

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: November 29, 2006

FROM: Department of Community PREPARED BY: Jennifer Backensto, AICP
Development Planner II

TITLE

ZBA 06-25; 224 S. Craig Place: The petitioner requests approval of the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation to Section 155.406 (F) (3) of the Lombard Zoning Ordinance to allow a 4.2-foot high deck to be located 2.3 feet from an interior side property line; and
2. A variation to Section 155.406 (F) (3) of the Lombard Zoning Ordinance to allow a porte-cochere to be located within the required 9-foot interior side yard setback.

GENERAL INFORMATION

Petitioner: Robert Ezerins
7020 W. 26th Parkway
Berwyn, IL 60402

Property Owners: Yvette & Maris Jurevics
224 S. Craig Place
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residential

Size of Property: 8,217 sq. ft.

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 October 26, 2006:

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by L.S.C.I. Inc. and dated June 13, 1991.
4. Photo Illustrations, prepared by the petitioner, showing locations of proposed improvements.
5. Site Plan, Roof Framing Plan, First Floor Plan, and Building Elevations, prepared by petitioner (no date).

DESCRIPTION

The subject property is a 50-foot wide lot that is currently improved with a two-story single-family residence, one-car detached garage, and frame shed. The petitioner is proposing improvements to the property that include a one-story building addition, porte-cochere, two-car detached garage, and deck.

On the northern side of the property the petitioner is proposing a porte-cochere that would leave a 4-foot interior side yard setback where a minimum 9-foot setback is required. The existing home is legal nonconforming with a 2.3-foot interior side yard setback on the southern side of the property. The petitioner is proposing a 4.2-foot high deck maintaining setback that would require additional relief as decks greater than three feet in height are not permitted obstructions within required yards.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have the following comments on this petition:

- The construction is to follow all current Village building codes
- The porte-cochere is not to interfere with any emergency equipment access.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Private Engineering Services has no comment on this petition.

Planning

In July of this year, the petitioner submitted a building permit application showing the proposed porte-cochere and deck encroachments into the interior side yards. Since that time, revised plans have been submitted that comply with all setback regulations to allow the addition and renovations to proceed in the event that this petition is denied (see Appendix A). However, the petitioner would prefer to receive the requested variations to allow them to proceed with their original proposal. The setbacks for this property are as follows:

	Existing	Required	Requested
Front Yard Setback	37 feet	30 feet	37 feet
Interior Side Yard Setback (north)	18.8 feet	9 feet	4 feet
Interior Side Yard Setback (south)	2.3 feet	6 feet	2.3 feet
Rear Yard Setback	80 feet	35 feet	57 feet

The purpose of setbacks is to control bulk on property, and provide adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. In this case, the petitioner has not demonstrated any hardship specific to this property or any conditions that distinguish the subject property from others within the neighborhood and within the R2 District in general. Although it is clear that the property owners have made efforts to create an appropriate addition to their home in keeping with its architectural style, there is nothing in this case that prevents compliance with the setback regulations.

Staff remains consistent in its interpretation for the standards for variations. The following standards have not been affirmed:

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 is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The proposed plans show an 11.5-foot wide deck on the southern side of the property, encroaching into the required 6-foot interior side yard setback by 3.7 feet. The petitioner can meet the interior side yard setback by constructing a 7.5-foot wide deck. Similarly, the existing home is 18.8 feet from the northern property line. As part of the overall renovations and additions, a porte-cochere or other covered entrance could be constructed within the buildable area of the lot without the need for any zoning relief.

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.*

Staff finds that there are not any unique differences between the petitioner's lot and others with the R2 Single Family District with respect to the width of the property and the required interior side yard setbacks. Many properties within the older neighborhoods of Lombard and specifically those within the vicinity of the subject property were subdivided as 50-foot wide lots, so the lot width itself cannot be considered justification for a variation. Although the current residence is nonconforming with regard to its setback, this nonconformity in no way prevents the proposed improvements from complying with code.

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

Staff finds that the hardship has not been created by the ordinance. The interior side yard setbacks for R2 properties have been consistently applied throughout the Village. Since it would be possible to construct the proposed improvements within the buildable area of the lot, the relief is requested solely due to a personal preference for the proposed site plan.

4. *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 believes that the granting of the requested relief will set an undesirable precedent for other zoning relief within this neighborhood.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the 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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 06-25.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK
att-
c: Petitioner

Appendix A
Alternate Site Plan (if petition is denied)