VILLAGE OF LOMBARD REQUEST FOR BOARD OF TRUSTEES ACTION For Inclusion on Board Agenda

| Recon | ution or Ordinance (Blue) X nmendations of Boards, Commissi Business (Pink) | | | | | |
|---|---|---|--|--|--|--|
| TO : | PRESIDENT AND BOARD OF TRUSTEES | | | | | |
| FROM: | Scott R. Niehaus, Village Manager | | | | | |
| DATE: | March 9, 2021 | (BOT) Date: | March 18, 2021 | | | |
| SUBJECT: | ZBA 21-01: 217 S. Brewster Av | enue | | | | |
| SUBMITTED | BY: William J. Heniff, AICP, Dir | ector of Comm | unity Development | | | |
| Your Zoning the above rel from Section side yard set | Board of Appeals submits for your ferenced petition. The petitioner results 155.407(F)(3) of the Lombard Villeback from six feet (6') to four feet Single-Family Residence Zoning | equests that the age Code to re (4.0') for the su | e Village grant a variation duce the required interior | | | |
| | Board of Appeals made the recome this petition on the March 18, 202 treading. | | | | | |
| | | | | | | |
| Fiscal Impact | VFunding Source: | | | | | |
| Review (as ne Finance Direct Village Manag | ecessary): tor jer | | Date Date | | | |
| NOTE: | All materials must be submitted to Manager's Office by 12:00 noon, \alpha agenda distribution. | | | | | |



MEMORANDUM

TO:

Scott R. Niehaus, Village Manager

FROM:

William J. Heniff, AICP, Director of Community Development

MEETING DATE: March 18, 2021

SUBJECT:

ZBA 21-01, 217 S. Brewster Avenue

Please find the following items for Village Board consideration as part of the March 18, 2021 Village Board meeting:

- Zoning Board of Appeals referral letter; 1.
- 2. IDRC report for ZBA 21-01; and
- 3. An Ordinance granting approval of the requested variation.

The Zoning Board of Appeals made the recommendation of approval by a 5-0 vote. Please place this petition on the March 18, 2021 Board of Trustees agenda with a waiver of first reading.

H:\CD\WORDUSER\ZBA Cases\2021\ZBA 21-01\ZBA 21-01_Village Manager Memo.docx

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.

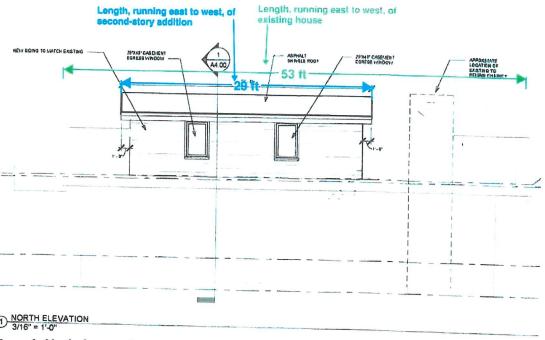


Figure 1. North elevation showing proposed addition.

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.

| Address | Summary | ZBA Vote | ВоТ |
|-----------------------|---|--|---|
| 235 S. Brewster Ave. | 2' Side Yard (6' Reqd.) | Approval | Approval |
| 49 N. Garfield St. | 3.5' Side Yard (6' Reqd.) | ^^ | Approval |
| 317 N. Main St. | | | Approval |
| 91 S. Chase Ave. | | 1 | Approval |
| 533 N. Columbine Ave. | | 1 1 | Approval |
| 148 W. Park Dr. | | 4.1 | Approval |
| 126 S. Lombard Ave. | 4.5' Side Yard (6' Reqd.) | | Approval |
| | 235 S. Brewster Ave. 49 N. Garfield St. 317 N. Main St. 91 S. Chase Ave. 533 N. Columbine Ave. 148 W. Park Dr. | 235 S. Brewster Ave. 2' Side Yard (6' Reqd.) 49 N. Garfield St. 3.5' Side Yard (6' Reqd.) 317 N. Main St. 3' Side Yard (6' Reqd.) 91 S. Chase Ave. 4.5' Side Yard (6' Reqd.) 533 N. Columbine Ave. 4.5' Side Yard (6' Reqd.) 148 W. Park Dr. 3' Side Yard (6' Reqd.) | 235 S. Brewster Ave. 2' Side Yard (6' Reqd.) Approval 49 N. Garfield St. 3.5' Side Yard (6' Reqd.) Approval 317 N. Main St. 3' Side Yard (6' Reqd.) Approval 91 S. Chase Ave. 4.5' Side Yard (6' Reqd.) Approval 533 N. Columbine Ave. 4.5' Side Yard (6' Reqd.) Approval 148 W. Park Dr. 3' Side Yard (6' Reqd.) No Recommendation |

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;
- 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

H:\CD\WORDUSER\ZBA Cases\2021\ZBA 21-01\ZBA 21-01_IDRC Report.docx



Edson Ave

W Maple St



PROPERTY ADDRESS: 217 S BREWSTER AVENUE LOMBARD, ILLINOIS 60148

SURVEY NUMBER: 1512.0401

FIELD WORK DATE: 12/8/2015

0

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.

PLAT OF SURVEY



ASSUMED MERIDIAN

SCALE 1"= 30'



STATE OF ILLINOIS)

COUNTY OF DUPAGE)

I, WILLIAM A. WORNGMAN, 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 PETA AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE COMPORIES 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, 2018. EXACTA LAND SURVEYORS LBN 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

THE CATA PROGRAM

transferring laws

That I was the Court Trapes of the Court Trape



LB# 184005763

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

SINGLE FAMILY RESIDENCE

217 S. Brewster Ave. Lombard, IL 60148

CONTRACTOR

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

PROJECT TEAM

BE BE BE

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

A0.00 A0.21 A0.22 A0.23 A1.01 A1.02 A1.03 A2.02 A3.00 A3.00 A3.00 A4.00 A4.00 SHEET INDEX PLAN - 1st FLOOR PLAN - 2nd FLOOR COVER DEMO - 1st Floor DEMO - 2nd Floor DEMO - Roof SOUTH ELEVATION BUILDING SECTION NORTH ELEVATION EAST & WEST ELEVATIONS PLAN - Roof RCP - 2nd FLOOR SITE MAP A Christian perior

BUILDING CODES

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

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

CONTRACTOR PRICING NOTES

SECTIONS & DETAILS

217 S Brewster Ave Lombard IL, 60148 COVER

Palmisano Residence

DD 1/2/2021 Issue for Pricing 1/9/2021

Desaription

A0.00

Drawn by

MR

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:

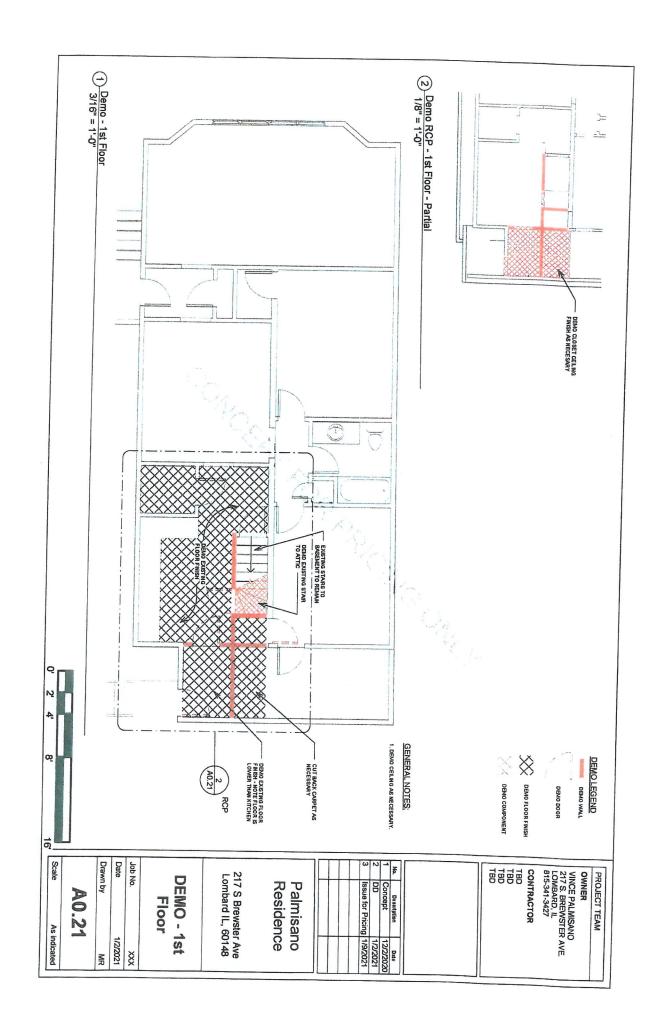
Village of Lombard Code
Lombard Municipal Codes, Chapter 150: Building Code
Lombard Municipal Codes, Chapter 155: Zoning Ordinance
Lombard Municipal Codes, Chapter 154: Subdivision &

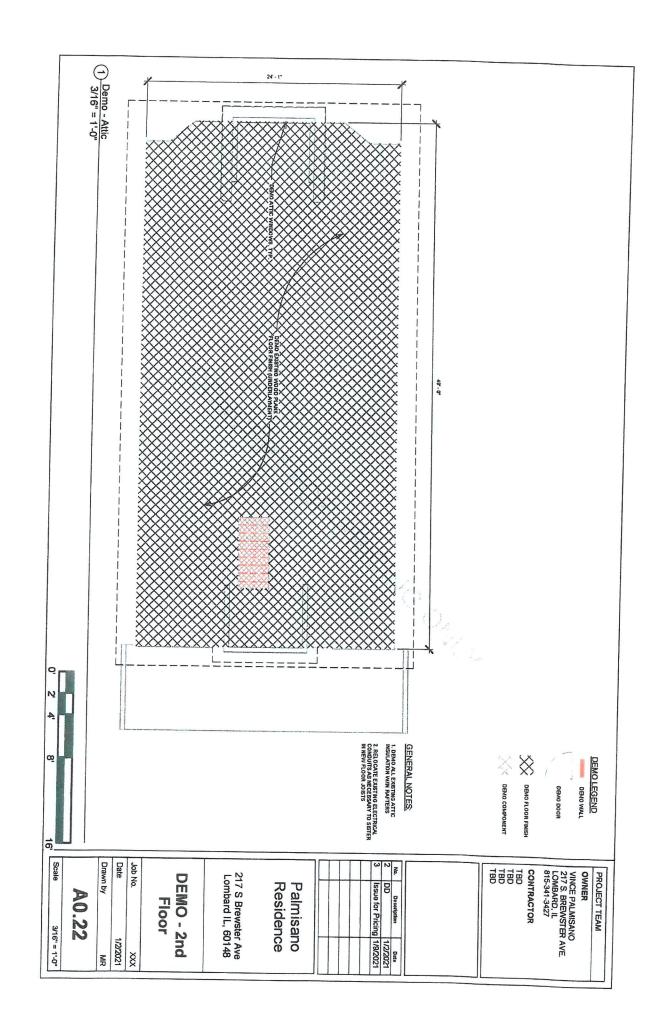
Development Ordinance
2012 International Residential Code (IRC)
2018 International Residential Code (IRC)
2012 International Fuel Gas Code (IFC)
2012 International Fuel Gas Code (IFC)
2012 International Mechanical Code (IMC)
2011 National Electrical Code (NEC)
2014 Illinois State Pluminig Code
2012 International Fire Code (IFC)

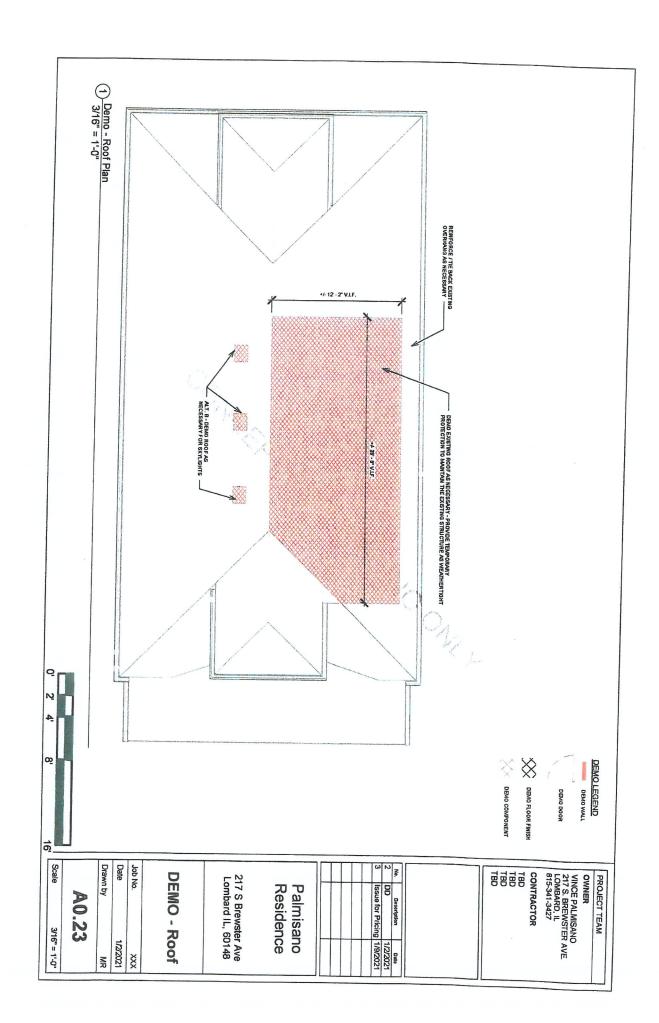
Contractor to provide a guideline schedule identifying critical lead times and the critical path.

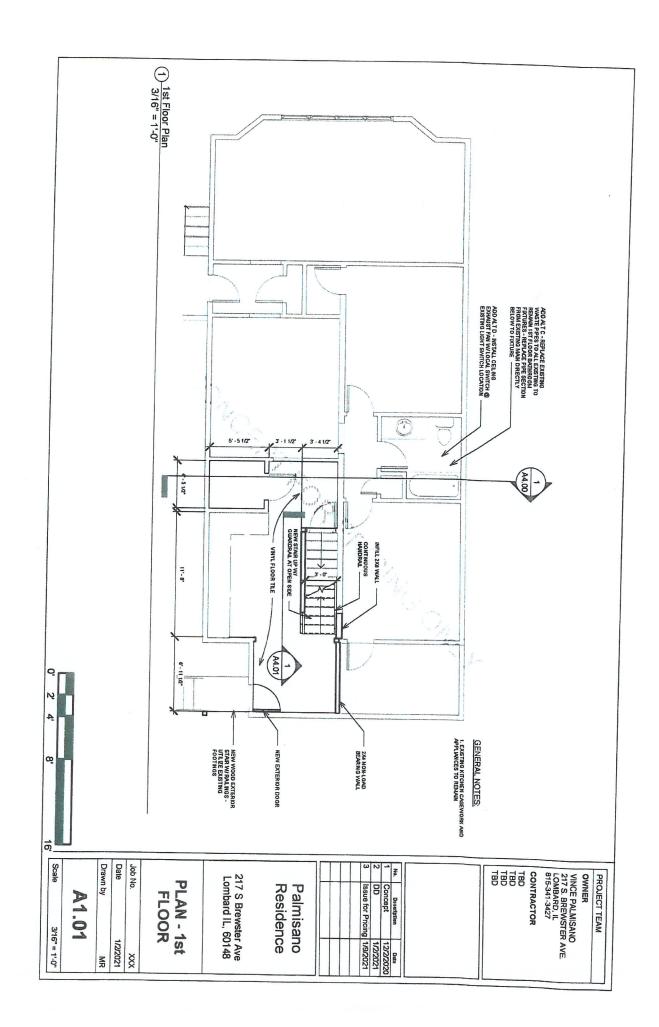
Any allowances carried in the base scope

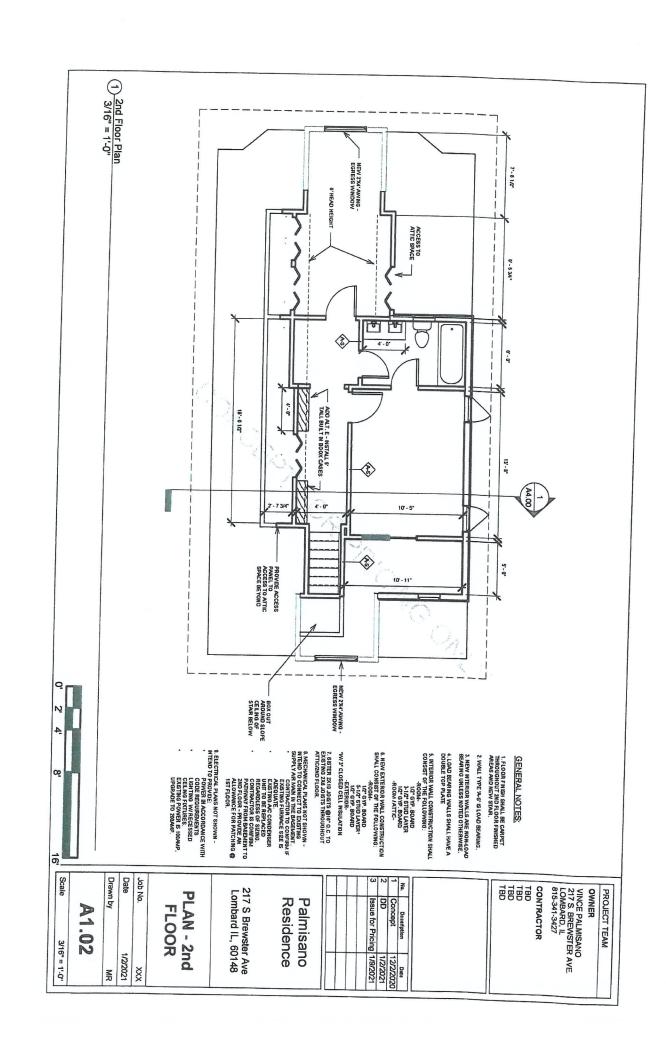
Date Job No. 1/2/2021 X





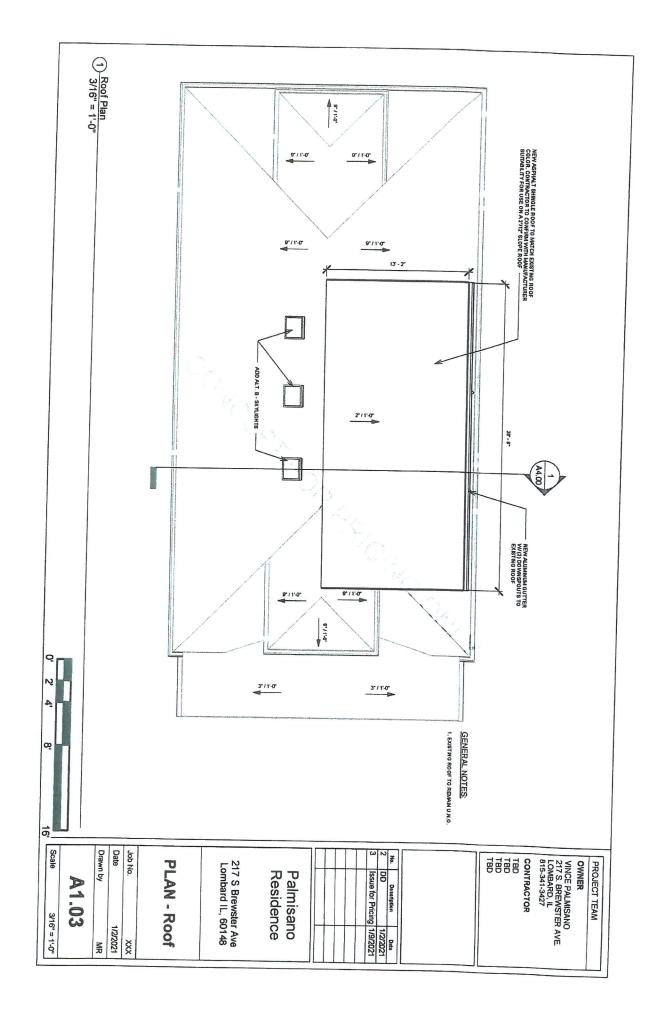






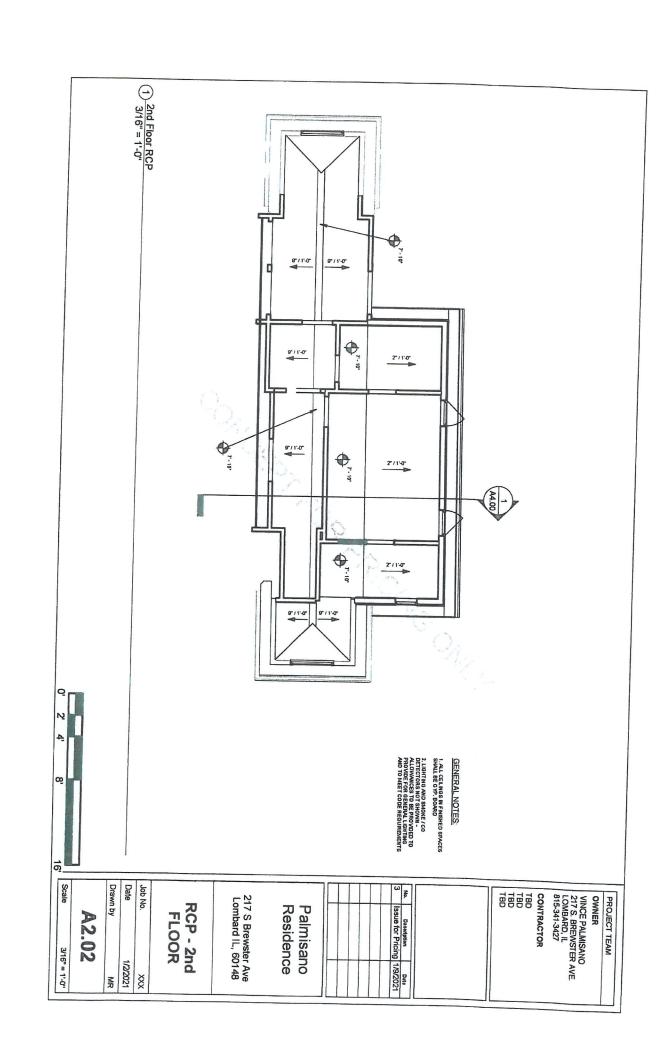
...

.



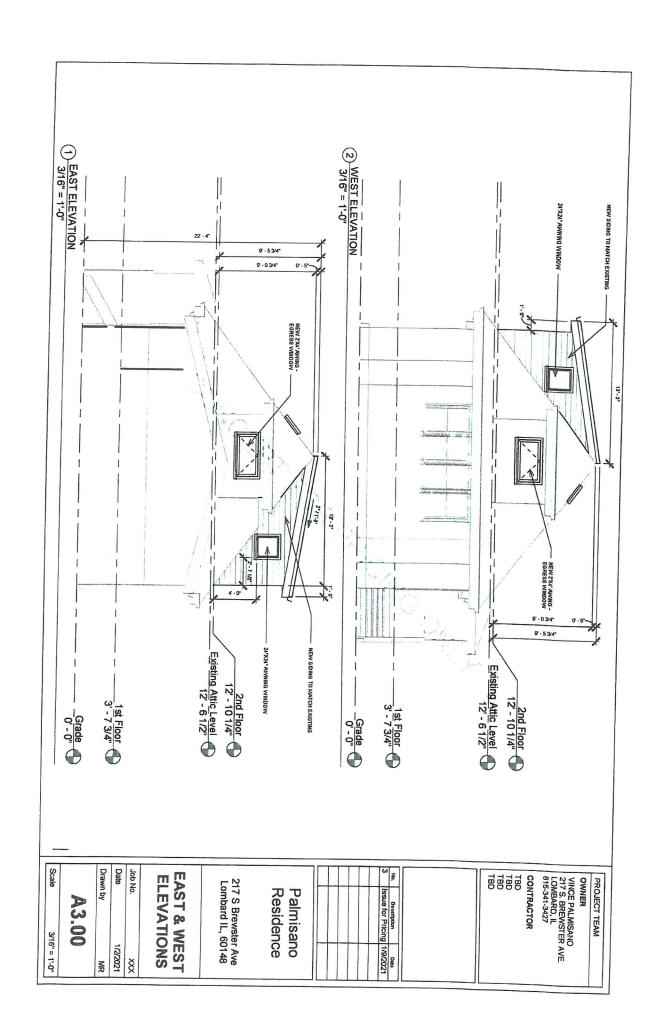
52

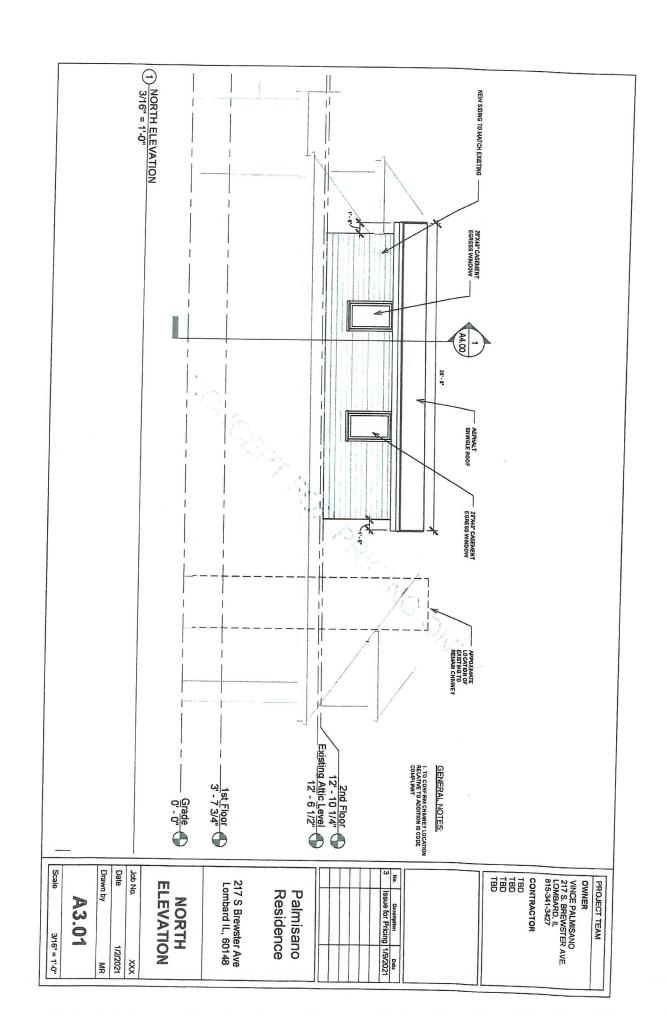
.

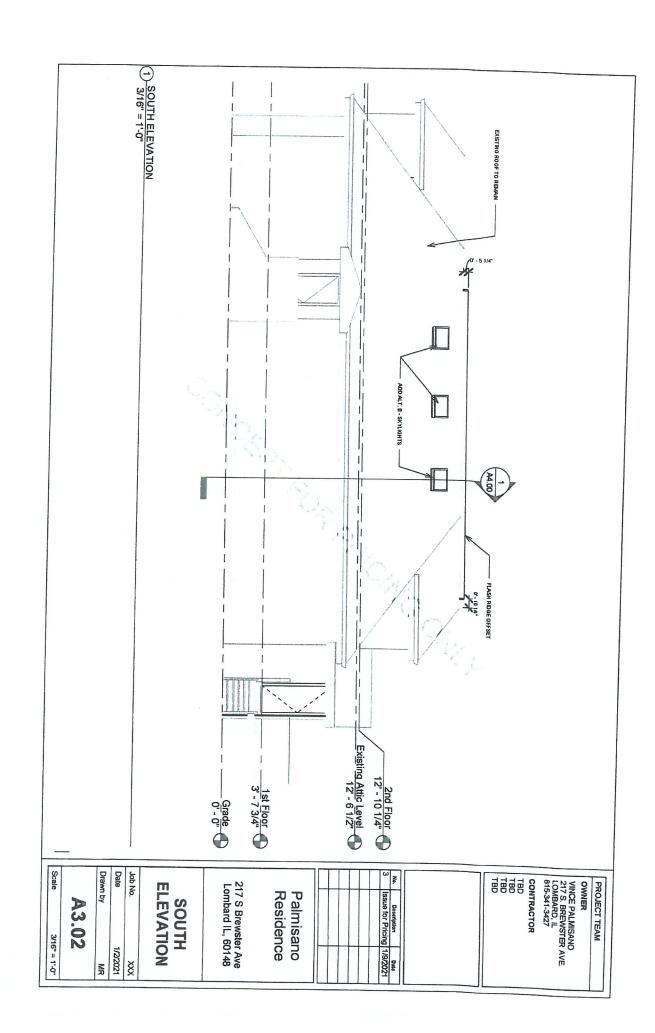


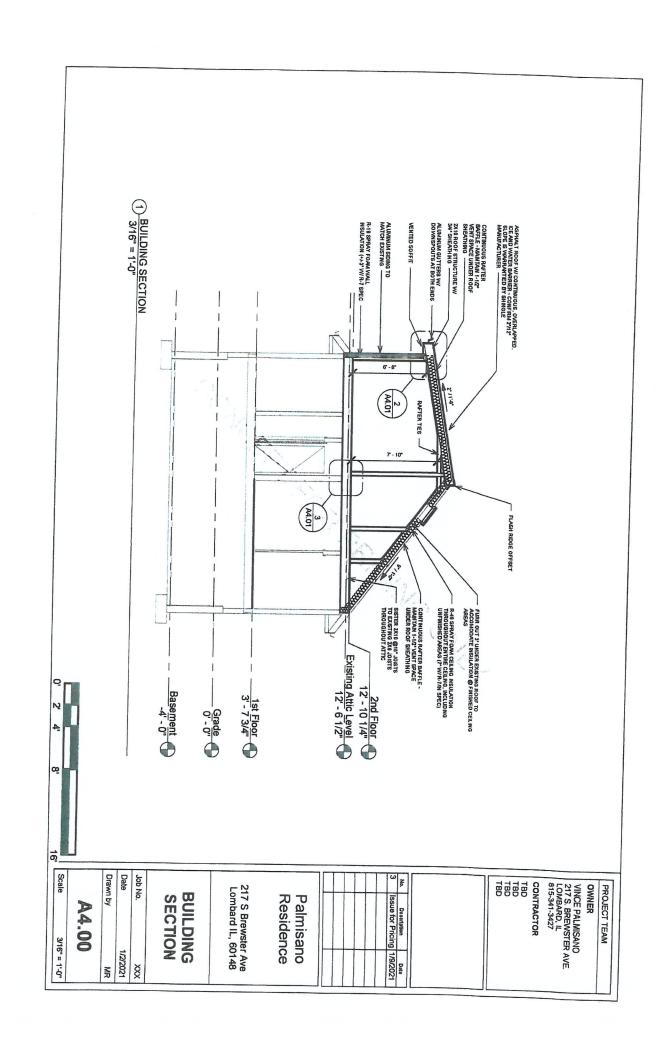
.

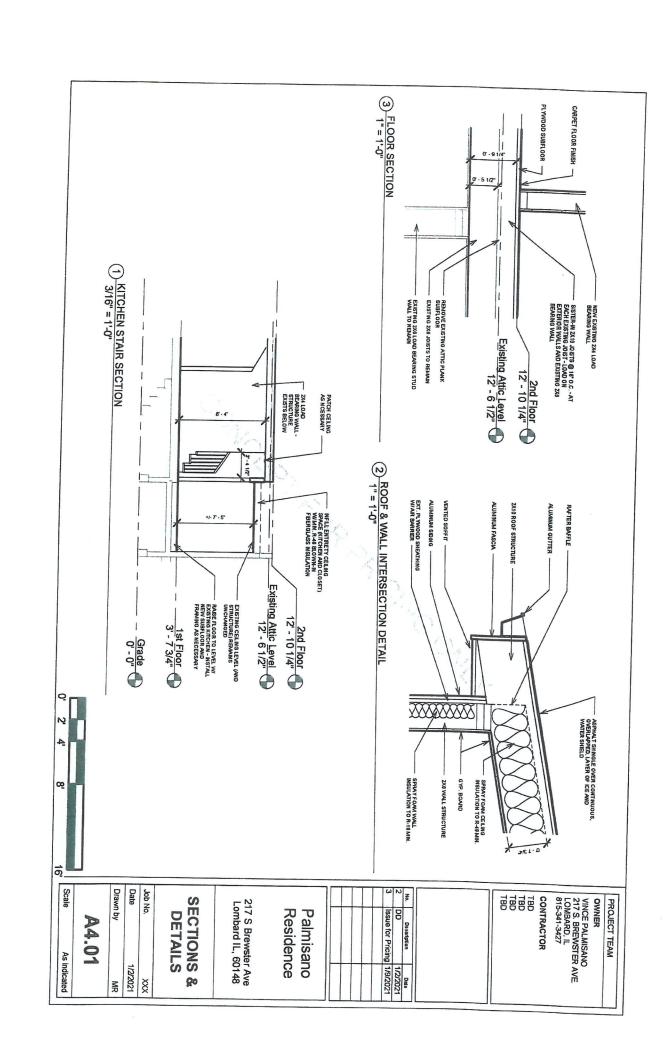
-











| ORDINANCE | NO. |
|------------------|-----|
|------------------|-----|

AN ORDINANCE APPROVING A VARIATION FROM TITLE XV, CHAPTER 155, SECTION 155.407(F)(3) OF THE LOMBARD VILLAGE CODE TO REDUCE THE REQUIRED INTERIOR SIDE YARD SETBACK IN THE R2 SINGLE-FAMILY RESIDENCE DISTRICT

(ZBA 21-01; 217 S. Brewster Avenue)

WHEREAS, the President and Board of Trustees (the "Village Board") of the Village of Lombard (the "Village") have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code (the "Village Code"); and,

WHEREAS, the property, as described in Section 3 below (the "Subject Property"), is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village requesting approval of a variation from Section 155.407(F)(3) of the Lombard Village Code to reduce the required interior side yard setback from six feet (6') to four feet (4.0') for the subject property located within the R2 Single-Family Residence Zoning District, and;

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 24, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Village Board with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Section 155.407(F)(3) of the Lombard Village Code to reduce the required interior side yard setback from six feet (6') to four feet (4.0') for the subject property located within the R2 Single-Family Residence Zoning District.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

| Ordinance No Re: ZBA 21-01 Page 2 |
|---|
| 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); |
| 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); and |
| 6. 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. |
| SECTION 3: This Ordinance is limited and restricted to the property located at 217 S. Brewster Avenue, Lombard, Illinois, and legally described as follows: |
| LOT 5 IN BLOCK 6 IN WEST LOMBARD, BEING JOHNTON'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. |
| PIN: 06-07-215-005 |
| SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. |

Passed on first reading this ______ day of _______, 2021.

First reading waived by action of the Board of Trustees this _____ day of _____, 2021.

| Ordinance No Re: ZBA 21-01 Page 3 | | | |
|--|---------------------|-----------------|-----------|
| Passed on second reading this roll call vote as follows: | day of | , 2021, purs | uant to a |
| Ayes: | | | |
| Nays: | | | |
| Absent: | | | |
| Approved by me this day | / of | , 2021. | |
| | | | |
| | Keith Giagnorio, Vi | llage President | |
| ATTEST: | | | |
| | | | |
| Sharon Kuderna, Village Clerk | | | |
| Published by me in pamphlet form | this day of _ | | , 2021 |
| | | | |
| Sharon Kuderna, Village Clerk | | | |