

July 26, 2017

Title

ZBA 17-01

Petitioner

Daniel Timken
54 S. Highland Ave.
Lombard, IL 60148

Property Owner

Daniel Timken
54 S. Highland Ave.
Lombard, IL 60148

Property Location

54 S. Highland Ave.
(06-09-103-071)
Trustee District #5

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

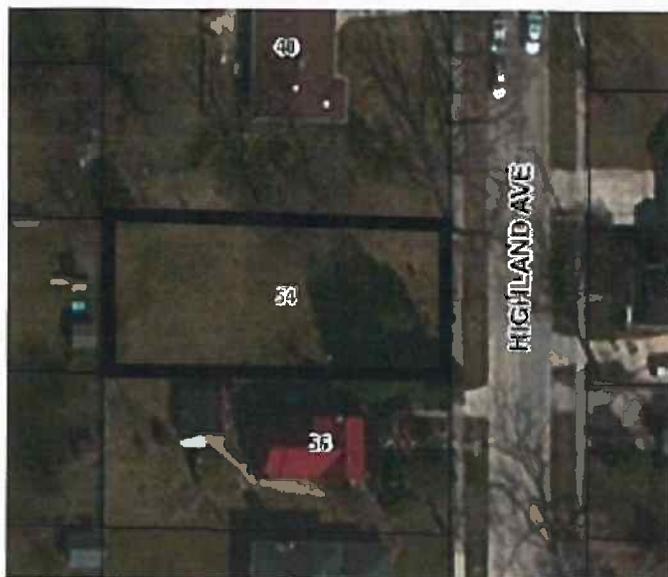
Low Density Residential

Approval Sought

A variation to allow a new single family dwelling to be setback thirty-five (35) feet in lieu of the formulated front yard setback requirement of forty (43) feet.

Prepared By

Jennifer Ganser, AICP
Assistant Director



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a new single-family dwelling thirty-five (35) feet from the front property line on a vacant lot.

APPROVAL(S) REQUIRED

The petitioner requests that the Village grant a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty-five (35) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District.

EXISTING CONDITIONS

The property is currently vacant. The single family dwelling on the abutting property to the south of the subject property is setback thirty-six (36) feet. The single family dwelling on the abutting property to the north of the subject property is setback fifty (50) feet. According to Section 155.407(F)(1) the required front yard setback for 54 S. Highland Avenue is forty-three (43) feet.

PROJECT STATS

Lot & Bulk

Parcel Size:	9,966 sq. ft.
Building Size:	2,353 sq. ft.
Lot Cover:	46.97%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (East)	43' (35')
Side (North)	6' (14.5')
Side (South)	6' (8.75')
Rear (West)	25' (56')

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, Gentile & Associates, Inc., dated 6/06/16;
4. Proposed Site Plan, dated 6/03/17 by WDN Architecture;
5. DuPage County Map, undated, by DuPage County Information Technology Dept;
6. Boundary and Topographic Survey, Gentile & Associates, Inc., dated 4/24/17; and
7. Highland Avenue Setbacks, created by Village Staff, dated 6/30/17.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments.

Additional comments may be forthcoming during permit review.

Fire Department:

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

Additional comments may be forthcoming during permit review.

Private Engineering Services:

PES supports the variance, as the petitioner will be required to provide detention for the development of the lot as currently proposed. The additional rear yard will be beneficial to helping find space to provide the required volume.

Additional comments may be forthcoming during permit review.

Public Works:

Due to the history of flooding in the backyard of this block, the petitioner as well as the neighbors should be aware that Village Code Section 151.54 will necessitate a large dry well to retain storm water runoff, as well as discharge from sump pump(s). The Department of Community Development will administer that requirement as typical during the building permit application process.

Additional comments may be forthcoming during permit review.

Planning Services Division:

The single-family dwelling on the abutting property to the south of the subject property is setback thirty-six (36) feet from the front property line. The single family dwelling on the abutting property to the north of the subject property is setback fifty (50) feet. According to Section 155.407(F)(1): "(i) The front yard applicable to the subject lot shall be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots." Based on this formula, the required front yard setback for 54 S. Highland Avenue is forty-three (43) feet.

As part of the Village Board of Trustees' 2007 – 2008 Strategic Plan, the Board directed staff to pursue actions to institute better residential design review for residential development. Under the Board's direction, the residential redevelopment items were first introduced to the Plan Commission during the February 18, 2008 Plan Commission workshop. More specific items were then later brought back to the Plan Commission during the June 16, 2008 Plan Commission workshop. On July 21, 2008, the Plan Commission voted to recommend approval of the above changes to Section 155.407(F)(1) with the Board of Trustees concurring in August of 2008. At the time, the current Zoning Ordinance utilized absolute

setbacks as opposed to relative setbacks whereas certain factors were not taken into consideration, such as the positioning of the neighboring homes or the mean (average) setback for all homes on the block. The text amendment required relative setbacks for all detached single family residences as of September 15, 2011. The intent of the proposed relative setback text is to maintain the character of existing neighborhoods and to establish status quo for any new developments.

The petitioner is requesting a variance to allow the front yard setback to be thirty-five (35) feet. All of the homes are setback between thirty (30) feet and forty (40) feet from the front property line with the exception of three (two of which are setback forty-one (41) feet). The character of the existing neighborhood and the established status quo is being maintained.

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). The standards have been affirmed and staff offers additional comment below.

- 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 if the strict letter of the regulations were to be applied.*

Staff finds the petitioner's lot has a unique topography that requires storm water retention. Majority of the homes in the neighborhood are setback between thirty (30) feet and forty (40) feet from the front yard property line, so a thirty-five (35) foot setback would maintain the existing character of the neighborhood.

- 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.*

The required storm water retention is typical of vacant lots being redeveloped.

- 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 the County's Stormwater Ordinance requirement to require the detention and notes a thirty-five (35) foot setback would maintain the existing character of the neighborhood.

- 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.*

Majority of the homes in the neighborhood are setback between thirty (30) feet and forty (40) feet from the front yard property line, so a thirty-five (35) foot setback would maintain the existing character of the neighborhood.

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 front yard setback variation of a new single-family dwelling:

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 17-01; subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the Proposed Site Plan, dated 6/03/17 by WDN Architecture;
2. The petitioner shall apply for and receive a building permit for the proposed plans; and
3. 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

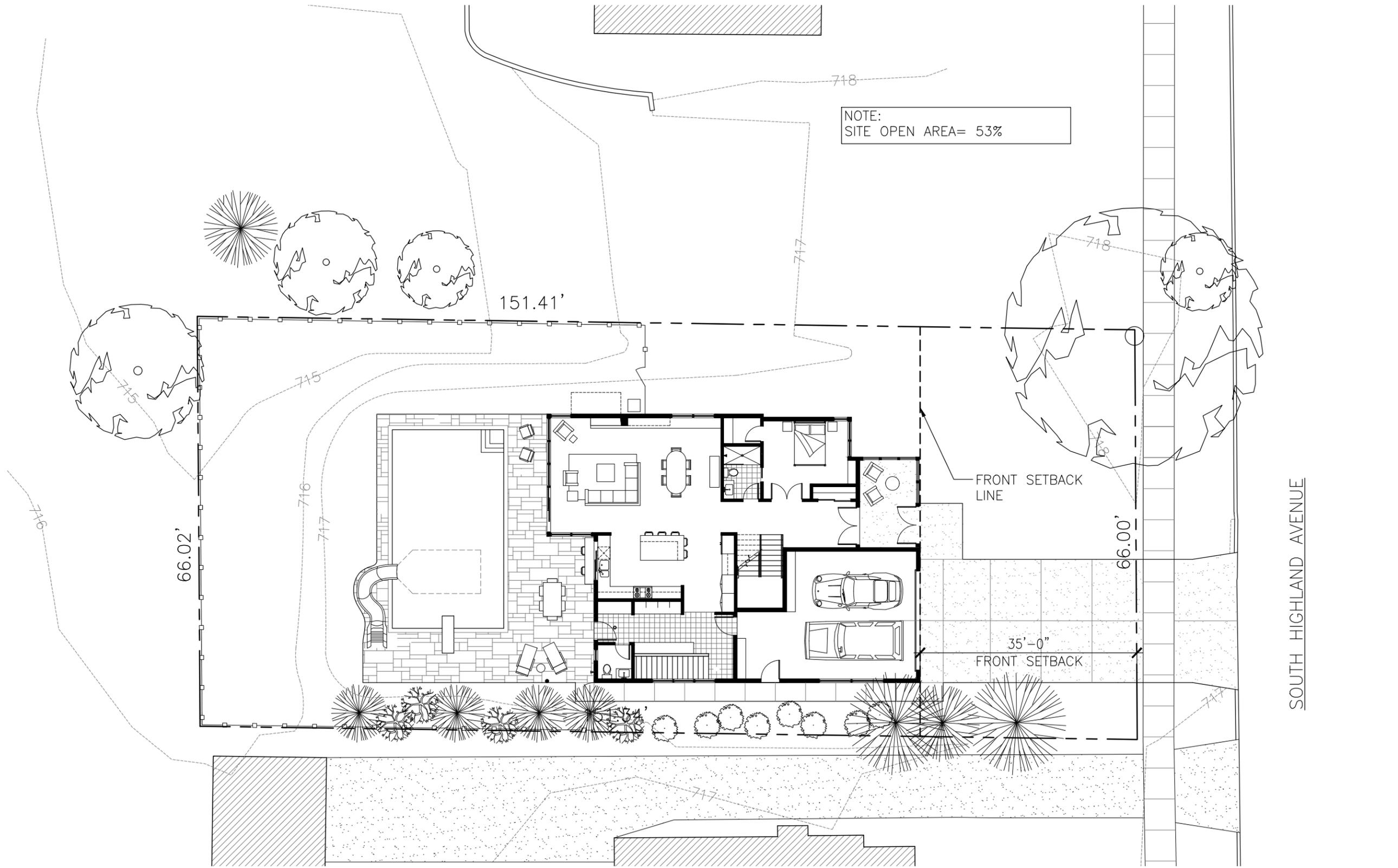
July 26, 2017

Zoning Board of Appeals
54 S. Highland Ave., Lombard
Daniel and Barbara Timken

35' Setback Request

Standards for Variations

1. Due to the topographical conditions of the vacant lot at 54 S. Highland Ave., storm water retention is required. Due to the design of the house, patio, and pool there is 20' from the edge of the patio to the rear lot line. 10' is an easement. Water retention cannot be in the easement. Allowing the house to be built closer to the street allows more room in the backyard for storm water improvements that the city is requiring. Many of the houses on the street are setback around 35' so allowing a 35' foot setback would be compatible to the neighborhood.
2. The topography at 54 S. Highland Ave. is unique to this vacant lot. Existing houses occupy the surrounding properties and each has different topography.
3. The purpose of the variation is for the property owners, Daniel and Barbara Timken to build a single family residence for their family of four including their 6 yr old daughter and aging mother.
4. The setback hardship is based on the requirement of the city to have storm water retention due to the topology of the vacant lot.
5. The granting of the 35' setback will not be detrimental to the neighborhood, but will improve storm water retention in an area that is wet after a rainfall.
6. The granting of the 35' setback will not alter the neighborhood, but will allow for additional storm water retention in an area that currently has standing water after rainfall.
7. None of these items will be impaired. The owners have engaged a professional architect, surveyor, and civil engineer to work with the village building department to follow the proper ordinances. The village building department will inspect the plans and building processes throughout the project to ensure no deviations have occurred.



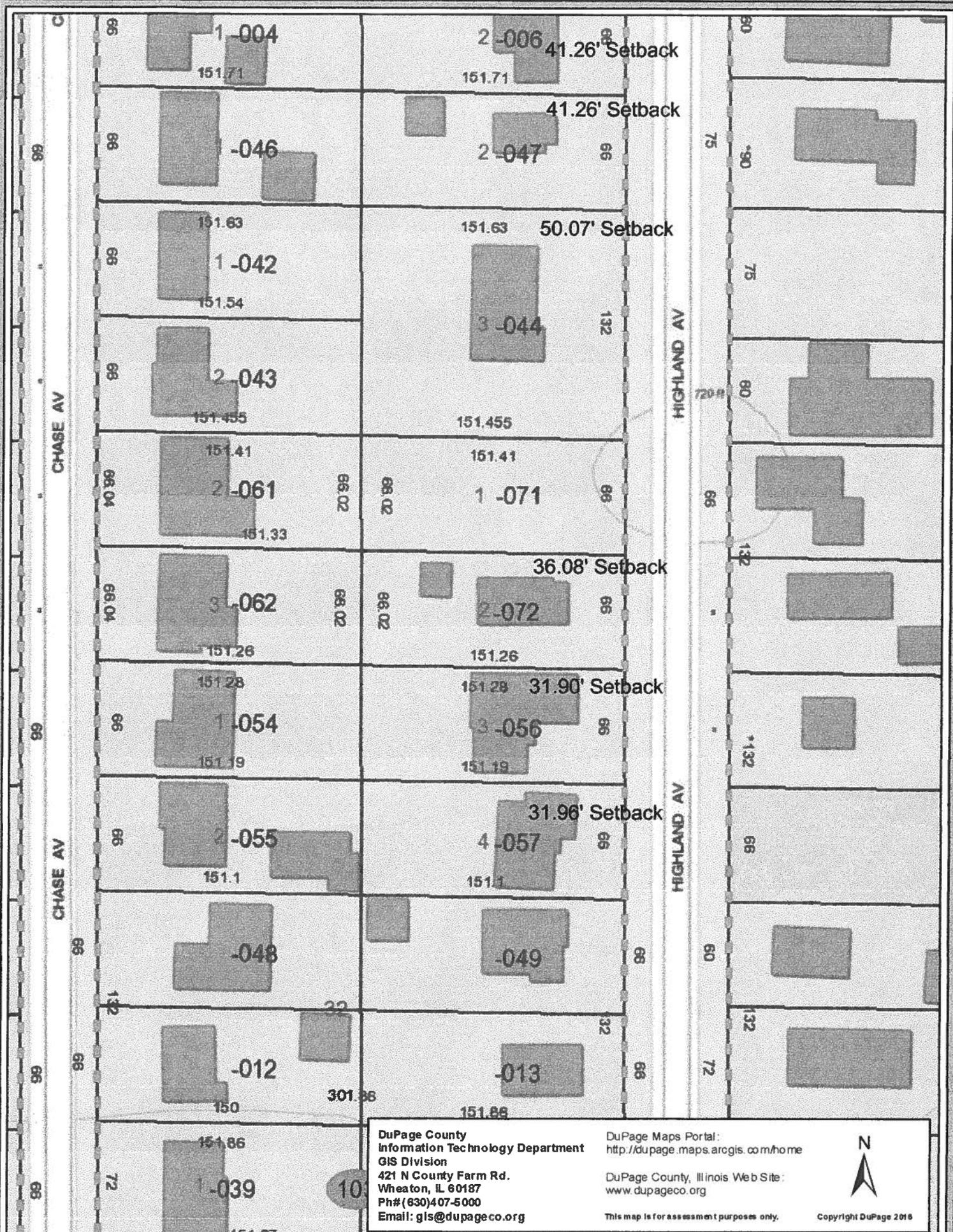
NOTE:
SITE OPEN AREA= 53%

FRONT SETBACK LINE

35'-0"
FRONT SETBACK

SOUTH HIGHLAND AVENUE





DuPage County
 Information Technology Department
 GIS Division
 421 N County Farm Rd.
 Wheaton, IL 60187
 Ph# (630)407-5000
 Email: gis@dupageco.org

DuPage Maps Portal:
<http://dupage.maps.arcgis.com/home>
 DuPage County, Illinois Web Site:
www.dupageco.org
 This map is for assessment purposes only.



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BOUNDARY AND TOPOGRAPHIC SURVEY

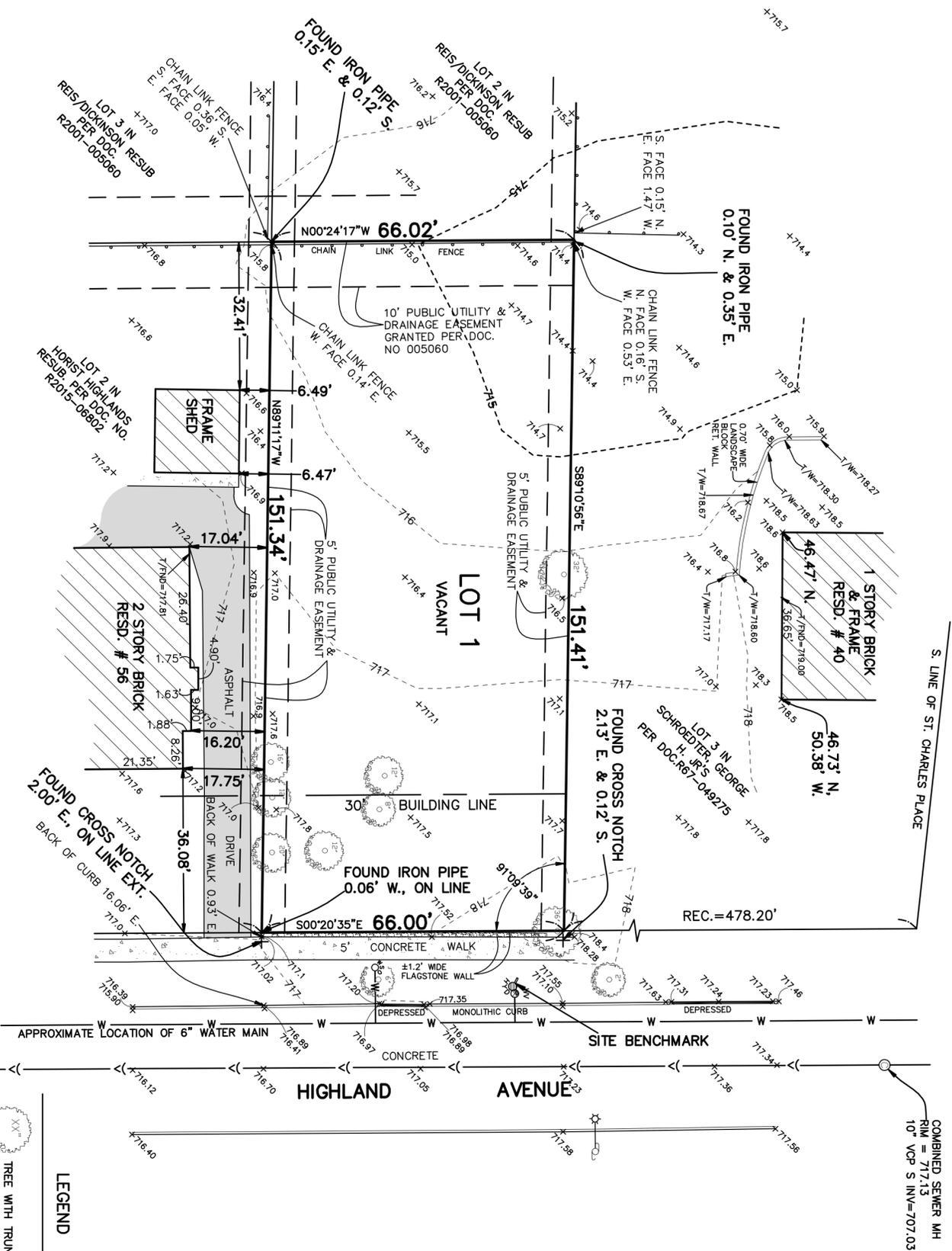
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE : (630) 916-6282

BY
GENTILE AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

LOT 1 IN HORIST HIGHLANDS RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 2015 AS DOCUMENT NUMBER R2015-068021.

TOTAL AREA: 9,990.08 sq. ft. (0.23 acres)

PROPERTY COMMONLY KNOWN AS: 54 S. HIGHLAND AVENUE, LOMBARD, IL.



LEGEND

- TREE WITH TRUNK DIAM. SIZE
- OVERHEAD WIRES (# OF WIRES)
- WATER MAIN
- COMBINED SEWER
- GROUND ELEVATION
- PAVEMENT ELEVATION
- T/W = TOP OF WALL
- T/FND = TOP OF FOUNDATION
- UTILITY POLE
- LIGHT STANDARD
- COMBINED SEWER MANHOLE
- WATER SHUTOFF VALVE WITH 8" CASING
- FIRE HYDRANT
- B-BOX
- CONCRETE PAVEMENT
- ASPHALT PAVEMENT

STATE OF ILLINOIS S.S.
COUNTY OF DUPAGE

WE, GENTILE AND ASSOCIATES, INC., HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE AT AND UNDER MY DIRECTION, OF THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PLAT CONFORMS TO THE MINIMUM STANDARD REQUIREMENTS FOR A BOUNDARY SURVEY.

APRIL 24, A.D. 2017

BY : _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2018
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870

BASE SCALE : 1 INCH = 20 FEET
DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF
ORDERED BY : MR. & MRS. TIMKEN
DRAWN BY : MMG
CHECKED BY : LR-RG
SURVEYED BY : _____
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT DEED, CONTRACT AND ZONING ORDINANCE.
ORDER NO. 17-20791

NOTES:
EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE ANY EXCAVATION BEGINS ALL UTILITY COMPANIES SERVING THE PROPERTY SHOULD BE CONTACTED FOR VERIFICATION OF FIELD LOCATION.

BASIS OF BEARINGS: ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE.
BENCHMARK: DUPAGE COUNTY B.M. # YK09002

STATION IS LOCATED ALONG ADDISON AVENUE, BETWEEN THE ILLINOIS PRAIRIE PATH AND CENTRAL BOULEVARD. STATION IS 21.5 FT SOUTH OF THE CENTERLINE OF CENTRAL BOULEVARD, 54.0 FT EAST OF THE CENTERLINE OF ADDISON AVENUE, 67.0 FT NORTH OF THE CENTERLINE OF THE ILLINOIS PRAIRIE PATH, AND 146.0 FT NORTH OF PARK AVENUE. MONUMENT IS 0.85 FT ABOVE THE ROAD SURFACE AND IS FERROMAGNETIC.
ELEVATION = 709.33 (NAVD 88 DATUM)

SITE BENCHMARK:
TAGGED BOLT ON FIRE HYDRANT LOCATED IN FRONT OF SUBJECT PROPERTY.
ELEVATION = 718.85

Address	Front Yard Setback (ft.)
10 S Highland	39.9
23 S Highland	34.64
27 S Highland	36.05
28 S Highland	41.26
33 S Highland	37.8
39 S Highland	41
40 S Highland	50.07
47 S Highland	34.55
51 S Highland	15.6
61 S Highland	40.4
66 S Highland	31.96
71 S Highland	28.8
72 S Highland	37.02
75 S Highland	39.09
76 S Highland	33.3
81 S Highland	36.8