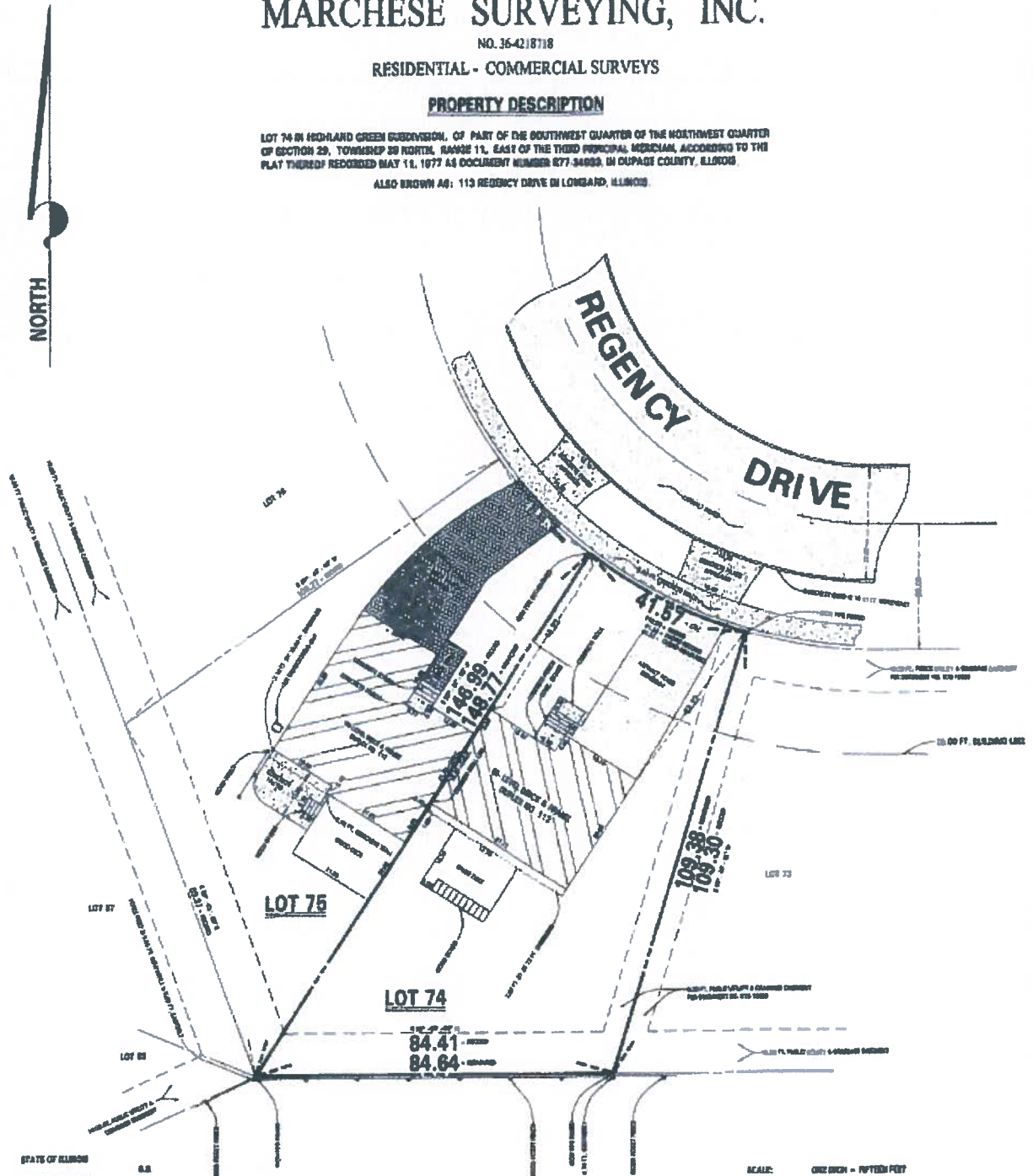
NO. 36-4218718

RESIDENTIAL - COMMERCIAL SURVEYS

PROPERTY DESCRIPTION

LOT 74 IN HIGHLAND GREEN SUBDIVISION, OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 11, 1977 AS DOCUMENT NUMBER 877-34053, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS: 113 REGENCY DRIVE IN LONGBAR, ILLINOIS



STATE OF ILLINOIS
COUNTY OF DUPAGE

I, ROCCO J. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DEPICTS A CORRECT REPRESENTATION OF SAID SURVEY.
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS HIGHEST STANDARDS FOR A BOUNDARY SURVEY.
DATED AT BARTLETT, ILL. JULY 11, 2009

Rocco J. Marchese
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2029
MY LICENSE EXPIRES ON NOVEMBER 28, 2009



NOT VALID UNLESS SEAL IS IN FULL VIEW.

SCALE: ONE INCH = FIFTY FEET
ORDER NO: 04-13000
ORDERED BY: MR. DEAN G. GALANPOULOS
ATTORNEY AT LAW
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON. REFER TO YOUR CONTRACT, DEED, TITLE INSURANCE POLICY AND ZONING ORDINANCE.
ANY REPRODUCTION OF THIS PLAT IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT FROM MARCHESE SURVEYING, INC.

EXHIBIT C: SITE PLAN

