

**VILLAGE OF LOMBARD**  
INTER-DEPARTMENTAL REVIEW GROUP REPORT NO. 2

TO: Lombard Zoning Board of Appeals      HEARING DATE: October 24, 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.

### **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 of the requested relief to add a swimming pool.

However, the Private Engineering Services Division has no objection to a limited variation reducing the required open space to 48.7%, given that the drainage improvements on the property provide a stormwater benefit for the amount of impervious surface that currently exists on the property.

#### **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**

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.”

***Initial Noncompliance***

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 along the western property line. Since gravel areas are not included within the definition of open space, the 202 square feet of gravel and curbing brought the property to 48.7% open space, which is 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.

	<b>Sq. Ft.</b>	<b>Open space</b>
Lot area	9,068	
2002 open space w/ proposed addition, garage, & driveway extension	4,616	<b>50.9%</b>
Drainage improvements required along west property line	(202)	-2.2%
<b>2002 open space w/ proposed improvements &amp; required drainage improvements</b>	<b>4,414</b>	<b>48.7%</b>

***Subsequent Noncompliance***

After the 2002 permit was issued, the petitioner chose to cover 192 square feet of the property with gravel that was leftover from the construction process. This further reduced open space on the property to 46.6%.

	<b>Sq. Ft.</b>	<b>Open space</b>
Lot area	9,068	
2002 open space w/ proposed improvements & required drainage improvements	4,414	<b>48.7%</b>
5x27 area of gravel added at southwest corner of property	(192)	-2.1%
<b>Current open space</b>	<b>4,222</b>	<b>46.6%</b>

***Open Space Variation Request***

Now, the petitioner wishes to install a 257-square foot swimming pool on the property. This would reduce open space on the property to only 43.7%. To mitigate this, the petitioner has stated that they would be willing to create 250 square feet of additional open space by removing the 192-square foot gravel area, reducing the size of their rear porch by 26 square feet, and reducing the size of their front porch by 32 square feet. This reduces their open space variation request to 46.5%.

It should be noted that the petitioner also desired to place sod over the required drainage improvements to further increase open space on the property. However, the Private Engineering Services Division reviewed the petitioner’s proposal and concluded that it is not feasible for sod to be installed over the required drainage improvements.

	Sq. Ft.	Open space
Lot area	9,068	
Current open space	4,222	<b>46.6%</b>
<b>Proposed decreases to open space:</b>		
Add 257.1-sq. ft. swimming pool	(257)	-2.8%
<b>Proposed increases to open space:</b>		
Remove 5x27 area of gravel at southwest corner of property	192	+2.1%
Remove 26 sq. ft. from rear porch	26	+0.3%
Remove 32 sq. ft. from front porch	32	+0.4%
<b>Proposed open space</b>	<b>4,215</b>	<b>46.5%</b>

***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 48.7% 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 46.5% 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 a drainage problem that pushed the property below the minimum open space, staff can support a variation to reduce the required open space to 48.7%.

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 46.5%, 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 is 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. If the petitioner had planned to install the swimming pool as part of the 2002 improvements to the property, the permit for the pool could not have been approved at that time. Even before the drainage improvements are considered, the proposed pool (in combination with the addition, garage, and driveway extension) would have reduced the open space on the property to 48.1%.
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 48.7% 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 48.7%.
2. The minimum 48.7% 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.

Lombard Zoning Board of Appeals

Re: ZBA 07-14

Page 6

Inter-Departmental Review Group Report Approved By:

---

David A. Hulseberg, AICP  
Assistant Village Manager

DAH:JB

H:\CD\WORDUSER\ZBA Cases\2007\ZBA 07-14\Second Report 07-14.doc