

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Zoning Board of Appeals HEARING DATE: September 26, 2007
FROM: Department of PREPARED BY: Jennifer Backensto, AICP
Community Development Planner II

TITLE

ZBA 07-14; 731 E. St. Charles Place: The petitioner requests approval of a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to 43 percent where a minimum of 50 percent open space is required within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Daniel & Mamie Schmitt
731 E. St. Charles Place
Lombard, IL 60148

PROPERTY INFORMATION

Existing Land Use: Single-family Residence
Size of Property: Approx. 9,068 sq. ft.
Comprehensive Plan: Recommends Low Density Residential
Existing Zoning: R2 Single-Family Residence District
Surrounding Zoning and Land Use:
North: R2 Single-Family Residence District – Great Western Trail
South: R2 Single-Family Residence District – single-family homes
East: R2 Single-Family Residence District – single-family homes
West: R2 Single-Family Residence District – single-family homes

ANALYSIS

SUBMITTALS

This report is based on the following documents filed on August 23, 2007 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Plat of Survey, prepared by L.S.C.I., dated December 8, 1993.
4. Site Plan
5. Petition signed by neighbors
6. Photographs of property
7. Specifications for proposed swimming pool and pump

DESCRIPTION

The subject property currently has 46.6% open space, which is below the 50% minimum open space requirement. The petitioner is requesting a variation to allow for the installation of a 257.1-square foot above-ground swimming pool, which would further reduce the open space on the property to 43.4%.

INTER-DEPARTMENTAL REVIEW COMMENTS

Private Engineering Services

The Private Engineering Services Division notes that the Code requirement of 50% open space serves to limit both the density on lots and the volume of stormwater runoff. The back yard of this lot contributes to a known depressional area on the block. Since the proposed pool would make the lot more than 50% impervious, the Private Engineering Services Division recommends denial.

In addition, this petitioner previously permitted for, and constructed, a new garage and driveway. As part of the permit requirements, a drainage system was installed to direct runoff from the new impervious areas towards the right-of-way of St. Charles Place. This system shall not be altered in any way. The exposed gravel in the drainage system is, by design, pervious and thus if sod was placed over the gravel the water would drain through the grass, through the gravel, into the pipe and drain away towards the right-of-way. Thus the grass would not survive.

Public Works

The Department of Public Works has no comments.

Building and Fire

The Fire Department/Bureau of Inspectional Services has no comments on this matter.

Planning

Property History

The property as it exists today has 46.6% open space, which is defined as “that portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures and impervious surfaces.”

In 2002, the petitioner received a building permit for a residential addition, garage, and driveway extension. The proposed improvements left the property with 4,452 square feet of open space (50.9%), which exceeded the minimum amount required by the Zoning Ordinance. However, due to the size of the new improvements, the petitioner was required to install additional drainage improvements including a plastic-lined stone trench behind the garage and along the entire western property line. Since gravel areas are not included within the definition of open space, the 394 square feet of gravel and curbing brought the property below the 50% minimum open space requirement. The drainage improvements were required subsequent to the zoning compliance review, so this nonconformity was not discovered until the petitioner met with staff to submit an open space variation petition to allow for the installation of an above-ground swimming pool. Although the proposed swimming pool is only 257.1 square feet, when combined with the required 2002 drainage improvements the property would be left with only 43.4% open space.

Attempts at Compliance

The petitioner has stated that they would be willing to create additional open space on the property. They have suggested adding sod over the gravel areas behind the garage and along the western property line, which would add 351 square feet of green space and compensate for the nonconformity created by the required drainage improvements. This would reduce the degree of the variation request needed for the proposed swimming pool to 47.3% open space. However, as stated in their comments earlier in this report, the Private Engineering Services Division has reviewed the petitioner’s proposal and has concluded that it is not feasible for sod to be installed over the required drainage improvements.

The petitioner is also considering reducing the size of the existing deck and porch to create additional open space. While this could bring the property closer into compliance with the 50% open space requirement, the deck and porch combined are not large enough so that their removal would bring the property into full compliance.

Possible Recommendations

The Zoning Board of Appeals could make three recommendations:

1. Recommend denial of the petition in its entirety;
2. Recommend approval of a variation to 46.6% open space to recognize the required drainage improvements and denial of the additional relief for the swimming pool; or
3. Recommend approval of a variation to 43.4% open space, with a condition tying the requested relief to the submitted site plan.

Standards for Variations

Staff believes that the drainage improvements required by the Village create unique circumstances that warrant a variation. The drainage improvements are required due to the stormwater drainage characteristics of the subject property and the surrounding lots and are not generally applicable to other properties within the R2 District. Since it is a Village requirement designed to address drainage problem that pushed the property below the minimum open space, staff can support a variation to reduce the required open space to 46.6%.

However, staff does not believe there is a hardship for the proposed swimming pool. The property is subject to the same lot coverage requirements as every other property in the Village, which property owners were made aware of at the time of their 2002 building permit submittal. Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the “Standards for Variation”. With regard to the request to reduce the required open space to 43%, the following standards have not been affirmed:

1. *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.* Staff finds that the petitioner’s property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The lot is not unusually small. The lot over 9,000 square feet, which exceeds the minimum lot size of 7,500 square feet in the R2 District.
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 the conditions are not unique to the subject property. The design and layout of the petitioner’s property is typical of any R2 Single Family Residential lot in the Village of Lombard.
3. *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 extent of the existing and proposed improvements to the property.
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 finds that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood’s suburban character.

As such, staff recommends that the ZBA approve the petition with a condition limiting the requested relief to 46.6% open space. This will recognize the existing conditions on the property and acknowledge that the unique circumstances regarding the drainage improvements are appropriate in this case. The petitioner would be able to add the desired swimming pool or other accessory structures provided that an equal amount of open space is created elsewhere on the lot, but the property would be required to comply with code in the event it is ever fully redeveloped.

FINDINGS AND RECOMMENDATIONS

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 requested relief:

Based on the information and testimony presented, the proposed open space variation does not comply with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 07-14, subject to the following conditions:

1. The minimum open space requirement for this property shall be reduced to 46.6%.
2. The minimum 46.6% open space requirement shall only apply to the existing single-family residence. In the event that the residence is damaged or destroyed by more than 50% of its value, the property shall be required to comply with the standard R2 District open space requirements.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager

DAH:JB