

MAY 28, 2014

Title

ZBA 14-06

Petitioner & Property Owner

Darrel Panfil  
505 E. Sunset Avenue  
Lombard, IL 60148

Property Location

505 E. Sunset Avenue  
(06-05-211-001)  
Trustee District: #4

Zoning

R2 Single Family Residence  
(Lombard Vista Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to reduce the required thirty-five foot (35') rear yard setback to thirty feet (30') for an addition to an existing single family residence.

Prepared By

Tami Urish  
Planner I



LOCATION MAP

**PROJECT DESCRIPTION**

The petitioner is proposing to construct an approximately 405 square foot addition to the existing structure. The addition will provide a new one and one-half (1 1/2) car attached garage. As part of the overall project, the existing one and one-half (1 1/2) car detached garage on the east side of the property will be removed. Also, an addition will be constructed onto the other existing detached garage on the west side of the property in which a variance is not required.

**APPROVALS REQUIRED**

Section 155.407 (F)(2) requires a minimum thirty-five foot (35') rear yard setback. As such, the existing home is a non-conforming structure due to its thirty foot (30') rear yard setback. Even though the proposed addition will not increase said rear yard encroachment, a variation is required.

**EXISTING CONDITIONS**

The property contains an approximately 1,043 square foot two-story frame single family residence with two detached garages and associated driveways. The detached garage adjacent to the house with access to Sunset Avenue is approximately 268 square feet and the other detached garage with access to Fairfield Avenue is approximately 519 square feet. The home was constructed with

**PROJECT STATS**

**Lot & Bulk (Proposed)**

Parcel Size: 12,882 sq. ft.  
Building Footprint: 1,043 sq. ft.  
Lot Coverage: 30%

**Reqd. Setbacks & Proposed Dimensions (in parens.)**

Front (Sunset) 30' (44.2')  
Side (east) 6' (24.0')  
Corner Side (Fairfield) 20' (35.3')  
Rear (south) 30.0' (35')

**Submittals**

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Site Plan, prepared and submitted by homeowner April 18, 2014
4. Front, East and Rear Elevations, prepared and submitted by homeowner April 18, 2014
5. Plat of Survey, prepared by ARS Surveying Services, LLC, dated May 28, 2002.

only a thirty foot (30') rear yard setback and is therefore a legal non-conforming structure.

The property is located at the southeast corner of Sunset Avenue and Fairfield Avenue. The front property line is along Sunset Avenue and the corner side yard is along Fairfield Avenue.

Also, this property is a reverse corner lot. As seen below, the surrounding neighborhood is single family homes.

**Surrounding Zoning & Land Use Compatibility**

|       | Zoning Districts    | Land Use           |
|-------|---------------------|--------------------|
| North | R2 / Sunset Ave.    | Single Family Home |
| South | R2                  | Single Family Home |
| East  | R2                  | Single Family Home |
| West  | R2 / Fairfield Ave. | Single Family Home |

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

**Fire Department:**

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

**Private Engineering Services:**

Private Engineering Services (PES) notes the following: Adequate drainage is required between the proposed attached garage addition and the property line, so as not to negatively affect the neighboring properties.

**Public Works:**

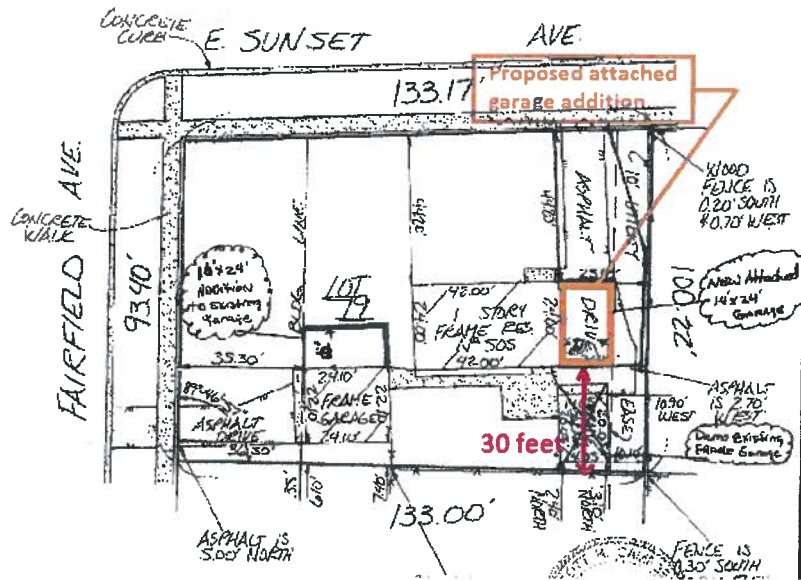
The Department of Public Works has no issues or concerns regarding the project.

**Planning Services Division:**

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. Within their response to the Standards for a Variation, the petitioner cites that the placement of the building on the property lines was when the home was built in 1959, and therefore this is a common variance for the same or similar properties. Staff can

support the variation from the corner side yard setback for the following reasons:

1. The subject property is 12,882 square and the placement of the existing principal structure does not meet the current Zoning Ordinance but may have in 1959.
2. There is precedence for variations to rear yard setbacks on similar lots to allow for the construction of a single family home.



In addition, staff finds that the request is simply a replacement of one of the detached garages for an attached garage that will utilize the existing driveway. The proposed attached garage would be constructed on the existing driveway and the detached garage would be removed, therefore increasing the open space on the property.

In order to be granted a variation the petitioner must show that they have affirmed each of the Standards for a Variation. Staff finds that the standards have been affirmed for the rear yard setback variation. In regards to the rear yard setback staff finds that standards three, five, six, and seven have been affirmed; however the following standards have not been affirmed:

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.*

Staff finds that there are no unique physical surroundings, shape, or topographical conditions specific to the subject property that result in a hardship to the owner. The petitioner has the ability to expand the existing detached garage to meet the parking and storage needs of a single family home. However, this proposal is a more efficient use of space.

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.*

There are similar lots within the Village's R2 Single Family Residence Zoning District that are legal non-conforming in regards to structure placement and the rear yard setback. However, the request for a rear yard setback is not related to these issues, but rather the preference for an attached garage in addition to an existing detached garage.

In consideration of precedent, staff has identified the most similar cases that appeared before the Zoning Board of Appeals recently:

| CASE NO.  | DATE       | ADDRESS                 | SUMMARY                                  | ZBA                                    | BoT           |
|-----------|------------|-------------------------|--|--|---------------|
| ZBA 10-13 | 12/15/2010 | 320 S. Martha Court     | 23' Rear Yard                            | Approved, 5-0                          | Approved, 6-0 |
| ZBA 13-01 | 2/7/2013   | 236 E. Morningside Ave. | 15.7' Corner Side Yard & 29.5' Rear Yard | Approved, 4-0                          | Approved, 6-0 |
| ZBA 14-03 | 4/23/2014  | 304 N. Park Avenue      | 11.9' Corner Side Yard & 25' Rear Yard   | Partial approval (not on rear portion) | Approved, 6-0 |

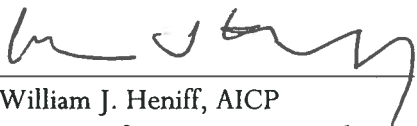
**FINDINGS & RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested rear yard setback. 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 corner side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does comply** with the Standards for Variations in the Lombard Zoning Ordinance and therefore, I move that the Zoning Board of Appeals find that the 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 14-06, subject to the following conditions:

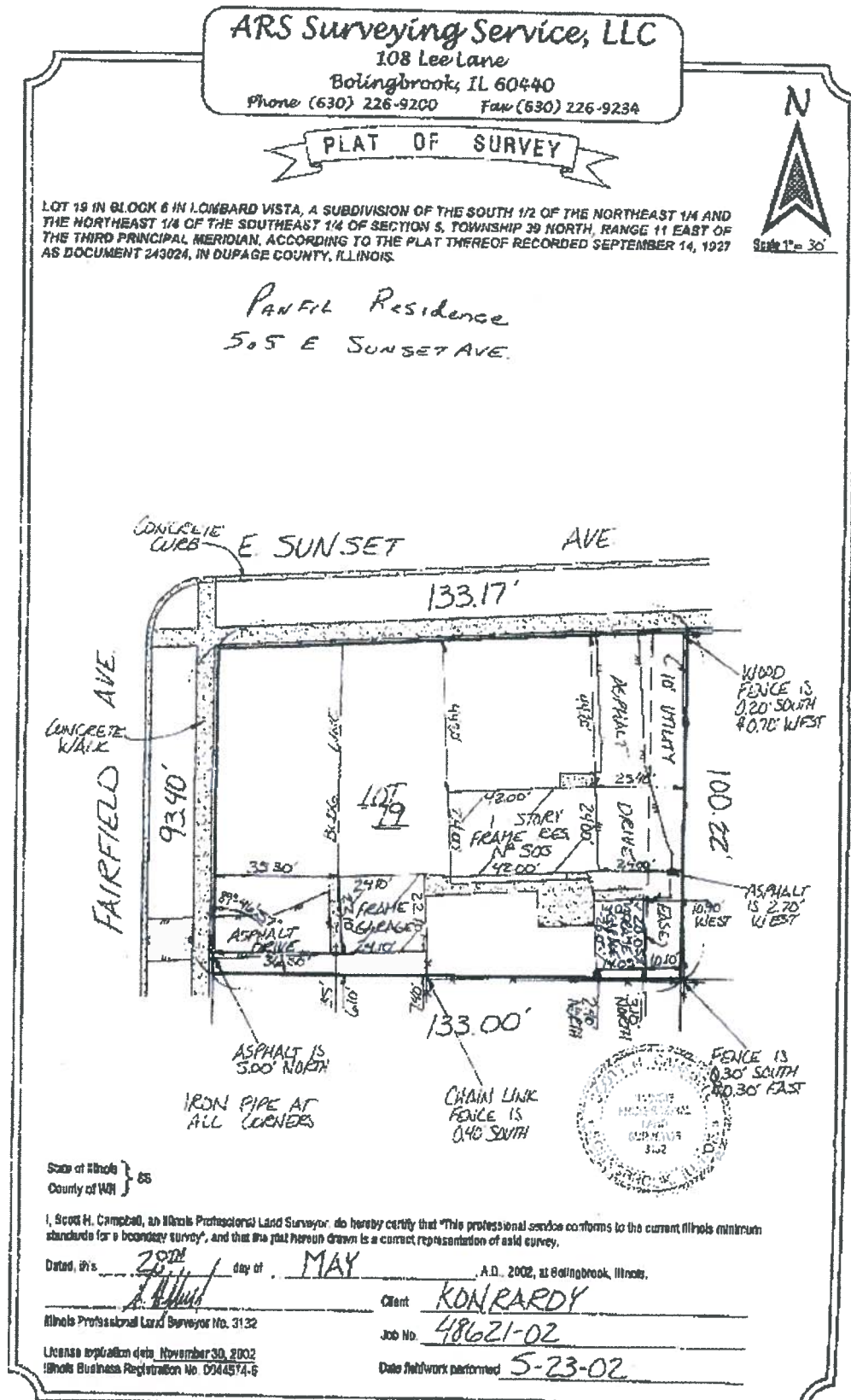
- 1) The subject property shall be developed in substantial conformance with the building plans and site plan drawn by the petitioner on the plat of survey, prepared by ARS Surveying Service LLC, dated May 28, 2002.
- 2) The petitioner shall apply for and receive a building permit for the proposed plans.
- 3) The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report.
- 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.
- 5) In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required rear yard setback.

Inter-Departmental Review Committee Report approved by:

  
 William J. Heniff, AICP  
 Director of Community Development

c. Petitioner

# EXHIBIT A: PLAT OF SURVEY



# EXHIBIT B: SITE PLAN

