

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO:	Zoning Board of Appeals	HEARING DATE:	April 24, 2002
FROM:	Department of Community Development	PREPARED BY:	Jennifer Backensto Planner I / CE Technician

**TITLE**

**ZBA 02-08, 79 N. Lincoln Avenue:** The petitioners, Jeanne and Robert Valesh, request that the Village take the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.406 (F) (2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback to fourteen feet (14') where twenty feet (20') is required; and
2. A variation from Section 155.406 (F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback to thirty feet (30') where thirty-five feet (35') is required.

**GENERAL INFORMATION**

Petitioners/Property Owners: Jeanne and Robert Valesh  
712 W. Merle Street  
Villa Park, IL 60181

**PROPERTY INFORMATION**

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: 7,500 square feet

Surrounding Zoning and Land Use:

North:	R2 Single-Family Residence District; Single-Family Residence
South:	R2 Single-Family Residence District; Single-Family Residence
East:	R2 Single-Family Residence District; Single-Family Residence
West:	R2 Single-Family Residence District; Single-Family Residence

### ANALYSIS

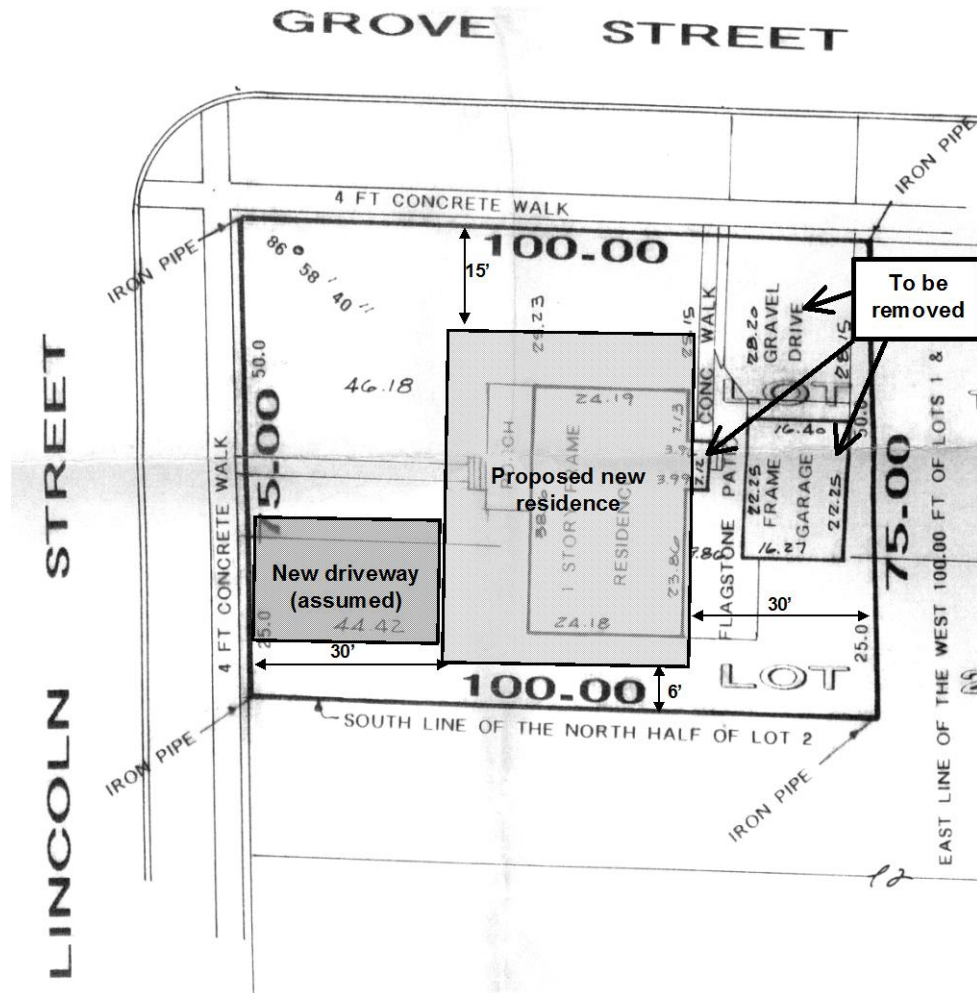
#### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on March 20, 2002:

1. Petition for Public Hearing.
2. Response to Standards for Variations.
3. Plat of Survey and Site Plan.
4. Sample Building Elevations.

#### DESCRIPTION

The subject property is at the southeast corner of the intersection of Lincoln Avenue and Grove Street. The petitioners rent out the single-family house and detached garage that currently exist on the property. The petitioners propose to demolish the existing home and construct a new single-family home that they will reside in. The detached garage will also be demolished and the driveway will be relocated to Lincoln Street. Although they have not decided on a particular house, they state that any house they choose will require an approximate building footprint of 54 feet by 40 feet. The required setbacks on this lot only would only permit a footprint of 49 feet by 35 feet; therefore, a variation is requested.



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **Private Engineering Services**

From an engineering or construction perspective, PES notes that there will be in excess of 500 new square feet of impervious surface created. Thus, the ordinance shall apply in this case.

The petitioner will most likely be required to construct a swale or ditch to the street having a continuous 1% minimum slope to comply with the infill detention ordinance.

### **Engineering - Public Works**

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

### **Fire and Building**

The Fire Department/Bureau of Inspectional Services has no comments at this time.

### **Planning**

#### **Compatibility with the Comprehensive Plan**

This petition is in compliance with the Comprehensive Plan recommendations of low-density residential uses (primarily detached single-family dwellings) at this location.

#### **Compatibility with the Zoning Ordinance**

There is not a precedent for zoning relief with regard to building setbacks in this neighborhood. A comprehensive review of all single-family residences in the five blocks surrounding the petitioners' property revealed 8 cases in which zoning relief was granted: 6 detached garages less than 6 feet from the lot line, 1 stormwater variation, and one variation to allow a 29' front yard.

### **Rear Yard Setback**

Even though this lot is not unique, its shape is not typical of most single-family lots in Lombard in that it is only 100 feet deep. When the front and rear yard setbacks are applied to this property, the allowable building area is notably less than that on a typical 60-foot by 125-foot single-family lot. Staff therefore could be conceptually supportive of the requested rear yard variation, particularly as the proposed improvements would decrease the overall bulk on the east side of the subject property. However, the petitioners should be made aware that prior to any construction on this lot, they will need to submit a Plat of Subdivision.

### **Corner Side Yard Setback**

The petitioners state that they wish to construct a house that will be compatible with the surrounding neighborhood, particularly the 100 block of North Lincoln Avenue. Staff has researched the properties on the petitioners' block along with several properties on Grove Street immediately surrounding the petitioners' lot. The information in **Appendix A** indicates that although the petitioners have one of the smaller lots in the neighborhood, the proposed 54-foot

wide house will have a significantly greater presence on Lincoln Avenue than the majority of the existing homes.

At 75 feet, the lot is considerably wider than the majority of single-family lots. There are a number of 60-foot wide corner lots throughout the Village that are able to construct houses that do not require any zoning relief. In the past five years, there have been only 9 single-family properties that have requested relief from the corner side yard setback requirements (see **Appendix B**). Although the petitioners state that their lot width is inadequate for the house they wish to build, they have not demonstrated any hardship as defined by the Zoning Ordinance. A single-family home with a footprint of 1,715 square feet could be constructed on the property without the need for any variations. As the hardship in this case is of a personal nature and is not caused by the Ordinance, staff cannot support the request for a corner side yard variation.

To be granted a variation the petitioner must show that they have affirmed each of the “Standards for Variation”. 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.
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.
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 ordinance has not caused the hardship.
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 it increases bulk on the property and contributes to loss of suburban character of the neighborhood.
5. *The granting of the variation will not alter the essential character of the neighborhood.* Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood by constructing a building that is too large for the lot.

6. *The proposed variation will not impair an adequate supply of light and air to adjacent property and substantially 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.* Staff finds that the requested relief would negatively impact the items noted above.

Overall, staff feels that the variation to the corner side yard setback would have a negative impact on the neighborhood. Therefore, in review of the entire plan, staff recommends denial of the petition.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 02-08.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Senior Planner  
Department of Community Development

WJH:JB:jd  
att-  
c: Petitioner

### Appendix A

**Properties on North Lincoln Avenue (and surrounding)**

	Frontage (ft.)	Lot Size (sq. ft.)	Front Yard House Width (ft.)	House Width as Percentage of Lot Frontage	Front Setback (ft.)
211 W Grove	90	10,701	60	66%	32
74 N Lincoln	75	17,152	59	79%	29
<b>79 N Lincoln</b>	<b>75</b>	<b>7,500</b>	<b>54</b>	<b>72%</b>	<b>30</b>
212 W Grove	79	11,461	54	69%	43
51 N Lincoln	150	27,350	44	29%	29
205 W Grove	75	10,796	40	53%	22
63 N Lincoln	50	10,700	38	76%	34
57 N Lincoln	100	21,400	38	38%	30
48 N Lincoln	45	10,291	37	81%	71
62 N Lincoln	150	34,304	35	23%	42
71 N Lincoln	75	16,050	35	47%	30
206 W Grove	92	13,359	33	36%	45
34 N Lincoln	50	11,435	30	60%	57
26 N Lincoln	43.5	19,885	30	69%	56
38 N Lincoln	50	11,435	30	60%	57
67 N Lincoln	50	10,700	30	60%	33
52 N Lincoln	55	12,578	30	55%	39
143 W Grove	100	7,500	30	30%	24
30 N Lincoln	50	11,435	30	60%	50
70 N Lincoln	50	11,435	29	58%	41
144 W Grove	62	10,659	29	46%	40
140 W Grove	62	10,659	28	45%	43
42 N Lincoln	100	22,869	28	28%	50
Mean	76.5	14,528	38.7	56%	39.6
Median	75	11,435	35	60%	34
Mode	50	11,435	30	60%	30

- Unless otherwise noted, all information was taken from building permit files.
- Information for 30 N. Lincoln, 71 N. Lincoln, 143 W. Grove, and 205 W. Grove was taken from 1998 aerial photos (no permit information available).
- Information for 79 N. Lincoln is from proposed building plans submitted by the petitioners.

**Appendix B**

**Corner side yard variations for single-family residences, 1997-2001**

<b>Case No.</b>	<b>Address</b>	<b>Corner Side Yard Requested</b>	<b>Reason for Variation</b>	<b>Staff Rec.</b>	<b>ZBA Rec.</b>	<b>BOT Action</b>
ZBA 01-17	322 E. Elm	12'	Enclosure of existing porch	Denial	Approval	Approval
ZBA 01-08	803 S. Fairfield	14.5'	Addition to existing home	Approval	Approval	Approval
ZBA 01-06	743 S. Fairfield	10.6'	Addition to existing home	Approval	Approval	Approval
ZBA 00-11	343 W. Maple	15'	Addition to existing home	Denial	Approval	Approval*
ZBA 99-17	343 W. Maple	15'	Addition to existing home	Approval	Approval	Approval
ZBA 99-05	1148 E. Madison	15'	Detached garage	Denial	Approval of 17' corner side yard	Approval
ZBA 98-13	463 N. Ridge	12'	Addition to existing home	Denial	Approval of smaller addition	Approval
ZBA 98-10	199 E. Berkshire	10'	Addition to existing home	Approval	Approval	Approval
ZBA 98-01	130 E. Washington	15.8'	Addition to existing home	Approval	Approval	Approval
ZBA 97-20	22 N. Glenview	15'	Addition to existing home	Approval	Approval	Approval

\* Ordinance expired February 1, 2002