

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

ZBA 19-02: 201 S. Brewster Avenue

March 13, 2019

Title

ZBA 19-02

Petitioner & Property Owner

David and Jessica Schubert
201 S. Brewster Avenue
Lombard, IL 60148

Property Location

201 S. Brewster Avenue,
District 1

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

The petitioner requests that the Village approve a variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard for the subject property located within the R2 Single-Family Residence District.

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The subject property is a reverse corner lot developed with a single-family home. The property owner would like to reconstruct the existing detached garage which requires a variance. The proposed garage would encroach in the corner side yard.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to allow a detached garage to be constructed in the corner side yard for the subject property located within the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property is improved with a single-family residence at the corner of Maple Street and Brewster Avenue. Per the York Township Assessor, the home was built in 1925. The lot is 40' wide and therefore does not meet current minimum lot width of 60'.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 0.16 acres

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of Survey prepared by Lambert & Associates, dated, dated January 9, 2019; and
4. Proposed Site Plan.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) concurs with the comments from Public Works below and noted that Village Code restricts vehicles from blocking sidewalks when parked. Additional comments may be forthcoming during permit review.

The petitioner noted they can meet these comments.

Public Works:

The Department of Public Works noted the proposed realignment is acceptable to the Department of Public Works provided that the width of the driveway apron at the sidewalk is narrowed slightly from 20.54 feet as proposed to no wider than 20.0 feet, to comply with the Village's standard specification. Additional comments may be forthcoming during permit review.

The petitioner noted they can meet these comments.

Planning Services Division:

Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	R2PD	Sacred Heart Church and School
South	R2	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

The property is surrounded mostly by single-family homes; therefore an associated garage is compatible with the neighborhood.

Detached garages are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the detached garage requires that the new garage meet the twenty (20) foot corner 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 property has a curb cut on Maple Street. The lot is 40' wide (Brewster Avenue), whereas the Zoning Ordinance requires 60'. As Code requires a 20' corner side yard, the petitioner is noting the lot width as a hardship. The current garage and driveway is at a 90 degree angle making it difficult to position a car into the garage. The petitioner noted the garage needs to be deep enough to allow a vehicle to park inside.

The proposed garage is shown at 32' by 21' for a total of 672 square feet. The proposed garage would decrease the amount of impervious surface on the property, potentially allowing for better drainage. The proposed garage would also be further away from the neighbor on the east, from 6' to 15'. The garage would be setback 16' from the Maple Street property line, encroaching 4' into the corner side yard.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff believes the petitioner has affirmed the standards and concurs with their response. Staff finds that because there are so few properties within the Village that are similar to the subject property, recommending approval would not set a long range precedent that could be commonly applied to other properties.

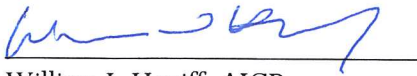
FINDINGS & RECOMMENDATIONS

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 aforementioned variation:

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 find that the findings as discussed at the public hearing, and those 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 19-02 with the following conditions:

1. The garage shall be constructed in substantial conformance with the Proposed Site Plan;
2. The proposed garage shall not be placed closer than sixteen feet (16') from the north property line;
3. The petitioner shall apply for and receive a building permit for the proposed garage;
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; and
5. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

Inter-Departmental Review Committee Report approved by:

A handwritten signature in blue ink, appearing to read 'W. Heniff', is written over a horizontal line.

William J. Heniff, AICP

Director of Community Development

c. Petitioner

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STANDARDS FOR VARIATION

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.
 - a. 201 S. Brewster Avenue (hereinafter "201") is a reverse corner lot in District 1 situated on the corners of Maple Street and Brewster. The primary residence faces Brewster. The current detached garage behind the home is only accessible via a curb-cut on Maple. There is no way to access the rear of the property with a vehicle from Brewster; the only access is possible via the currently existing curb-cut on Maple. 201 is an extremely narrow lot, measuring only 40'-0" in width measured south from the sidewalk adjacent to Maple Street. Based on the aforementioned conditions, the 20'-0" set-back from the sidewalk creates a particular undue hardship for any garage to be constructed on the property. As currently constructed, the garage doors face Brewster, which requires any vehicle to maneuver a 90° turn from the driveway into the garage, which is practically impossible for a standard sized vehicle. If the garage is turned so that the garage doors face Maple, the garage's depth would be capped at 17'-0", which would not fit a standard size car (let alone a full-sized vehicle).
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.
 - a. Since 201 is both only 40'-0" wide and a reverse corner lot makes the construction of a functional garage with the 20'-0" set-back uniquely impossible and a hardship particular to this property. 201 is one of the narrowest (if not the most-narrow) reverse-corner lot in District 1 that is Zoned R2 (Single Family Residence). The narrow nature of 201 does not provide enough clearance for a standard sized vehicle to turn 90° into the garage. But, in order for vehicles to fit in the garage, the garage needs to be deeper than the 17'-0" permissible based on the 20'-0" set-back.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
 - a. The Petitioner's intention is to construct a practically functional, 21st century garage for the use of the Petitioner's family and children. Petitioner is not in the market to sell the property, but rather is looking to modernize the property in an effort to facilitate raising a family in the Lombard community.
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.
 - a. The garage as currently constructed has been on the property for more than 20 year's (per the oral history of the adjacent property owner, Mike Neibel). Petitioner purchased the property in fee simple in 2014 after the property previously fell into foreclosure and was subsequently sold.

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.
 - a. The garage and driveway will comply with all other code requirements including the clear line of sight requirement, as well as all other set-backs from adjacent properties. In addition, the rotation of the garage so that the doors face Maple will improve the safety of those accessing the driveway and garage by no longer requiring 90° turns to be attempted on the property adjacent to the sidewalk. The granting of the variation will still yield a 17'-0" driveway as 201's property line ends 1'-0" before the sidewalk. This will allow for parking in the driveway so that the vehicles do not overhang onto the sidewalk.
6. The granting of the variation will not alter the essential character of the neighborhood.
 - a. The neighborhood is zoned R2 (Single Family Residence) and the construction of a new garage will only add to the family-oriented character of the neighborhood. The need to construct a new garage is motivated entirely on making 201 more functional for the Petitioner's family. The hope is that a new garage will also be more aesthetically pleasing to the neighborhood than the current structure.
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.
 - a. The granting of this specific variation should not impair light or air to adjacent properties because the variation is in regards to a set-back from the city sidewalk, not the size, height, or use of the garage to be constructed. By granting the variation so that the garage doors face Maple, Petitioner will be able to utilize its garage instead of parking primarily on Maple, decreasing street parking congestion. In addition, the construction of the garage will help facilitate natural drainage, as the new garage and driveway will result in almost 300 additional square feet of uncovered aeratable property at 201. Petitioner's current driveway covers a larger portion of the property than the proposed new driveway, since the Petitioner will no longer have to navigate a 90° turn. In addition, the granting of this variation will allow for greater distance between the adjacent neighbor's property line and the garage.