

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

TO: Lombard Zoning Board of Appeals      HEARING DATE: February 25, 2004  
FROM: Department of      PREPARED BY: Jennifer Backensto  
Community Development      Planner I

**TITLE**

**ZBA 04-01; 338 W. View Street**: The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Approve a variation from Section 155.406 (E) of the Zoning Ordinance to reduce the minimum required lot width from 60 feet to 47.5 feet;
2. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 27 feet to allow for an addition and front deck; and
3. Approve a variation from Section 155.406 (F) (1) of the Zoning Ordinance to reduce the minimum required front yard setback from 30 feet to 25 feet to allow for bay window.

**GENERAL INFORMATION**

Petitioner/Property Owner:      Michael Ceballos  
338 W. View Street  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Land Use:      Single-family Residence  
Size of Property:      7,296 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 – single-family homes  
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 January 21, 2004 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 April 30, 1998.
4. Proposed building elevations and floor plan.
5. Photograph of subject property.

### DESCRIPTION

The existing home on this property, including the enclosed front porch, is set 30 feet back from the front property line. The petitioner proposes to replace the existing enclosed porch with an addition and five-foot high deck that will extend three feet into the front yard, making the new setback 27 feet where 30 feet is required by Code. The bay window in the front of the addition will extend an additional two feet, making the setback for the window 25 feet. The proposed improvements would leave the lot with approximately 54% open space, which meets the 50% minimum required by the Zoning Ordinance. Also, the petitioner's lot was platted in 1928 at 47.5 feet wide, where 60 feet is now the minimum permitted in the R2 District. As this does not meet the 80% requirement for redevelopment, a variation is required for any addition or reconstruction. (See **Appendix A** for detailed breakdown of requested zoning relief).



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **Public Works - Engineering**

Public Works Engineering Division has no comments or changes.

### **Public Works - Utilities**

Public Works Utilities Division has no comments on this petition.

### **Private Engineering Services**

From an engineering or construction perspective, the Private Engineering Services Division has no comments.

### **Building and Fire**

The Fire Department/Bureau of Inspectional Services has the following comments:

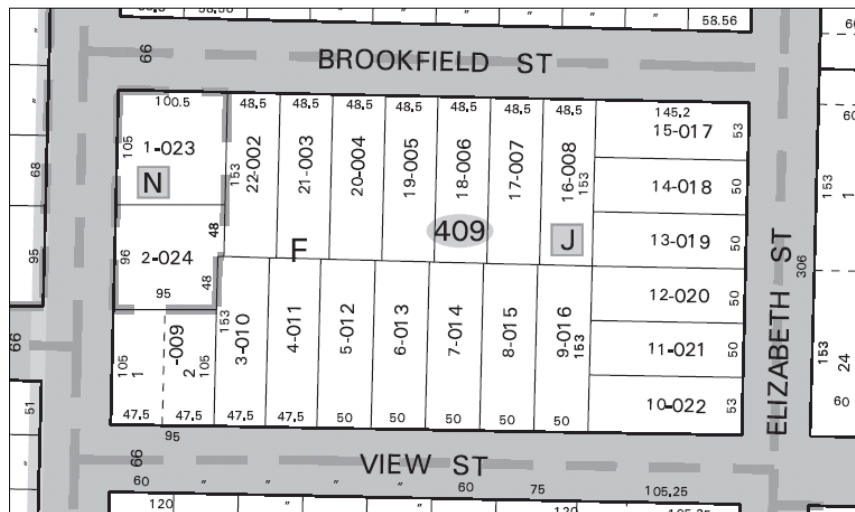
- The existing structure and supports must be removed in their entirety and the new addition must have a full concrete foundation and footing installed per code.
- The new addition must meet all current Village building codes.

### **Planning**

#### *Lot Width*

Staff finds that the variation request to reduce the minimum lot width to 47.5 feet meets the Standards for Variations. The Zoning Ordinance permits development/reconstruction on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots platted before the 60-foot minimum lot width requirement. The subject property has a lot width of 47.5 feet, which is 79% of the required width.

The petitioner's neighborhood was developed and has evolved with residences on lots that range from 47.5 to 100.5 feet, with an average width of only 53.4 feet (see tax parcel map, right). Of the 24 lots of record on this block, only two meet the R2 minimum lot width of 60 feet. Four of the lots on this block (17%) do not meet the 80% standard for reconstruction.



As the petitioner’s residence is already constructed on the lot, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioners to meet the requirements of the Zoning Ordinance. Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The requested relief is not needed due to the actions of anyone presently having an interest in the property as this subdivision occurred in 1928. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff is therefore supportive of the lot width variation request.

*Setback*

A review of building permit records shows that of the seven lots on this block, five meet the 30-foot setback requirement (see table, right).

	distance to house	distance to porch	front yard setback
316 W View St	30'	23'	<b>23'</b>
320 W View St	37'	30'	30'
324 W View St	30'	n/a	30'
328 W View St	37'	30'	30'
332 W View St	28'	n/a	<b>28' (estimate)</b>
336 W View St	31'	n/a	31'
<b>338 W View St (proposed)</b>	<b>27'</b>	n/a	<b>27'</b>



The residence at 316 W. View Street has an open, roofed-over front porch with a 23-foot setback where open porches are permitted to have a minimum 25-foot setback. Although there are no building permit records for 332 W. View Street, the aerial photo shows that this property appears to have an approximately 28-foot setback. Both of these properties are legal nonconforming as no setback variations have been granted for any of the properties on this block. As the Village has never made a finding that the 30-foot setback requirement is inappropriate for this block, the nonconforming structures should not be considered as valid comparisons to the subject property.

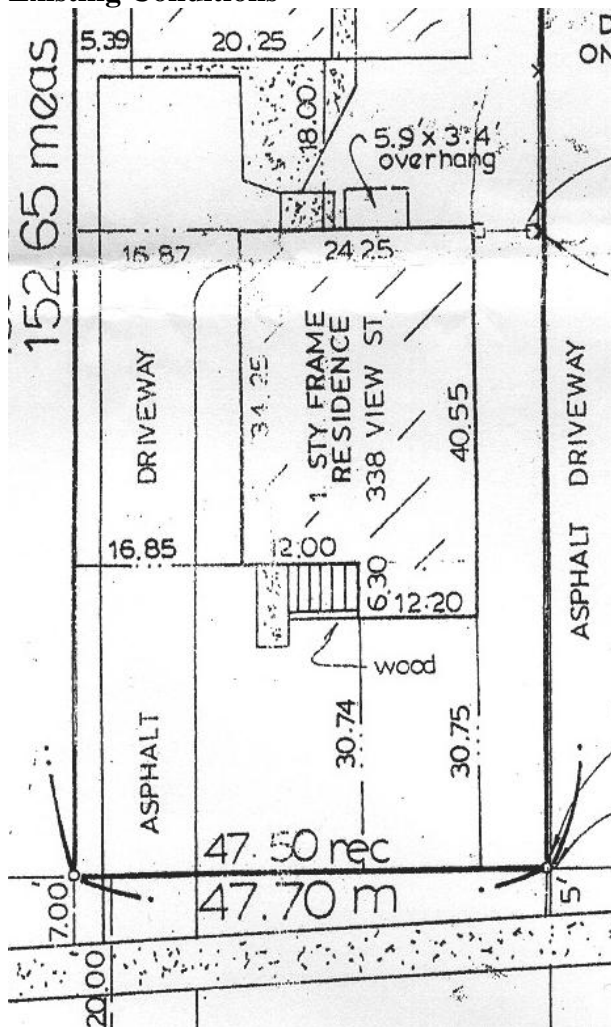
Furthermore, to be granted a variation the petitioners must show that they affirmed each of the “Standards for Variation”. Staff finds that the following standards are not affirmed:

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 there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The lot immediately to the east (336 W. View Street) is identical to the subject property with respect to its size and shape. This property has an elevated deck and enclosed room similar to that proposed by the petitioners, both with a setback of 31 feet.
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.* The petitioner’s lot is comparable to other lots in the single-family residential district and, more specifically, on the same block as the subject property. As there are no unique circumstances related to the subject property, granting a variation would set a precedent to allow similar variations to be granted on each of the other properties on the block.
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 created by the ordinance as the existing residence meets the setback requirements that are applied to all R2-zoned properties within the Village. The hardship in this case is created by the petitioner’s desire to add approximately 66 square feet of living space within the required front yard.
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.* The proposed variation will decrease the visual open space along View Street that is typically protected by the required 30-foot front yard setback. Although there are two properties that encroach into the front yard, granting this variation would increase the likelihood of further encroachments and a further reduction in open space, thereby taking away from the spacious, residential character of the neighborhood.

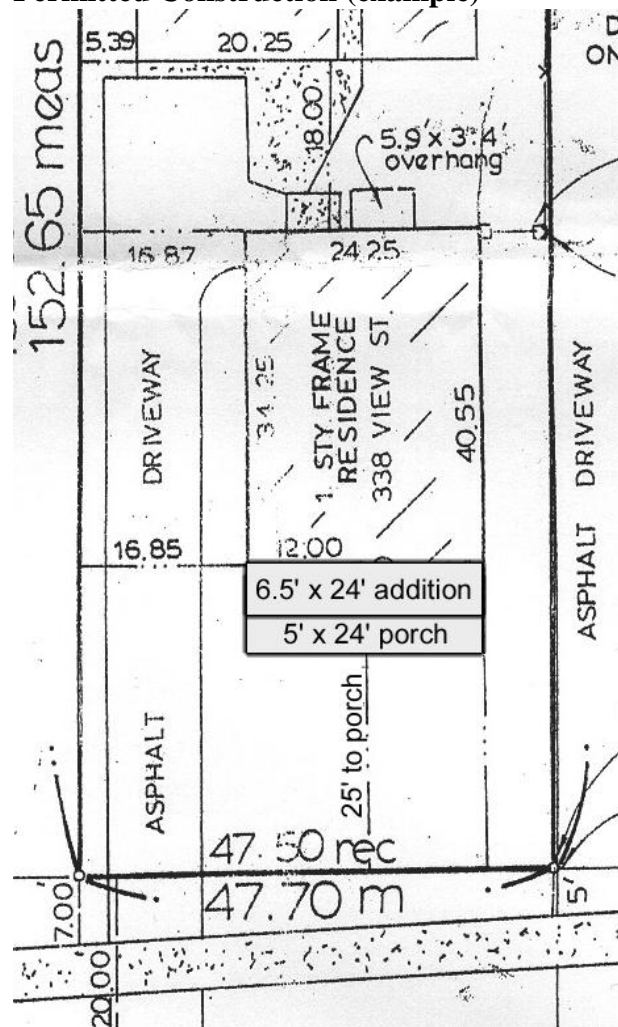
The Zoning Ordinance does not permit the petitioner from expanding the front of the house. The enclosed porch and stairway could be replaced with a 6.5-foot by 24-foot addition, which would add the desired additional living space. Also, in 2002, the Zoning Ordinance was modified to allow unenclosed, roofed-over front porches as a permitted obstruction within the front yard (provided that the porch is not more than 7 feet deep and maintains a minimum 25-foot setback).

The illustrations below show the existing conditions on the property and demonstrate potential improvements the petitioner could make. These improvements would not require any setback relief from the Zoning Ordinance (assuming the variation for a 47.5-foot wide lot is granted).

**Existing Conditions**



**Permitted Construction (example)**



## **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 request to reduce the lot width from 60 feet to 47.5 feet and **denial** of all other requested relief:

Based on the information and testimony presented, the proposed lot width variation complies 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 the request to reduce the minimum required lot width from 60 feet to 47.5 feet and **denial** of all other requested relief associated with ZBA 04-01.

### *Alternate Recommendation:*

In the event the Board chooses to recommend approval of all relief associated with ZBA 04-01, staff recommends that the following conditions be added to ensure that the property improvements as constructed are consistent with those proposed as part of this public hearing process:

1. Any development shall meet all applicable Village Code requirements;
2. The property shall be developed in accordance with the proposed building elevations and floor plans submitted by the petitioner as part of ZBA 04-01; and
3. The front yard setback reduction to twenty-five feet (25') shall only apply to a bay window extending no more than two feet (2') from the front wall of the building.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

DAH:JB:jd

**Appendix A – R2 Regulations v. Requested Relief**

	<b>Required in R2</b>	<b>Existing</b>	<b>Proposed</b>
Lot Width	60 feet*	<b>47.5 feet</b>	<b>47.5 feet</b>
Front Yard Setback for principal structure (house addition)	30 feet	30 feet	<b>27 feet</b>
Front Yard Setback for front deck (greater than 3 feet in height)	30 feet	N/A	<b>27 feet</b>
Front Yard Setback for bay window (one story high)	27 feet	N/A	<b>25 feet</b>

\*Section 155.306 of the Zoning Ordinance permits structures to be erected on those previously platted Lots of Record in the R1 or R2 Single-Family Residence Districts where the lot width equals at least 80% of the requirement (48 feet in the R2 District).