### **ZONING BOARD OF APPEALS**

### INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

217 S. BREWSTER AVENUE

### February 24, 2021

### **Title**

ZBA 21-01

### **Petitioner & Property Owner**

Vincent & Kimberly Palmisano 217 S. Brewster Avenue Lombard, IL 60148

### **Property Location**

217 S. Brewster Avenue

### Zoning

R2 Single-Family Residence

### **Existing Land Use**

Single-Family Home

### **Comprehensive Plan**

Low Density Residential

### **Approval Sought**

A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four feet (4') for the subject property.

### **Prepared By**

Anna Papke, AICP Senior Planner



**LOCATION MAP** 

### **PROJECT DESCRIPTION**

The subject property is developed with a single-family home. The existing single-family home does not meet the required six-foot interior side yard setback. The property owner would like to build a second-story addition onto the residence. The building footprint will not change. The addition will maintain the existing four-foot side yard setback.

### **APPROVALS REQUIRED**

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four feet (4') for the subject property located within the R2 Single-Family Residence Zoning District.

### **EXISTING CONDITIONS**

The property contains an existing one-story single-family residence with a detached garage.

### **PROJECT STATS**

### Lot Size

Parcel Area:

8,550 SF

Parcel Width: 50 feet

### Setbacks with proposed second-story addition

Front (west)

40.74 feet

Side (north)

4.31 feet

Side (south)

20.79 feet

Rear (east)

60+ feet

### **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 for variation;
- 3. Plat of survey prepared by Exacta Illinois Surveyors, Inc., dated 12/9/2015; and
- 4. Architectural plans, dated 1/9/2021.

### **INTER-DEPARTMENTAL REVIEW**

### **Building Division:**

The Building Division has the following comment regarding the petition. Additional comments may be forthcoming during permit review.

1. Any single-family structure less than 5 feet from the property line that does not have fire sprinklers installed must have a one hour rated wall (a soffit, etc.) where it is closer than 5 feet to the property line. While the first floor is legal nonconforming, the new second story must meet the current building code (2018 International Residential Code, Table R302.1(1). The proposed addition will be reviewed for compliance with this and other applicable building codes 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) has the following comment regarding the petition. Additional comments may be forthcoming during permit review.

1. There is a rear yard depressional area behind this house so downspouts should be directed to the street if possible.

### **Public Works:**

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

### Planning Services Division:

The Zoning Ordinance requires single-family residences in the R2 District to maintain a minimum setback of six feet from the interior side property line. The residence is not meeting the six-foot setback requirement relative to the north side property line. The petitioner proposes to build a second-story addition onto the north side of the house. The building footprint of the existing house will not change. The proposed addition will hold the existing side setback of the house at approximately four feet from the side property line.

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1873 (West Lombard Subdivision). Village Code currently requires a minimum lot width of 60 feet in the R2 Zoning District, though the subject property is a buildable lot under the 80% provision in Section 155.209. According to the York Township Assessor, the home on the subject property was built in 1916, prior to the 1950s when the Village began keeping permit records. Staff finds no records of building permits issued for an addition to the house, and therefore concludes that the footprint of the existing house is consistent with the original construction in 1916.

The current Village Code went into effect after the subject property was developed, and contains lot width and setback requirements that the subject property does not meet. Staff recognizes that this development sequence creates a hardship for the property owner attempting to modify a home that was constructed prior to current zoning requirements.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

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.

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1873. The current minimum lot width in the R2 Zoning District is 60 feet, though the subject property is a buildable lot under the 80% provision of Village code. A 50-foot lot width could be considered unique when compared to the overall Village housing stock. Further, the existing structure was constructed in 1916, prior to current yard setback provisions. The substandard lot width, combined with the placement of the existing structure on the property, limits the petitioner's ability to meet the intent of the ordinance.

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 property within the same zoning classification.

The subject property is a 50-foot wide lot of record in a legally established subdivision. The second-story addition will hold the line of the existing garage. These circumstances are specific to the subject property.

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 for this variation is due to the location and area of the existing structure in relation to the current interior side yard setback requirement. The existing house was built before the Village had adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house met applicable standards at the time of construction. Current setback and lot width requirements do not reflect the conditions under which the existing house was built.

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.

This standard is affirmed. The existing house was built prior to 1950. Since then, the existing garage with a four-foot setback has not been detrimental to the public welfare or injurious to other properties. The proposed addition will hold the setback of the existing garage and will not further encroach into the requisite yard.

Staff does not believe that the proposed second-story addition will have a negative impact on adjacent properties. The height of the house with the proposed addition will be 20.6 feet (Village Code defines building height as the mean level between the eaves and the peak of the roof). Maximum building height in the R2 District is 30 feet. The peak of the roof of the house, which is currently 22.3 feet from grade, will not change with the proposed addition. Finally, staff notes that the addition when viewed from the adjacent property to the north is smaller in length than the existing house, minimizing the visual impact of the addition on the adjacent property. See Figure 1.

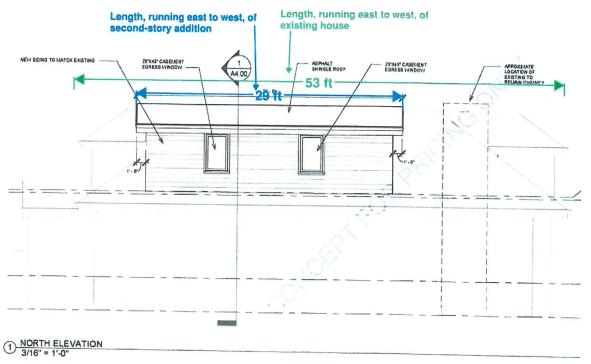


Figure 1. North elevation showing proposed addition.

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

Staff finds that this standard is affirmed. The proposed improvement will maintain the existing building line.

d. 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 petitioner proposes to build the addition over the footprint of the existing house. The addition will hold the side setback line of the existing house, and will be shorter in length than the first story of the residence. See Figure 1. The addition is not expected to impact light or air supply to adjacent property.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals in recent years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence. Several of these cases involved 50-foot wide lots with circumstances similar to those on the subject property.

Case No.	Address	Summary	ZBA Vote	ВоТ
ZBA 20-05	235 S. Brewster Ave.	2' Side Yard (6' Reqd.)	Approval	Approval
ZBA 18-04	49 N. Garfield St.	3.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 14-09	317 N. Main St.	3' Side Yard (6' Reqd.)	Approval	Approval
ZBA 12-01	91 S. Chase Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 11-01	533 N. Columbine Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval
ZBA 10-11	148 W. Park Dr.	3' Side Yard (6' Reqd.)	No Recommendation	Approval
ZBA 09-04	126 S. Lombard Ave.	4.5' Side Yard (6' Reqd.)	Approval	Approval

Staff finds that the variation request meets the standards for variation.

### **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 21-01 subject to the following conditions:

- 1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
- 2. The petitioner shall apply for and receive a building permit for the proposed addition;
- 3. The proposed addition shall comply with all applicable building codes, including the 2018 IRC, Table R302.1(1);
- 4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
- 5. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP

Director of Community Development

c. Petitioner

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W Maple St



PROPERTY ADDRESS: 217 S BREWSTER AVENUE LOMBARD, ILLINOIS 60148

SURVEY NUMBER: 1512.0401

FIELD WORK DATE: 12/8/2015

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REVISION DATE(S): (REV.0 12/9/2015)

LOT 5 IN BLOCK 6 IN WEST LOMBARD, BEING JOHNSTON'S SUBDIVISION OF PART OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1873, AS DOCUMENT NO. 16718, IN DUPAGE COUNTY, ILLINOIS.

0 CURB CONCRETE CHAIN LINK FENCE 0.80' NORTH 0.65' WEST MEASURE S 89'56'52" E MEASURE 169.95' RECORD 170.00' CHAIN LINK FENCE FOUND 1/2' CHAIN LINK FENCE, 1.30' SOUTH FOUND 5/8 IRON PIPE IRON ROD 4.58' 5.50' 3.00' 8.0' CHAIN LINK FENCE 0.70' SOUTH 0.55' WEST CHAN LINK FENCE N 0076'02" 40.74 LOT5 14.30 BLOCK 6 40 76 FRAME MEASURE CONCRETE CURB BITUMINOUS DRIVE 5.90 5.90 CHAIN LINK FENCE RECORD 170.00 MEASURE 169.65' FOUND 1/2 ASSUMED N 90'00'00" W

**PLAT OF SURVEY** 



ASSUMED MERIDIAN SCALE 1"= 30'

WILLIAM A WORMAN ON THE OF ILLINOIS

STATE OF ILLINOIS STATE OF ILLINOIS )

SS

COUNTY OF DUPAGE )

I, WILLIAM A. WORKMAN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE PLAT HEREON DRAWN WAS PREPARED AT AND UNDER MY DIRECTION. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS 8TH DAY OF DECEMBER, A.D., 2015.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003501 MY LICENSE EXPIRES ON NOVEMBER 30, 2016. EXACTA LAND SURVEYORS LB# 5763

THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER.

CLIENT NUMBER:

DATE: 12/9/2015

**BUYER: VINCENT & KIMBERLY PALMISANO** 

SELLER: STACIE WHARTON

CERTIFIED TO: VINCENT & KIMBERLY PALMISANO; FIDELITY NATIONAL; WINTRUST MORTGAGE

This is page 1 of 2 and is not valid without all pages.

POINTS OF INTEREST NONE VISIBLE

**PROGRAM** THE



LB# 184005763

www.exactachicago.com P: (773) 305-4010 • F: (773) 305-4011 316 East Jackson Street, Morris, IL 60450

## SINGLE FAMILY RESIDENCE

VINCE PALMISANO 217 S. BREWSTER AVE. LOMBARD, IL 815-341-3427

OWNER PROJECT TEAM

BE BE BE

CONTRACTOR

217 S. Brewster Ave. Lombard, IL 60148

# RENOVATION & ADDITION - DESIGN DEV. PHASE (FOR PRICING ONLY)

SHEET INDEX

## A0.00 A0.21 A0.22 A0.23 A1.01 A1.02 A1.03 A2.02 A3.00 A3.00 A4.00 A4.00 BUILDING SECTION SOUTH ELEVATION EAST & WEST ELEVATIONS NORTH ELEVATION PLAN - Roof COVER SECTIONS & DETAILS RCP - 2nd FLOOR PLAN - 2nd FLOOR PLAN - 1st FLOOR DEMO - 2nd Floor DEMO - 1st Floor DEMO - Roof Sacred Heart School Q Q

ALL WORK SHALL COMPLY WITH ANY AND ALL ORDINANCES, REGULATIONS AND REQUIREMENTS OF THE VILLAGE OF LOMBARD IN ADDITION TO ALL STATE OF ILLINOIS BUILDING CODES.

Comply with all local codes including, but not limited to the following:

Village of Lombard Code
Lombard Municipal Codes, Chapter 150: Building Code
Lombard Municipal Codes, Chapter 155: Zoning Ordinance
Lombard Municipal Codes, Chapter 154: Subdivision & Development Ordinance

2012 International Residential Code (IRC)
2018 International Energy Conservation Code (IECC)
2018 International Fuel Gas Code (IFGC)
2012 International Mechanical Code (IMC)
2011 National Electrical Code (NEC)
2014 Illinois State Plumbing Code
2012 International Fire Code (IFC)

Contractor to provide a guideline schedule identifying critical lead times and the critical path.

Any allowances carried in the base scope

Bond (if any)

2. Contractor to indentify costs included in the base scope for the following:

Temporary Protection

General Requirements
 General Conditions (incl. Supervision Time)
 Overhead and Profit

Pricing for ADD Alternates are to be broken out as follows:
 A. Design Services

Skylights
 Skylights
 C. Existing Bathroom Waste Piping Replacement
 O. 1st Floor Bathroom Exhaust Fan
 Built in Casework Bookcases in 2nd Floor

CONTRACTOR PRICING NOTES

Date Drawn by Job No. A0.00 MR.

Issue for Pricing 1/9/2021 BD Description Date 1/2/2021

Residence Palmisano

217 S Brewster Ave Lombard IL, 60148

COVER

1/2/2021 ×

