

AUGUST 27, 2014

Title

ZBA 14-09

Petitioner

Al and Georgene Gorr
317 N. Main Street
Lombard, IL 60148

Property Owner

Al and Georgene Gorr
317 N. Main Street
Lombard, IL 60148

Property Location

317 N. Main Street
(06-05-300-009)
Trustee District #4

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow an attached garage to encroach three (3) feet into the required six (6) foot interior side yard setback

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct an attached two car garage in front of the existing attached one car garage and four season room. The size of the proposed attached garage is six hundred and twenty-five (625) square feet; twenty-five (25) feet by twenty-five (25) feet.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow an attached garage to encroach three (3) feet into the required six (6) foot interior side yard setback for the subject property located within the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property contains a one-story frame and brick single family residence. The front property line is located along Main Street. The home was constructed prior to 1967. The lot was subdivided in 1868 with a unique configuration (See Exhibit A, attached). Instead of the lot being a standard rectangular shape, the lot is two rectangles conjoined with the 75 feet by 100 feet section to the front and the 33 feet by 121 feet section to the rear creating an "L" shape. The home is situated 146 feet from the rear property line for the northern 33 feet width of the lot and 24 feet from the rear property line for the southern 42 feet width of the lot.

PROJECT STATS

Lot & Bulk

Parcel Size:	11,493 sq. ft.
Building Size:	1085 sq. ft.
Lot Cover:	30%

Reqd. Setbacks & Existing Dimensions (in parens.)

Front (West)	30' (51')
Side (North)	6' (7.3')
Side (South)	6' (3')
	35' (146')
Rear (East)	north; 24' south half)

Surrounding Zoning & Land Use Compatibility

North, East, South and West:
R-2; Single Family Residential

Submittals

1. Petition for Public Hearing
2. Response to Standards.
3. Plat of Survey, ARS Surveying Service LLC, dated 5/29/14; submitted 7/29/14. (Requires lot of record update per Section 155.220.)*
4. Proposed Design Plan, with a variation dated 7/24/14; without a variation dated 7/22/14 by B.L.R Architects; submitted 7/29/14.
5. Existing conditions; street and site plan view photos submitted by petitioner on 7/29/14.

INTER-DEPARTMENTAL REVIEW

Building Division:

A full review will be conducted during the building permit review process.

Fire Department:

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

Private Engineering Services:

The Private Engineering Services (PES) Division had comments and questions on the project. PES asked if the driveway will be left as is and what will happen to the portion of the driveway between the garage addition and the property line. PES also asked if the driveway will be widened to the maximum allowance at the property line of twenty (20) feet and if the apron would also be widened.

Staff spoke with the petitioner who responded that there are no current plans to widen the driveway and apron. They plan to leave the current concrete walk between the existing garage and lot line as is and continue that walk between the new garage and lot line.

PES will conduct a full review of the plans during the building permit process with particular attention to drainage concern of the walk located less than 5 feet from the property line along the proposed garage.

Public Works:

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

Planning Services Division:

The subject property was constructed with the principal structure situated three feet from the southern interior side property line prior to 1967. The petitioner proposes to follow the existing line of the house three feet from the property line with the proposed addition of the attached garage. The petitioner indicated that other options such as constructing a detached garage in the rear yard with the existing attached garage being removed and replaced with an extension to the drive were considered. This option was determined not to be viable due to the turning radius required to maneuver a car at two right angles and the additional lot coverage of lengthening the driveway.

Interior Side Yard Setback

Obstructions are not permitted within side yards due to the close proximity to the adjacent properties. As such, the petitioner's request to construct an attached garage requires that the new garage meet the six (6) foot interior side yard setback or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.

The principal structure is estimated to be over 50 years old. The building permit for the house could not be found on file with the Village. The structure when built was not placed squarely on the subject property. In order to comply with the current Zoning Ordinance, the attached garage would have to be located six (6) feet to the north of the south property line. This plan (see Figure 1) would impact the interior layout of conjoining the existing attached garage in tandem with the proposed attached garage. It would be difficult to maneuver a car around the existing three foot existing exterior wall from the new portion of the garage with a car parked in the northern bay of the proposed attached two car garage.

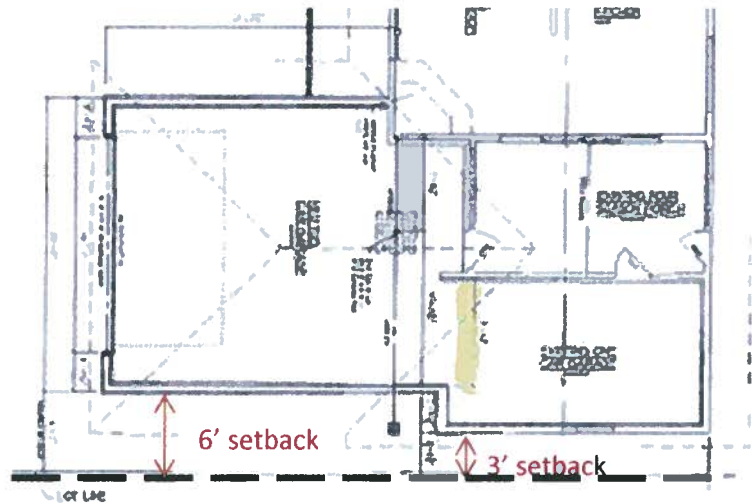


Figure 1

To be granted a variation the petitioners must show that they have affirmed each of the “Standards for Variation” outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- a. *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 lot does have unique physical limitations and the placement of the existing structures on the property does limit the owner from meeting the intent of the ordinance. The principal structure was constructed prior to current yard setback provisions.

- b. *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 properties within the same zoning classification.*

Staff finds that the shape of the lot (see Exhibit A, attached) and the location of the structure set back approximately fifty feet (forty-nine feet from the northwest corner of the house and fifty-one feet from the southwest corner of the house) from the front property line on the subject property are unique. The design and layout of the petitioner's property is not typical of R2 Single Family Residential lot in the Village and the surrounding neighborhood.

c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

This standard is affirmed.

d. *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 petitioner's need to replace a legal nonconforming detached garage. Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the interior side yard setback.

e. *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 would not be injurious to neighboring properties.

f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed.

g. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or 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*

This standard is affirmed.

FINDINGS & RECOMMENDATIONS

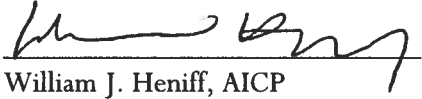
The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the side yard setback variation to allow an attached garage:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 14-09; subject to the following conditions:

1. The petitioner shall provide an updated plat of survey.
2. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by B.L.R Architects, dated July 24, 2014.

3. The petitioner shall apply for and receive a building permit for the proposed plans.
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.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

RESPONSE TO STANDARDS FOR VARIATIONS:

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.

The irregular property shape prohibits building additional garage space anywhere but in front of the existing garage. If the new garage is set 6 feet from the property line, it narrows the entrance into the existing garage space to 7' 9.875" which prevents car entry into the existing garage space(See Plans Without Variation).

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.

This property shape is not only irregular, but is unique to this property. This variation would not be applicable to other residential properties, as most lots accommodate garages in multiple locations of the lot.

3. The purpose of the variation is not based primarily upon a desire to increase financial gain. The purpose of this variation is based solely on the desire of the homeowner to increase garage space.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

The hardship has not been created by the property owners or anyone having an interest in the property.

5. 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 granting of the variation will not be detrimental to the public welfare. It will not be injurious to other property or improvements in the neighborhood.

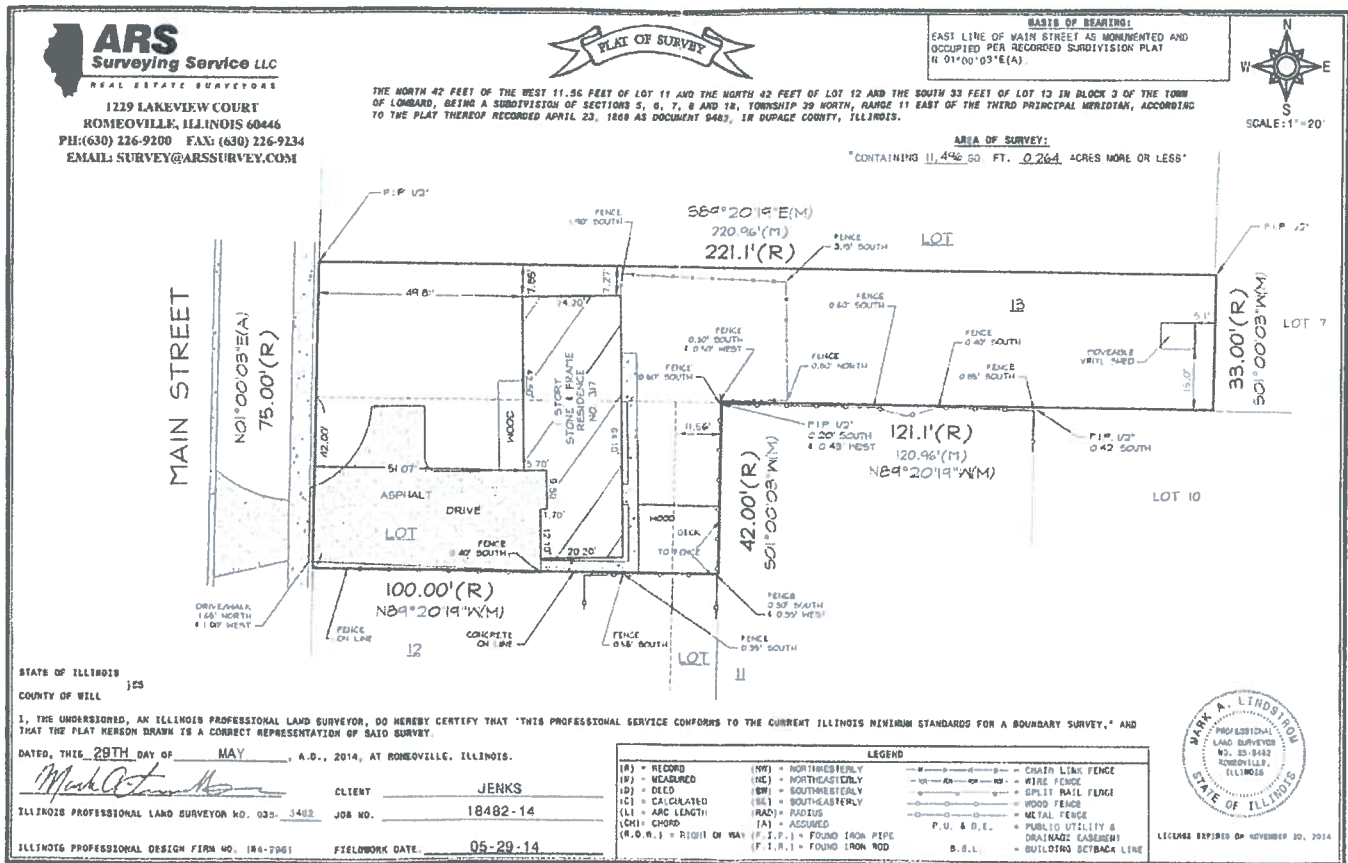
6. The granting of the variation will not alter the essential character of the neighborhood.

As seen from Google street view, the granting of the variation will add an updated façade to the house with a new garage and large front porch. Granting this variation will not only update the 1950s ranch but will help the home match more closely the character of the neighborhood of larger two-story homes.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or 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.

The proposed variation will not impair an adequate supply of light and air to adjacent property. There is a large amount of space (over 25 ft.) between the property's lot line and the adjacent property's attached garage (See Google Earth picture). Also, as mentioned before, a granted variation will allow for updating the façade of the current home which should have a positive impact on property values within the neighborhood.

EXHIBIT A – PLAT OF SURVEY AND SECTION 155.220*



*§ 155.220 Development on lots of record.

The following construction activity shall only occur on a lot of record:

- (A) The construction of a principal structure.
- (B) The construction of an addition to a principal structure which includes a foundation, footers or piers, except where:
 - (1) The foundation, footers or piers are replacing an existing foundation or existing footers or piers; and
 - (2) The addition does not exceed 350 square feet.
- (C) The construction of an accessory structure greater than 800 square feet.

(Ord. 5030, Passed 10-18-01; Ord. 5347, passed 8/21/03)

ADDITIONAL EXHIBITS SUBMITTED BY THE PETITIONER:

EXHIBIT B - PLAT OF SURVEY

EXHIBIT C - PROPOSED PLANS WITH A VARIATION

EXHIBIT D - PROPOSED PLANS WITHOUT A VARIATION

EXHIBIT E - EXISTING CONDITIONS, STREET VIEW

EXHIBIT F - EXISTING CONDITIONS, SITE PLAN VIEW