

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott R. Niehaus, Village Manager
DATE: January 29, 2015 (B of T) Date: February 5, 2015
TITLE: ZBA 15-02; 381 E. 16th Place
SUBMITTED BY: Department of Community Development *all*

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407 (F)(1) of the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth for a principal structure [forty (40) feet] located within the R2 Single-Family Residence District. (DISTRICT #3)

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0.

The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:


Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

DATE: February 5, 2015

SUBJECT: ZBA 15-02; 381 E. 16th Place

Please find the following items for Village Board consideration as part of the February 5, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-02;
3. An Ordinance granting approval of a requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 5-0. Please place this petition on the February 5, 2015 Board of Trustees consent agenda. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

February 5, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Vacancy, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 15-02; 381 E. 16th Place

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407 (F)(1) of the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth for a principal structure [forty (40) feet] located within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on January 28, 2015.

Ms. Mimi Nolan presented the petition stating this request is similar to ZBA 15-01, except in this case there are currently no single-family home plans for the lot. This lot may be developed at a later date, but when this does occur the petitioner wishes to match the existing thirty foot (30') setbacks found within the neighborhood.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish, Planner I, stated that the IDRC report and staff memo are to be entered into the public record in their entirety. Ms. Urish concurred with Ms. Nolan's description of the request and stated that as was the case with ZBA 15-01, staff recommends approval of the variation request.

Chairman DeFalco then opened the meeting for discussion by the ZBA members and began by asking for clarification as to why the 16th Place frontage on the lot to the west is not considered a rear yard.

Ms. Urish responded that the lot to the west is a through-lot, which is defined by the Zoning Ordinance as having two (2) front lot lines.

Mr. Bedard asked if this meant that if the property to the west were to build a detached garage with access from 16th Place it would have to be set back more from the property line than on traditional lots. Ms. Urish responded in the affirmative.

Mr. Bartels asked if the lot to the west could be resubdivided again, to which Ms. Urish responded that it could only be resubdivided again if the existing home was to be demolished.

Mr. Young stated that he felt a condition, similar to that proposed for ZBA 15-01, be included regarding the need for a new variation in the case of damage or destruction greater than fifty-percent (50%).

A motion was made by Mr. Young, seconded by Mrs. Newman, that the Zoning Board of Appeals recommends the front yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to three conditions:

1. The petitioner shall apply for and receive a building permit for proposed plans.
2. 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.
3. 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 front side yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

JANUARY 28, 2015

Title

ZBA 15-02

Petitioner

James Castaldo
378 E. 17th Street
Lombard, IL 60148

Property Owner

James Castaldo
378 E. 17th Street
Lombard, IL 60148

Property Location

381 E. 16th Place
(06-20-310-013)
Trustee District #3

Zoning

R2PD Residential Single Family
Planned Development

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow a new single family dwelling to be setback thirty (30) feet in lieu of the formulated front yard setback requirement of forty (40) feet.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a new single-family dwelling thirty (30) feet from the front property line on a vacant lot.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property is currently vacant. In 2013, the lot was created from a resubdivision of the east side yard from a lot which contained the principal structure to the west (378 E. 17th Street). The Planned Development conditional use was the result of PC 97-12 requests.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

Fire Department:

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

PROJECT STATS

Lot & Bulk

Parcel Size:	10,500 sq. ft.
Building Size:	0 sq. ft.
Lot Cover:	0%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (South)	40' (30')
Side (East)	6'
Side (West)	6'
Rear (North)	35'

Surrounding Zoning & Land Use Compatibility

North, East, South and West:

R-2PD; Single Family
Residential Planned
Development

Submittals

1. Petition for Public Hearing
2. Response to Standards.
3. Plat of Survey, Gentile & Associates, Inc., dated 6/18/13; submitted 1/6/14.

Private Engineering Services:

The Private Engineering Services (PES) Division has no comments regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

The subject property is a lot that was recently created from a resubdivision of an existing larger lot located at 378 E. 17th Street. The existing single-family dwelling located at 378 E. 17th Street, directly abutting the western property line of the subject property, is setback one hundred (100) feet from the front property line. According to the Village of Lombard Zoning Ordinance Section 155.407 (F)(1): "(iii) For purpose of determining setback on abutting lots, lots having single family dwellings located more than fifty (50) feet from the front lot line shall be considered to have a default fifty (50) foot setback."

The single family dwelling on the abutting property to the east of the subject property is thirty (30) feet. According to Section 155.407(F)(1): "(i) The front yard applicable to the subject lot shall be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots." Based on this formula, the required front yard setback for 382 E. 17th Street (Lot 3 of attached Plat of Resubdivision) is forty (40) feet.

As part of the Village Board of Trustees' 2007 – 2008 Strategic Plan, the Board directed staff to pursue actions to institute better residential design review for residential development. Under the Board's direction, the residential redevelopment items were first introduced to the Plan Commission during the February 18, 2008 Plan Commission workshop. More specific items were then later brought back to the Plan Commission during the June 16, 2008 Plan Commission workshop.

On July 21, 2008, the Plan Commission voted to recommend approval of the above changes to Section 155.407(F)(1) with the Board of Trustees concurring in August of 2008. At the time, the current Zoning Ordinance utilized absolute setbacks as opposed to relative setbacks whereas certain factors were not taken into consideration, such as the positioning of the neighboring homes or the mean (average) setback for all homes on the block. The text amendment required relative setbacks for all detached single family residences as of September 15, 2011. The intent of the proposed relative setback text is to maintain the character of existing

neighborhoods and to establish status quo for any new developments. The petitioner is requesting a variance to allow the front yard setback to be thirty (30) feet based on the placement of the abutting property's single-family dwelling located at the center of a through lot. In addition, this through lot would have been designed as two lots if not for the pre-existing condition of the single-family dwelling as illustrated by the overall layout of the subdivision in 1997. The Highland Estates\Providence Subdivision consists of over eighty (80) lots. All of the homes are setback thirty (30) feet from the front property line with the exception of two. The character of the existing neighborhood and the established status quo is being maintained.

To be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation" outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does not have unique physical limitations but the placement of the existing structures on the abutting property does limit the owner from meeting the intent of the ordinance.

- b. *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 properties within the same zoning classification.*

The design and layout of the existing structure on the abutting property being setback at more than one hundred (100) feet from the front property line is not typical of R2 Single Family Residential lot in the Village and the surrounding neighborhood.

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

This standard is affirmed.

- d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's desire to maintain the character of the existing neighborhood. Staff finds that the hardship for this variation is due to the unique location of the principal structure on the abutting property in relation to the mean of the front yard setback.

- e. *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 granting the request would not be injurious to neighboring properties.

f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed.

g. *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*

This standard is affirmed.

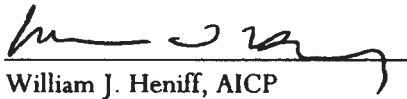
FINDINGS & RECOMMENDATIONS

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 front yard setback variation of a new single-family dwelling:

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 adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-02; subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed plans.
2. 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.

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.

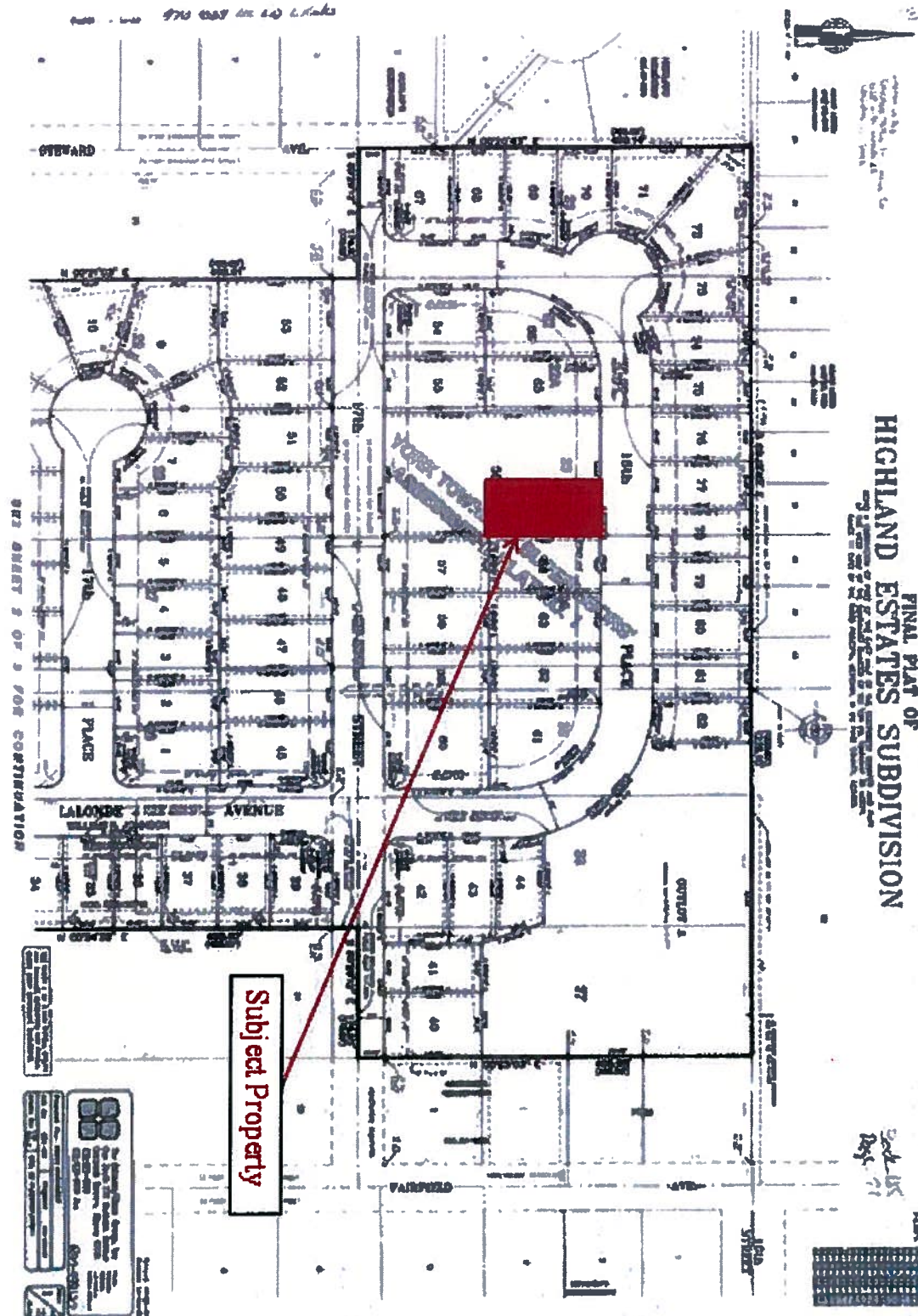
SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

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 proposed 10' difference would greatly reduce the yard usage for new home owners.*
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.
THE EXISTING NEIGHBORHOOD HAS 30' SETBACKS
3. The purpose of the variation is not based primarily upon a desire to increase financial gain. *WE WISH TO BLEND WITH THE CURRENT NEIGHBORHOOD AND ADD VALUE TO THE SAME.*
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.
CURRENT ZONING REQUIREMENTS OF 40' SETBACKS HAVE CHANGED FROM THE ORIGINAL 30' IN THE EXISTING AREA
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.
THIS VARIATION WILL ALLOW FOR SYMMETRY & CONSISTENCE WITH THE NEIGHBOR
6. The granting of the variation will not alter the essential character of the neighborhood, and, will add to curb appeal of the current community ~~which~~ remaining similar -
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.

There will not be any adverse effects of the variance on any neighbors or their right of way, sight or structures.

EXHIBIT B – PORTION OF THE HIGHLAND ESTATES/PROVIDENCE SUBDIVISION



Urish, Tami

From: Donna Naughton <dnaughton603@gmail.com>
Sent: Thursday, January 22, 2015 8:39 AM
To: Urish, Tami
Subject: Petition for house set back

Good morning,

We do not mind if the house on 17th street and 17 place is set back 30 feet.

Sincerely

Donna and John Naughton

365 E 17th Street

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 15-02; 381 E. 16th Place)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty (30) feet in lieu of the formulated front yard setback requirements for a principal structure; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 28, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty (30) feet in lieu of the formulated front yard setback requirements for a principal structure.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a building permit for proposed plans.
2. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance,

Ordinance No. _____

Re: ZBA 15-02

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unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

- 3. 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 front yard setback.

SECTION 3: This ordinance is limited and restricted to the property generally located at 381 E. 16th Place, Lombard, Illinois, and legally described as follows:

LOT 2, BEING A RESUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED SEPTEMBER 5, 2013 AS DOCUMENT R2013-127750 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-20-310-013

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2015

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____

Re: ZBA 15-02

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Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk