

August 22, 2018

Title

ZBA 18-04

Petitioner & Property Owner

Kevin & Tara Corral
49 N. Garfield Street
Lombard, IL 60148

Property Location

49 N. Garfield Street

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

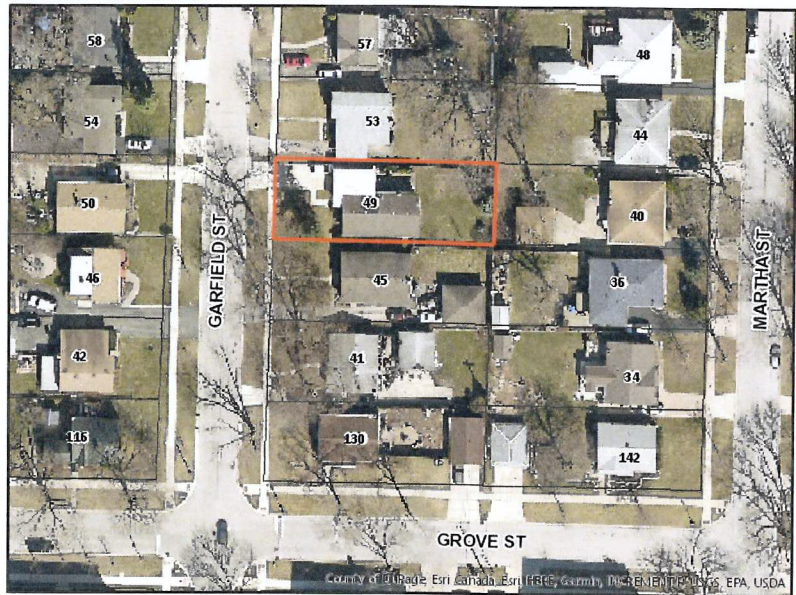
Low Density Residential

Approval Sought

A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and one-half feet (3.5') for the subject property.

Prepared By

Anna Papke, AICP
Senior Planner
Atrin Khodadadi Fard
Community Development
Intern



LOCATION MAP

PROJECT DESCRIPTION

The petitioner's one-story residence is a non-conforming structure with regard to the interior side yard setback. The petitioner proposes to construct an approximately 387 square-foot addition within the interior side yard setback that is intended to hold the existing building line of the existing residence at 3.5' feet.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to three and one-half feet (3.5') for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for an addition to an existing single-family residence located on the subject property.

EXISTING CONDITIONS

The property contains an approximately 1,180 square-foot one-story single-family residence with an approximately 242 square-foot attached garage with associated driveway, small shed, and a patio. The existing house and garage were built in 1955.

PROJECT STATS

Lot Size

Parcel Area: 6,750 SF
Parcel Width: 50 feet

Required and (Proposed) Setbacks

Front (west) 30' (35.82')
Side (north) 9' (3.67')
Side (south) 6' (7.62')
Rear (east) 25' (47.81')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of survey prepared by Rocco J. Marchese, dated April 26, 2007;
4. Proposed site plan prepared by Architectural Design Services, dated July 18, 2018;
5. Existing and proposed east and north elevations, prepared by Architectural Design Services, dated Jul 18, 2018; and
6. Existing and proposed floorplan, dated February 19, 2018 (DRAFT).

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single-Family Home
South	R2	Single-Family Home
East	R2	Single-Family Home
West	R2	Single-Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the petition but noted that the International Residential Code requires a minimum 5' separation distance from the house to the property line. There are exceptions such as fire sprinklers would allow the house to be 3' from the property line, or a fire rated wall can be installed, or other code options. While it is possible to install a wall 3.67' from the property line as proposed, the owner and their Architect will need to be familiar with and agree to meet the 2012 International Residential Code, specifically Section R302 as it pertains to distance to property lines.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The subject property has never appeared before the Zoning Board of Appeals.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- 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 a mere inconvenience if the strict letter of the regulations were to be applied.*

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1924. The current minimum lot width in the R2 Zoning District is 60 feet, though the subject property is a buildable lot under the 80% provision of Village code. A 50-foot lot width could be considered unique when compared to the overall Village housing stock. Further, the existing structure was constructed prior to current yard setback provisions. The substandard lot width, combined with the placement of the existing structure on the property, limits the petitioner's ability to meet 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 property within the same zoning classification.*

The subject property is a 50-foot wide lot of record in a legally established subdivision. The property is one of several on the North Garfield Street that have less than 6 foot interior side setback, all of which are developed with single-family homes. In 1955, previous owners of the subject property built an attached garage on the north side of the subject property that encroaches approximately two and one-half (2.5') feet into the required six (6) foot interior side yard setback. The new addition will hold the existing garage line. These circumstances are specific to the subject property.

- 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 for this variation is due to the location and area of the existing principal structure in relation to the current interior side yard setback requirement. The existing house and attached garage were built in 1955, before the Village had adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house and garage met applicable standards at the time of construction. Current setback and lot width requirements do not reflect the conditions under which the existing house and garage were built.

The petitioner proposes to build the addition on the north side of the existing house. Whereas the new building addition would reduce the separation between the subject principal structure and that of the property to the north, the new construction would be limited to one story in height, and will not impair an adequate supply of light and air to adjacent property. Staff also believes that whether the proposed addition encroaches two and one-half feet into the required six-foot setback, or the petitioner builds the addition so as to maintain a six-foot setback, the impact on the neighboring property is not significantly different. See Figure 1 above.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals within the last ten (10) years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence. Several of these cases involved 50-foot wide lots with circumstances similar to those on the subject property.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 09-04	6/18/2009	126 S. Lombard Ave.	4.5' Side Yard (6' Reqd.)	Approved, 6-0	Approved, 6-0
ZBA 10-11	10/7/2010	148 W. Park Dr.	3' Side Yard (6' Reqd.)	No Recommendation	Approved, 6-0
ZBA 11-01	4/21/2011	533 N. Columbine Ave.	4.5' Side Yard (6' Reqd.)	Approved, 5-0	Approved, 4-0
ZBA 12-01	4/12/2012	91 S. Chase Ave.	4.5' Side Yard (6' Reqd.)	Approved, 6-0	Approved, 6-0
ZBA 14-09	7/24/2014	317 N. Main St.	3' Side Yard (6' Reqd.)	Approved, 5-0	Approved, 5-0

Finally, staff notes that if the addition on the subject property is built as proposed, the distance between the addition on the petitioners' home and the nearest point of the neighboring house will be 16.5 feet (3.5 feet on the subject property, and 13 feet on the neighboring property).

Staff finds that the variation request meets the standards for variation.

LETTER OF OBJECTION FROM NEIGHBORING PROPERTY OWNER

Staff has received a letter from the neighboring property owner objecting to the requested variance. The letter is provided to the Zoning Board of Appeals members as an attachment to this IDRC Report.

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 aforementioned 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 find that the findings as discussed at the public hearing, and those 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 18-04 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
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.

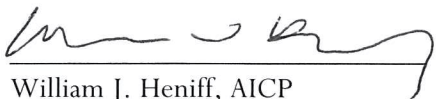
ALTERNATE ZBA RECOMMENDATION

Should the Zoning Board of Appeals determine that the petition does not meet the requirements of the Zoning Ordinance with respect to variations, staff offers the following alternate motion:

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 deny the findings of the Inter-Departmental Review Report as the findings of the Zoning Board of Appeals, and recommend to the Village Board **denial** of ZBA 18-04, for the following reasons:

1. [Reason to be stated by ZBA member making the motion]
2. [Reason to be stated by ZBA member making the motion]

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

Attachment: Letter from Ed and Mary Faron, dated August 10, 2018

c. Petitioner

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