

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 28, 2006

FROM: Department of Community PREPARED BY: Jennifer Backensto, AICP
Development Planner II

TITLE

ZBA 06-12; 125 S. Stewart Avenue: The petitioner requests approval of a variation to Section 155.406 (H) to reduce the amount of open space on the subject property to 45.6 percent where a minimum of 50 percent open space is required, to allow for the construction of a residential addition within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner: Paul R. Bojan
125 S. Stewart Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residential

Size of Property: 8,000 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences

South: R2 Single Family Residential District; developed as Single Family Residences

East: R2 Single Family Residential District; developed as Single Family Residences

West: R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 25, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Michael J. Emmert Surveys, Inc., dated May 18, 1994.
4. Construction drawings for proposed three-season room, dated April 17, 2006.

DESCRIPTION

The petitioner is requesting a variation to decrease the required open space from 50 percent of the lot area to 45.6 percent of the lot area. The property is currently nonconforming with 45.6 percent open space. The petitioner wishes to construct a three-season room addition over a portion of the existing deck. The addition is considered an expansion to the existing nonconformity and therefore requires a variation.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

The Code requirement of 50 percent open space serves both to limit the density on lots as well as the volume of stormwater runoff. Decks are typically pervious since rainfall passes between the planks. However, the proposed addition over the deck would make the lot more than 50% impervious. Therefore, the Private Engineering Services Division recommends that the proposed addition be denied.

Planning

Background

The 50 percent minimum percent open space requirement was added to the Zoning Ordinance in 1990. At that time, the subject property was improved with a single-family home, one-car garage, and driveway. In 1990, a permit was issued for a deck that met the open space requirement. In 1991, a permit was issued for a two-car garage and driveway extension that left the property with the 45.6 percent open space that exists today. In 1999, the current property

owner received a permit for and constructed a second-story addition over the existing home. The nonconforming open space was noted in April of this year when the petitioner applied for a building permit to construct a one-story three-season room addition.

Standards for Variations

The standards of the Zoning Ordinance are set for the provision of open space, to preserve green space, and maintain the aesthetics of a suburban setting. The Village's Comprehensive Plan states "the existing visual and environmental character of Lombard's various residential neighborhoods should be preserved and enhanced." The open space standards within the R2 District help to achieve that goal by ensuring that lots do not have the appearance of being overbuilt and that a more intensive use of the property is prevented.

Staff typically has only recommended approval for open space variations when there is an existing legal nonconforming situation and the proposed improvements will not increase the degree of nonconformity. Even though the proposed addition would not change the calculated open space percentage, the building addition is an expansion that would increase the visual impact of the structure and the overall bulk on the property.

Although the previous property owners created the existing nonconformity with regard to open space, the fact that the property does not currently meet code cannot be considered a hardship in and of itself. The necessary 352 square feet of open space could be created by removing pavement to create a ribbon driveway, installing grasscrete, or making other modifications.

To be granted a variation the petitioners 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. The subject property is 8,000 square feet in size, 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 and there is nothing inherently unique about the subject property that warrants the open space relief.
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.

Additional Considerations

If the Zoning Board of Appeals finds that the existing deck would meet the standards for variations but the proposed addition would not meet the standards, the ZBA could grant approval of a variation from the open space requirements in order to allow the deck to remain on the property as a legal, conforming structure. This action would allow the petitioner to replace the existing deck with a new deck of the same size if desired. Staff would not object to this variation.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 06-12.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:JB
att-
c: Petitioner