

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


 Resolution or Ordinance (Blue) Waiver of First Requested
 X Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : March 7, 2023 **(BOT) Date:** March 16, 2023

SUBJECT: ZBA 23-02: 1161 S. Finley Road

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition.

The petitioner requests that the Village approve the following variations on the subject property located within the R5 General Residence District:

1. A variation from Section 155.410(E) of Village Code to allow a lot width of 50 feet for an existing lot of record, where a minimum lot width of 60 feet is required;
2. A variation from Section 155.410(F)(2)(b) to allow a corner side yard setback of 14 feet, where a corner side yard of 20 feet is required;
3. A variation from Section 155.410(F)(2)(d) to allow a rear yard setback of 25 feet where a rear yard of 30 feet is required;
4. A variation from Section 155.410(H) to allow a floor area ratio (FAR) of more than 0.5 FAR; and
5. A variation from Section 155.212 to allow decks that are more than three feet above the average level of the adjoining ground to encroach into the required front and rear yard setbacks.

The Zoning Board of Appeals made the recommendation of approval by a 6-1 vote. Please place this petition on the March 16, 2023, Board of Trustees agenda for a first reading.

Fiscal Impact/Funding Source:


Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: March 16, 2023

SUBJECT: **ZBA 23-02: 1161 S. Finley Road**

Please find the following items for Village Board consideration as part of the March 16, 2023, Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 23-02; and
3. An Ordinance granting approval of the requested variations.

The Zoning Board of Appeals made the recommendation of approval by a 6-1 vote. Please place this petition on the March 16, 2023, Board of Trustees agenda for a first reading.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

March 16, 2023

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 23-02 – 1161 S. Finley Road

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition.

The petitioner requests that the Village approve the following variations on the subject property located within the R5 General Residence District:

1. A variation from Section 155.410(E) of Village Code to allow a lot width of 50 feet for an existing lot of record, where a minimum lot width of 60 feet is required;
2. A variation from Section 155.410(F)(2)(b) to allow a corner side yard setback of 14 feet, where a corner side yard of 20 feet is required;
3. A variation from Section 155.410(F)(2)(d) to allow a rear yard setback of 25 feet where a rear yard of 30 feet is required;
4. A variation from Section 155.410(H) to allow a floor area ratio (FAR) of more than 0.5 FAR; and
5. A variation from Section 155.212 to allow decks that are more than three feet above the average level of the adjoining ground to encroach into the required front and rear yard setbacks.

The Zoning Board of Appeals conducted a public hearing on February 22, 2023. Thomas Budzik, petitioner, and Anna Papke, Senior Planner, and Jennifer Ganser, Assistant Director, were sworn in by Chairperson DeFalco to offer testimony.

Mr. Budzik presented the petition. He said he is the architect for the project, and the prospective buyer is present in the audience. The prospective buyer proposes to build a two-family dwelling on the subject property. The two-family dwelling would require five variances in order to be built as proposed. Mr. Budzik summarized the five variances:

- The required minimum lot width is 60 feet, but the property is only 50 feet wide. Mr. Budzik said the lot was platted prior adoption of the modern zoning ordinance with lot width requirements.
- Corner side yard and rear yard setback reductions. Mr. Budzik said the required setbacks do not allow for a functional layout of the first floor. The corner side yard setback reduction would allow for more main floor area, including a projection of the living space. He noted the garage portion of the building will maintain a 20-foot setback from the corner side yard property line so that a car can park on the driveway without overhanging into the right-of-way. The rear yard setback reduction will allow for more width in the entire building. Mr. Budzik noted the second floor of the building does not follow the first-floor footprint exactly. The second floor is stepped in to create a building that is more dynamic and has architectural features that match the single-family homes to the east on Ann Street. Mr. Budzik said the corner side yard setback plus the narrowness of the lot reduces the buildable area as compared to other properties in the R5 District. He said the property is adjacent to other apartments in the R5 district, and does not abut single-family homes. He said the reduced setbacks would not have impacts on the neighbors, as the property abuts a parking lot to the rear.
- Variance to allow FAR greater than 0.5. Mr. Budzik referred to the discussion of FAR in the staff report, and said he agreed with staff's opinion that FAR should not apply to the proposed development.
- Decks located more than three feet above the level of the adjacent ground, and projecting into the front and rear setbacks. Mr. Budzik said this variance was requested because of the unique topographical features on the property. The property slopes down from south to north, with the decks located toward the north (lower) portion of the property.

Chairperson DeFalco asked if anyone from the public had any questions or comments.

Mike Stern was sworn in. Mr. Stern lives on Ann Street. He had been concerned about possible parking on Ann Street, but had reviewed the site plan thought the parking situation would be okay. He said the apartment buildings to the north of the subject property have flooded in heavy rains. He asked if the proposed development would impact drainage. He said neighborhood drainage has improved in recent years, but water does sit in the area. He asked what the property values will be and how big each unit would be. He said most of the houses on his block are 2,500 to 3,000 square feet. He said there is not a lot of yard space on the proposed site plan for the two-family dwelling. He discussed past parking concerns on Ann Street. He said his concerns are mainly on flooding and water drainage.

Chairperson DeFalco asked if anyone from the public had any questions or comments. Hearing none, he asked for the staff report.

Ms. Papke presented the staff report, which was entered into the record in its entirety. The subject property is a vacant 50-foot wide lot with a considerable grade change. The petitioner proposes to build a two-family dwelling on the property, which is a permitted use in the underlying R5 District. The petitioner is requesting five variances to allow the development as proposed.

The first variance is a lot width variance. The R5 District requires lots to be a minimum of 60 feet wide. The subject property is 50 feet wide. The subject property is a lot of record platted in 1930 when the property was in unincorporated DuPage County. There is no opportunity for the petitioner to widen the property to meet minimum lot width standards. The substandard lot width is an existing condition that would impact any potential development proposed for the property. Staff supports the requested variation, and notes that similar variances for lot width have been approved for existing lots not meeting current standards.

The petitioner is also requesting two setback variances: a reduction in the corner side yard setback from 20 feet to 14.5 feet, and a reduction in the rear yard setback from 30 feet to 25 feet. Staff finds that both setback variances are the result of the narrowness of the property, which has impacted the layout of the building. Staff notes that the portion of the building where the garage doors take access is 20 feet from the corner side yard property line, which will provide adequate space for a car to park on the driveway without overhanging into the right-of-way. Staff supports these variances.

The petitioner is also requesting a variance to allow a floor area ratio (FAR) greater than the maximum 0.5 FAR permitted in the R5 District. The FAR of the proposed two-family dwelling is 0.78, which includes living space in the basement/cellar. In consideration of the request, staff notes that the Village Code does not have a FAR requirement in the R0 through R4 Districts or in the Business Districts. FAR is applied in the R5 and R6 Districts, as well as the Office and Industrial Districts as an added level of control on the intensity of the large developments commonly located in those districts. Most development in the R5 District consists of large apartment complexes that have a lot of ancillary uses in addition to dwelling units. The proposed two-family dwelling is atypical for the R5 District. Most two-family dwellings in the Village are located in the R3 and R4 Districts, which do not have maximum floor area ratio requirements. Staff believes it is unreasonable to apply a FAR requirement to the proposed two-family development when most two-family dwellings in the Village would not be subject to such a requirement. Staff considers the proposed two-family dwelling to be a reasonable amount of development on the subject property. With the exception of the two setback and the lot width variances, the development meets bulk requirements of the underlying zoning district. Staff supports this variance.

The petitioner requests a variance to allow for decks that are more than three feet above average level of the adjoining ground to encroach into the front and rear yards. The proposed two-family dwelling contains two decks. The decks are level with the first floor of the house, which is approximately two feet higher than grade at the front entrance to the dwelling units. Due to a significant grade change on the property, however, the decks are between five and eight feet above the level of the adjoining ground measured under the decks. Staff recognizes a hardship based on the unique topography of the property, and supports this request.

In summary, staff recommends approval of the petition subject to the conditions in the staff report.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Tap said the staff report mentions the Comprehensive Plan and infill development. He asked what is meant by infill development. Ms. Papke said infill development is development or redevelopment on small lots within the Village in areas that are already mostly built-out.

Chairperson DeFalco asked if the petitioner had considered constructing a single-family home instead of a two-family dwelling. Mr. Budzik said it was discussed. However, it is not financially feasible. He also said the prospective purchaser did not need a large single-family home, but did want to build a two-family dwelling.

Chairperson DeFalco said one of the standards for variations in the Village Code was that the variance request not be based primarily on financial gain. He said building two dwelling units instead of one dwelling unit could be considered financial gain. Mr. Budzik said financial gain is not the sole reason for the proposed development. There are many reasons someone might choose to build a duplex. Mr. Budzik said that a two-family dwelling is allowed in the R5 District by right, and the petitioner is trying to make the development more functional.

Chairperson DeFalco said the lot is geographically challenged. He asked about egress from the north side of the building. Mr. Budzik said there are basement egress windows on the north side of the building. Otherwise, residents will use the decks or front doors for ingress/egress, which is required by the building code.

Chairperson DeFalco said he has concerns about a small child and the railing height of the decks, because the decks would be elevated off the ground. He asked about railings. Mr. Budzik said deck railings are required to be a minimum of 36 inches high, but they would likely install railings 42 inches high. He noted it is not uncommon for buildings to have second-floor balconies with similar or worse conditions. He said that is why the stairs are exiting to the south, where the elevation change is less severe.

Mr. Conway mentioned the residents concerned about flooding. Did Engineering or Public Works review the petition? Ms. Papke said both departments reviewed the petition and would review the project again during the permit submittal phase if the variances are approved. All stormwater codes will be met. The proposed development provides the required minimum open space. She said Public Works reviewed the driveway connections to Ann Street. The petitioner had originally proposed one wider driveway to serve both garages, but had revised the plans to show two narrower driveways based on Public Works' requirements.

Mr. Meadows confirmed the property has been vacant since 1978. Ms. Papke said this is correct.

Chairperson DeFalco noted the drainage concerns and said the Village has occasionally bought vacant properties to use for stormwater detention. He asked if Public Works had considered purchasing the subject property for this purpose. Ms. Papke said Public Works had reviewed the petition and had not mentioned any interest in purchasing the property.

Mr. Budzik noted there were Engineering comments in the staff report. He said water falling on the area covered by the proposed building will be collected and directed to stormwater pipes. The drainage in the immediate area will be improved.

Chairperson DeFalco asked about drain pipes. Mr. Budzik said the water in the downspouts will be collected and go through a bmp [best management practice improvement] and then into storm sewers. The sump pump will also discharge into the sewers. He said the driveways are to the south of the building

Mr. Bartels asked if there would be surge impacts from the proposed development on the Village stormwater system. Mr. Budzik said the development will meet the Village stormwater requirements.

Mr. Meadows said the elevation lines on the plat of survey show the south boundary of the subject property is higher than the grade of the apartment buildings to the north. He said the proposed development could improve drainage by collecting water currently running off from the subject property and directing it into the Village stormwater system.

Mr. Tap said the proposed building reminds him of the newer houses on Grove Street and Park Avenue.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

Mr. Tap made a motion to recommend approval of the petition. Mr. Meadows seconded the motion. The Zoning Board of Appeals voted 6-1 that the Village Board approve the petition associated with ZBA 23-02, subject to the following five (5) conditions:

1. The project shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. Any future repairs, reconstruction, or modifications to the structure shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
3. The petitioner shall apply for and receive a building permit for the proposed development;
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).

Respectfully,

VILLAGE OF LOMBARD
John DeFalco
Chairperson
Zoning Board of Appeals

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

1161 S. FINLEY ROAD

February 22, 2023

Title

ZBA 23-02

Petitioner

Thomas Budzik
2800 S River Rd, Suite 305
Des Plaines, IL 60018

Property Owner

Shirley Wozniak Bertasi
1108 Marin Way W, Apt BTH
North Palm Beach, FL 33408

Property Location

1161 S. Finley Road

Zoning

R5 General Residence District

Existing Land Use

Vacant

Comprehensive Plan

Medium Density Residential

Approval Sought

Variation from Section 155.410(E) to allow a lot width of 50 feet for an existing lot of record; variations from Section 155.410(F) as it relates to corner side and rear yard setbacks; variation from Section 155.410(H) to allow a FAR of more than 0.5; and variation from Section 155.212 to allow front decks more than three feet above grade to encroach into front and rear yard setbacks.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is a vacant 50-foot wide lot with a considerable grade change. The petitioner proposes to build a two-family dwelling on the property, which is a permitted use in the underlying R5 District. The petitioner requests variances from the lot width requirement, setback requirements, and other development standards to accommodate the proposed two-family dwelling.

APPROVALS REQUIRED

The petitioner requests that the Village approve the following variations on the subject property located within the R5 General Residence District:

1. A variation from Section 155.410(E) of Village Code to allow a lot width of 50 feet for an existing lot of record, where a minimum lot width of 60 feet is required;
2. A variation from Section 155.410(F)(2)(b) to allow a corner side yard setback of 14 feet, where a corner side yard of 20 feet is required;
3. A variation from Section 155.410(F)(2)(d) to allow a rear yard setback of 25 feet where a rear yard of 30 feet is required;
4. A variation from Section 155.410(H) to allow a floor area ratio (FAR) of more than 0.5 FAR; and
5. A variation from Section 155.212 to allow decks that are more than three feet above the average level of the adjoining ground to encroach into the required front and rear yard setbacks.

PROJECT STATS

Lot Size

Parcel Area:	7,508 SF
Parcel Width:	50 feet
Open space:	55.4%

Proposed Setbacks

Front (west):	30.00 feet
Corner Side (south):	14.50 feet
Side (north):	6.00 feet
Rear (west):	25.08 feet

Surrounding Zoning & Land Use Compatibility

North, east, and south: R5 General Residence District
West: R4 Multi-family Residential (Glen Ellyn)

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey prepared by Ernst W. Kohn, dated 03/10/1981; and
4. Architectural plans, prepared by Thomas Architects, dated 1/16/2023.

EXISTING CONDITIONS

The property is currently vacant. Aerial photos indicate there was previously a single-family home on the property that was demolished sometime between 1956 and 1978.

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) has the following comments regarding the petition. Additional comments may be forthcoming during permit review.

1. Sump pump discharges will need to directly connect to the Village storm sewer system.
2. BMP overflow must directly connect to the Village storm sewer system.
3. No additional runoff created by the new building will be permitted to flow to the adjacent properties (downspouts must be connected to pipes leading to the BMP, and all sidewalk/driveways must drain to the street).
4. A drainage and utility easement must be dedicated to the Village over the proposed sanitary sewer main (post-construction).

Public Works:

The Department of Public Works has the following comments regarding the petition. Additional comments may be forthcoming during permit review.

1. Two driveways will be allowed for the proposed development due to being infeasible to share one driveway.
2. The sanitary service lateral(s) shall extend directly into the private property from the sanitary sewer main in the public right-of-way rather than running down the parkway.
3. Sump pumps and the stormwater runoff (especially downspouts) shall be collected by a pipe system within the private property and then discharged into the Village's storm sewer near the southwest corner of the parcel.

4. Any parkway tree to be removed shall be subject to a fee per Village Code § 99.23 (B), as well as for replacement per § 99.22 (C).

Planning Services Division:

The petitioner proposes to develop a two-family dwelling on a 50-foot wide lot in the R5 General Residence District. The subject property is a lot of record in the Roosevelt Crest Subdivision, platted and recorded with DuPage County in 1930 (Figure 1). Aerial photos show the property was previously developed with a single-family home built sometime after 1939. The home was demolished at some point between 1956 and 1978. The property has remained vacant since.

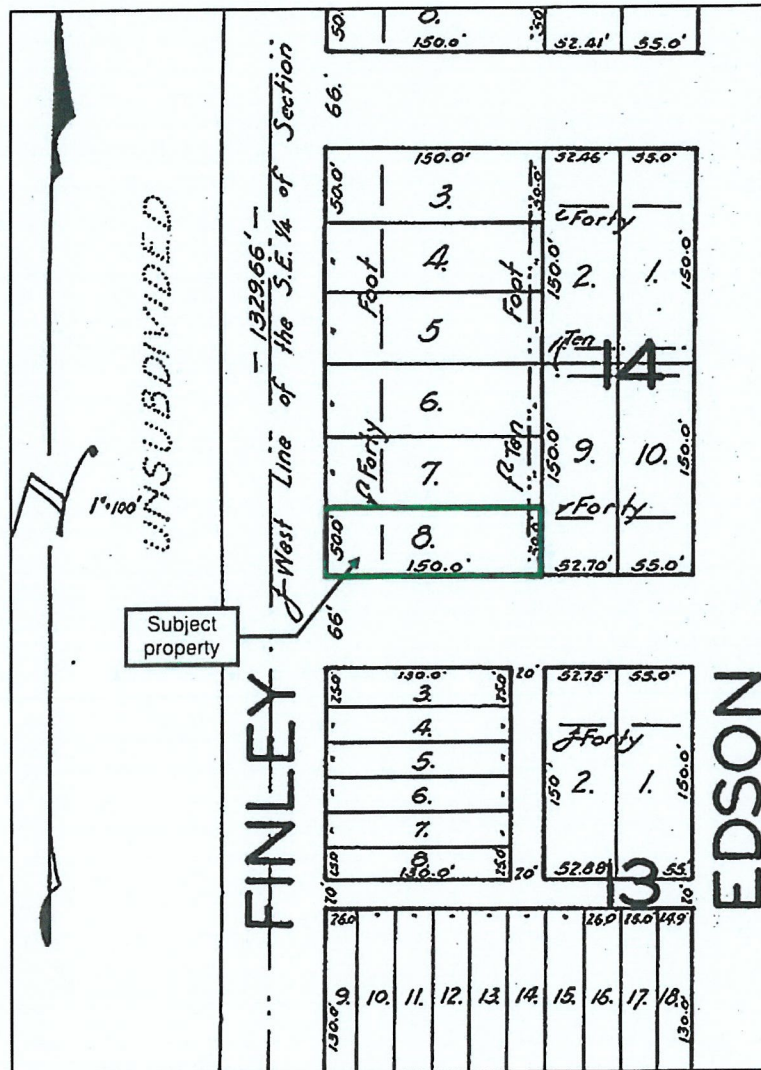


Figure 1. Detail of Roosevelt Crest Subdivision, 1930.

The petitioner is requesting five variances in order to construct the two-family dwelling as proposed.

1. Lot width variation

Per the Zoning Ordinance, a minimum lot width of 60 feet is required for lots with two-family dwellings in the R5 District. As previously stated, the subject property is an existing 50-foot wide lot

The subject property has existed in its current configuration since 1930, when it was subdivided as part of the Roosevelt Crest Subdivision. At the time of subdivision, the property was located in unincorporated DuPage County. As an unincorporated subdivision, the lots in Roosevelt Crest would not have been subject to any Village requirements regarding lot sizes in place at the time. Village records indicate the property was annexed and rezoned to R5 in 1968.

2. Corner side yard setback variation: 14 feet, where 20 feet is required

[illegible]

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3. Rear yard setback variation: 25 feet, where 30 feet is required

The petitioner requests a setback variance to allow a 25-foot rear yard setback. In the response to standards, the petitioner states that the rear yard setback variance is necessary to allow for a first-floor footprint with a reasonable interior layout.

In review of the petition, staff acknowledges that the narrowness of the subject property likely contributes to the need to elongate the building to create a reasonable footprint on the first floor. The portion of the building that encroaches into the rear yard setback is relatively small (Figure 2). Finally, the rear yard of the subject property abuts a yard and parking lot on the adjacent multi-family development (Figure 3). The requested variation will have limited impact on the surrounding neighborhood.



Figure 3. Subject property and adjacent property

4. Variation to allow a floor area ratio (FAR) of more than 0.5

The petitioner is proposing a two-family dwelling unit on a 7,508 square-foot lot in the R5 District. The units include a basement level, a first story with attached garage, and a second story. The floor area ratio for the proposed development will be 0.78, which includes living space in the basement.

The R5 District permits a maximum floor area ratio of 0.5 for all types of development. Floor area ratio is the gross floor area of a building divided by the area of the property on which the building is located. As an example, the floor area ratio of a two-story building with a 2,000 square-foot footprint on a 10,000 square-foot lot would be calculated as follows:

$$2,000 \text{ SF} \times 2 \text{ stories} = 4,000 \text{ SF total floor area}$$
$$4,000 \text{ SF} / 10,000 \text{ SF lot area} = 0.4 \text{ floor area ratio}$$

Floor area ratio is one method of controlling the intensity of development on a property. In the Lombard Zoning Ordinance, the R0 through R4 Districts and the B Districts do not have a floor area ratio maximum. Intensity of development in these districts is controlled through a combination of bulk and density requirements, including: minimum lot area requirements (which translates to a maximum number of dwelling units per acre); and setback, building height, and open space requirements (which indirectly limits the overall size of the building permitted on a property).

In the R5, R6, Office, and Industrial Districts, the Zoning Ordinance sets maximum floor area ratios in addition to the above-mentioned bulk controls. The maximum floor area ratio provides an added level of control over the intensity of development in zoning districts where dwelling unit density may not apply (Office and Industrial Districts), or where residential developments may have building space that is not part of a dwelling unit but that still meaningfully increases the intensity of development on the property. For example, the majority of development in the R5 General Residence District consists of large multi-family residential developments with significant space for resident amenities, internal corridors, and common areas (e.g. International Village or the Residences at Lakeside). The amount of space devoted to amenities and common areas is not reflected in the number of dwelling units per acre (density) on the property. However, the floor area ratio calculation accounts for the square footage inside the dwelling units as well as square footage devoted to amenities, corridors, and other common areas. The floor area ratio essentially sets a limit on the total square footage of building that can be developed on the property regardless of its intended use. The floor area ratio maximum is most commonly used for development scenarios like those described above. It is not typically applied to smaller residential developments.

The petitioner has requested a variance to allow a floor area ratio greater than 0.5 for the proposed development. In consideration of the request, staff finds that the proposed development is atypical for the R5 District. While two-family dwellings are permitted uses in the R5 District, most residential development in R5 consists of large multi-building apartment complexes, where the application of a floor area ratio is more meaningful. Furthermore, most of the two-family dwelling units in the Village are located in the R3 and R4 Districts. There are also some legal nonconforming two-family dwellings in the R2 District. As previously stated, the R2, R3, and R4 Districts do not have a floor area ratio maximum. Thus, a floor area ratio maximum has not been applied to the standard two-family dwelling in the Village. Rather, development intensity for two-family dwellings has been controlled through minimum lot size requirements, building setbacks, building height, and open space.

The proposed development provides the required minimum lot area for a two-family dwelling unit (7,500 SF required, 7,508 SF provided). With the exception of the setback variances previously discussed, it meets the setbacks required in the R5 District. The development also meets the standards for building height and open space required by the R5 District. In the opinion of staff, it is not necessary or reasonable to apply a floor area ratio maximum to the proposed two-family dwelling. Staff supports the requested variance.

5. *Variation to allow decks more than three feet above average level of adjoining ground to encroach into front and rear yard setbacks*

The petitioner is proposing a deck on the side of each unit. These decks will encroach into the front and rear yard setback areas. Section 155.212 permits decks to encroach into the front and rear yard setbacks if the deck in question is not more than three feet above the average level of the adjoining ground, provided that a minimum two-foot side yard setback is maintained.

The subject property contains a significant downward slope away from Ann Street. Grade on the south side of the property is between 7 and 9 feet higher than it is on the north side of the property. The decks have been designed to be level with the first floor living space in the building. The decks and the first floor of the units are approximately three steps (roughly two feet) higher than the grade at the front entrance of the units. However, as measured from the level of the adjoining ground, the decks are between five and eight feet above grade due to the significant downward slope on the property (Figure 4). Staff recognizes the uniqueness of the topography of the property. Staff supports the requested variance for the decks.

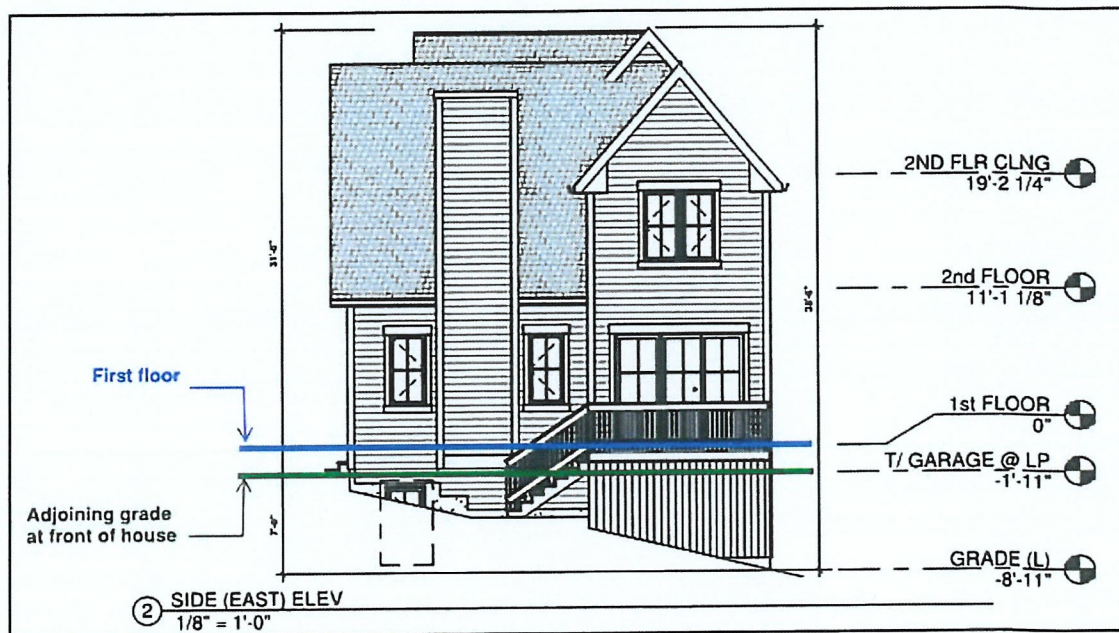


Figure 4. Side elevation showing deck and grade change.

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.*

This standard is affirmed. The subject property is a 50-foot wide lot of record in a legally established subdivision. The current minimum lot width in the R5 District is 60 feet. The property

also contains a significant grade change not common to properties in the Village. The substandard lot width combined with the grade change limits the petitioner's ability to meet the current zoning requirements.

- 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.*

This standard is affirmed. As discussed above, the size of the property and the proposed development type are not typical of the R5 District. The grade change on the property creates additional challenges to development. 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.*

This standard is affirmed. Staff finds that the hardship for the requested variations is due to the 50-foot width of the property and the grade change. The petitioner and present property owner are not responsible for these circumstances.

- 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 requested setback variations will not impact adjacent neighbors. The Village Engineer has reviewed preliminary engineering and indicates the development can meet requirements for grading and stormwater management.

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

This standard is affirmed. The subject property is located in an area with a mix of multi-family apartment developments and single-family dwellings. A two-family dwelling is consistent with the 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. The petitioner proposes to build a two-story two-family dwelling on the subject property. The adjacent properties are developed with three-story multi-family apartment buildings. The proposed development will not impact supply of light and air, nor will it result in a significant increase in traffic. The petitioner will meet stormwater management requirements as part of the building permitting process.

Staff recognizes that the subject property has a number of unique features that present challenges to development. Further, staff notes that Vision 2 in the Village's Comprehensive Plan reflects a desire on the

part of the Village to foster a diverse housing stock, in part through encouragement of infill development. The proposed two-family dwelling would provide a reasonable level of development on a piece of property that has been vacant for over 50 years. Staff finds the request meets the standards for variation.

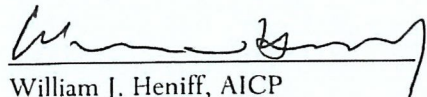
FINDINGS & RECOMMENDATIONS

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 variations:

Based on the submitted petition and the testimony presented, the requested variations do 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 23-02 subject to the following conditions:

1. The project shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. Any future repairs, reconstruction, or modifications to the structure shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
3. The petitioner shall apply for and receive a building permit for the proposed development;
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11);

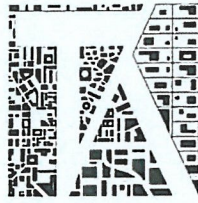
Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

\\VOLVHFP\vol\CD\WORDUSER\ZBA Cases\2023\ZBA 23-02 1161 S Finley Rd\ZBA 23-02_IDRC Report.docx



THOMAS ARCHITECTS

www.thomasarch.com

January 16th, 2023

Community Development & Building
Zoning Board of Appeals
255 E Wilson Ave
Lombard, IL 60148

**Re: Project Narrative & Standards Response
Zoning Variation requests for new 2 Unit Development
1161 S Finley Ave, Lombard, IL**

Dear Commission Members:

We are pleased to submit for the commission's review, the proposed two unit development, on behalf of the property owner and future buyer. This cover letter shall serve as the Project Narrative and responses to the Variations standards. The purpose of this request is to seek zoning relief in the form of zoning variations to allow for the construction of a new 2 unit residential building on a vacant parcel of land.

Our submittal includes a proposed conceptual site plan, grading plan, floor plans and building elevations.

Project Narrative

Site Description

The site is approximately 7,500 square feet, located near the intersection of Finley Ave and Roosevelt Rd. The site is currently zoned R-5 (General Residential). This is a corner lot on Finley Ave and Ann St. The parcel is vacant.

To the north and east of the subject property is an apartment complex in the R-5 zoning district. To the south and across Ann St is a multi-story office building and single family residential buildings also in the R-5 district. To the west and across Finley Ave is an apartment complex in the Village of Glen Ellyn.

The lot is approximately 50' x 150'. There is a drop in grade from the south to north on the property of approximately 7'. The property is compliant with minimum lot area but does not meet min lot width requirements. A 2-unit residential building is an allowed use on the property.

2800 S River Rd, Suite 305
Des Plaines, IL 60018
O | 877 . 205 . 3799

Proposed Development

The proposed development is for a new 2 unit residential building. Each unit will be 2-stories with a basement and attached 2 car garage. Each unit will be approximately 1,800 SF of livable area with 3 bedrooms and 2 ½ baths above grade. The units are symmetrical and have independent driveway curb cuts on to Ann St.

The massing of the development is in keeping with that of single-family residential homes, including clearly discernable unit entrances, 1 ½ and 2 story elements, dormers and other architectural features. Each unit will have a deck off of its main living space.

The existing grading on the property is such that the decks will be more than 3' above grade, and that the basement level will have windows above grade to the north.

The general layout of the units is such that the main living space will be located on the ground floor and will include the garage, a mud room, powder room, kitchen, living and dining areas, along with stairs to the 2nd floor and basement. 3 bedrooms and 2 baths will be located on the 2nd floor.

Zoning Variances

In order to allow for the 2-unit development as proposed, we are requesting the following zoning variances. Please see below for specific responses to the Standard of Variations

The variations are as follows:

- A reduction in minimum required lot width from 60' to 49.99' (existing)
- A reduction in the Corner Side Yard from 20'-0" to 14'-5"
- A reduction in the Rear Yard from 30'-0" to 25'-0"
- An increase in the Maximum Floor Area Ratio from 50% to 61%
- To allow for decks in required yards more than 3' above grade

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 unique features of this lot are in particular the lot with along with it being a corner lot. As a result, the setbacks are such to create a lot with a very compact buildable area. 2 dwelling units on the property are allowed by right. However, a strict reading of the regulations would result in the units having a primary living floor that is inadequate to fit kitchen, living and dining areas.

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.*

The vast majority of other properties in the R-5 zoning district have substantially larger properties. As a result, setbacks have a lesser impact on the viability of building on the property. The sub-standard lot width, along with this being a corner lot is unique.

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

The development is meant to create two high quality residences that the future owner may choose to occupy for themselves and their family. The variation requests are the minimum necessary to allow for a ground floor to the units to accommodate kitchen, living and dining areas along with the required parking.

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 siting, zoning and subdivision of the property predates that of the current owner.

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 development is compatible with the surrounding properties with regards to the unit density. There is a large apartment building complex directly to the north of the subject property and a large office building directly to the south. The scale of the proposed building will be considerably smaller than either of these. The proposed reduction in setbacks are limited to the corner side yard and rear yard, and are the minimum necessary to allow for a comfortable ground floor layout to the units. As there is a parking lot and park directly to the east, the proposed development will still be substantially far away from the residential properties further down along Ann St. The building will otherwise comply with all

requirements regarding density, parking and building height, and as such will have no undue burden on the neighborhood.

6. *The granting of the variation will not alter the essential character of the neighborhood; and,*

The proposed development includes the minimum reduction in setbacks necessary to allow for a viable project. The building massing and articulation of features is highly compatible with the scale of detailing of the single family residential properties further to the east along Ann St. A strict reading of the ordinance would result in a design that is highly monotonous, too small to be viable and incompatible with either the higher density developments to the north and south, or the single family residential to the east.

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 reduction in setbacks are on the corner street side and rear yard. Given that there is a parking lot and park adjacent to the rear yard, there will be no impact on the supply of light and air to the surroundings. The drainage on the property is straightforward. The preliminary grading plans have been reviewed and there are no major issues. Given that the property can have 2 units by right, the variations themselves have no impact on traffic congestion or safety in general.

Should you have any questions, please feel free to contact us. We appreciate your consideration in this matter.

Sincerely,

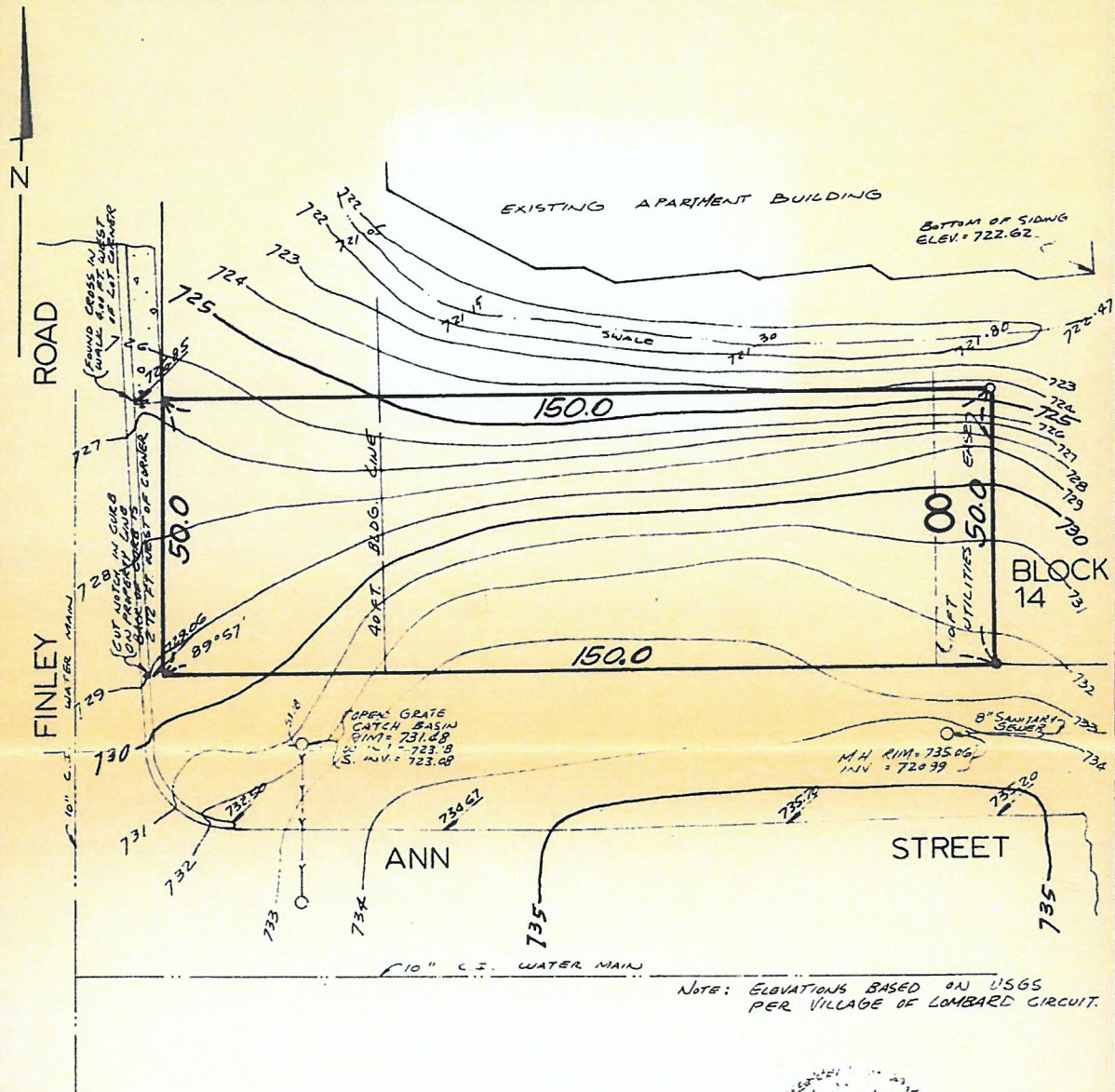
Thomas Architects

A handwritten signature in black ink, appearing to read 'Thomas Budzik', written over the printed name.

Thomas Budzik, AIA

PLAT OF SURVEY

OF LOT 8 IN BLOCK 14, IN ROOSEVELT CREST, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1930 AS DOCUMENT 298665, IN DU PAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS
COUNTY OF DU PAGE

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED IN THE ABOVE CAPTIONED AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS

10th DAY OF MARCH, A.D. 1981

Ernst W. Kohn
ILLINOIS LAND SURVEYOR NO. 1886

BUILDINGS LOCATED AS SHOWN ON THIS _____
DAY OF _____ A.D. 19 _____
ILLINOIS LAND SURVEYOR NO. 1886
COMPARE DESCRIPTION AND POINTS BEFORE BUILDING AND REPORT ANY APPARENT DIFFERENCE TO THE SURVEYOR.

REFER TO DEED OR GUARANTEE POLICY FOR BUILDING LINE RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY

ERNST W. KOHN
ILLINOIS REGISTERED LAND SURVEYOR

Order No. 81-02
File No. 2533
For GROWN REALTY
Notes Book 13 P. 12

• Found Iron Stake
• Found Iron Stake
• All Dimensions Given
• Scale of Plat 20 Feet to the Inch

Drawn by *ELH*
Checked by *ELH*
Date 10/19/81

742 West Randolph Street, Lombard, Illinois 60148 (312) 627-1774

PROJECT DATA

PROJECT LOCATION:

1161 S FINLEY RD
LOMBARD, IL 60148

ZONING DISTRICT:

R-5

LOT AREA:

7,508 SF
06-18-414-004

MIN OPEN SPACE

3,754 SF (0.5)

ACTUAL OPEN SPACE

4,160 SF

MAX BUILDING SIZE:

3,754 SF (0.5)

ACTUAL BUILDING SIZE:

1ST FLOOR:

2,427 SF

2ND FLOOR:

2,128 SF

TOTAL BUILDING SIZE:

4,555 SF

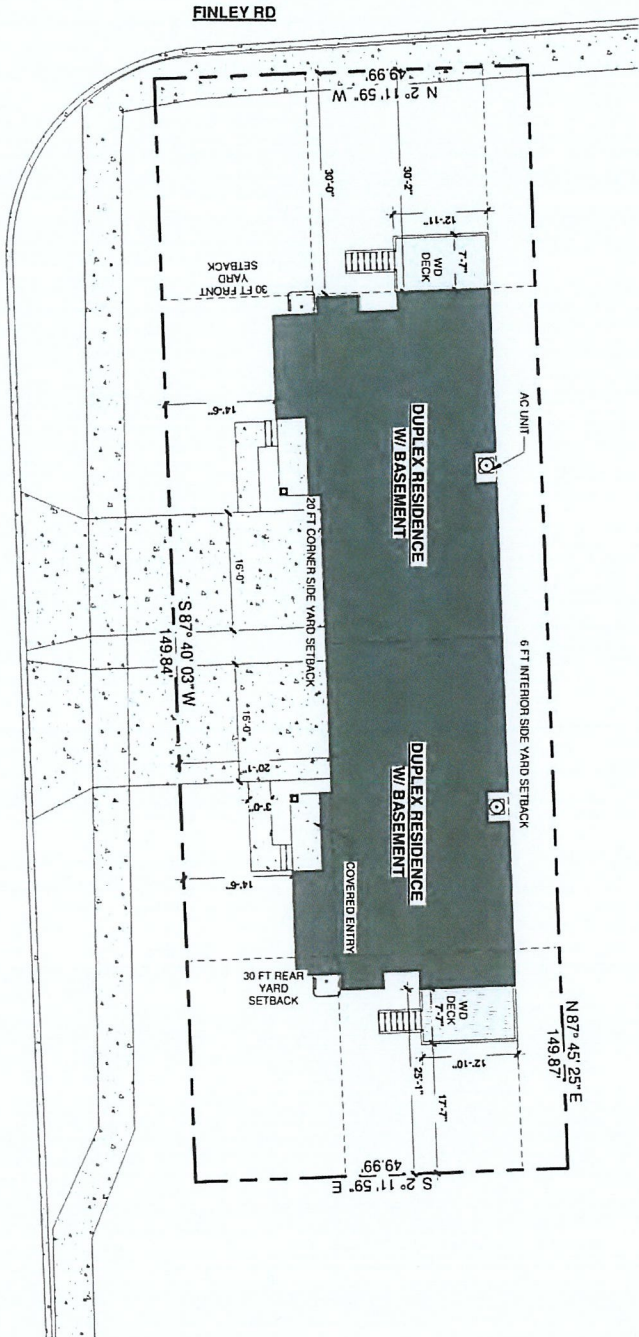
MAX BUILDING HEIGHT:

35 FEET

PROPOSED BUILDING HEIGHT:

+/- 28 FEET

1 SITE PLAN
1/16" = 1'-0"



THOMAS
ARCHITECTS

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DES PLAINES, IL 60018
O: 847.235.6815

THOMAS @ THOMASARCH.COM

SITE PLAN - ARCH

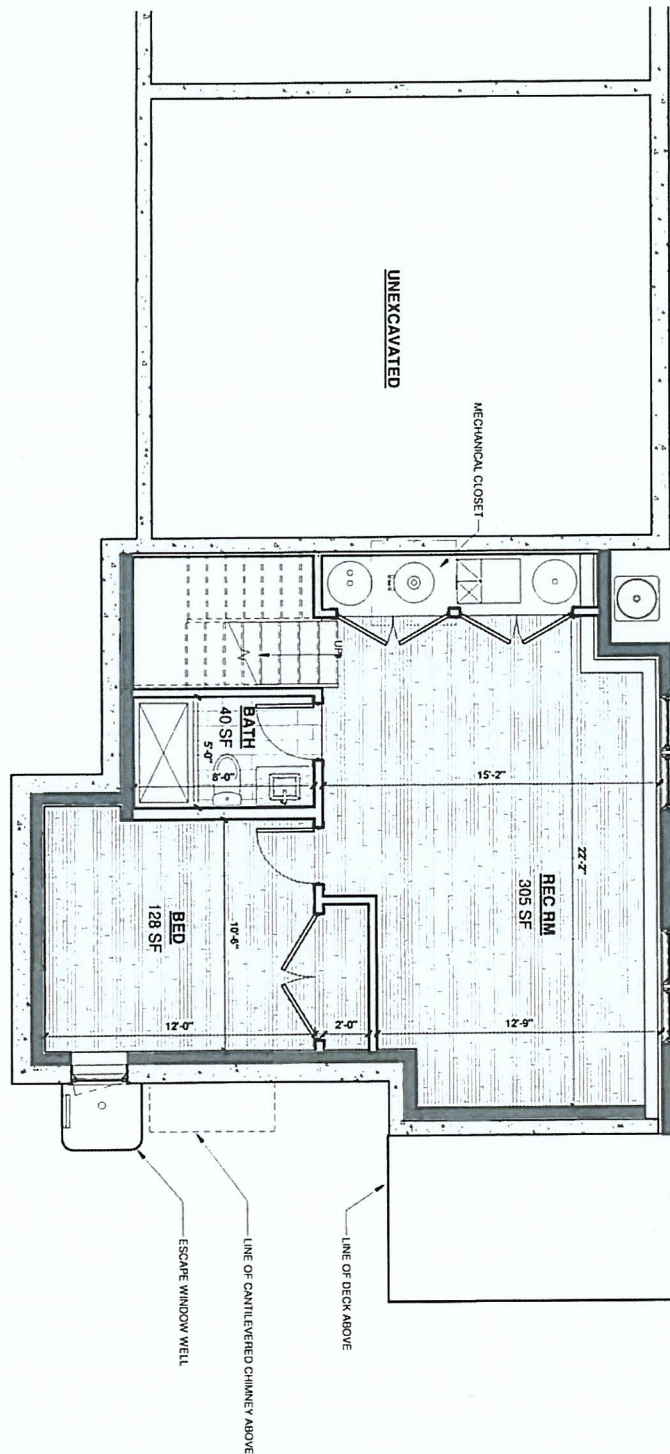
1161 S FINLEY RD

22128

2 UNIT RESIDENCE

ZONING
VARIANCE
01/16/2023 D-2.1

1 BASEMENT - PRE
3/16" = 1'-0"



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BASEMENT PLAN

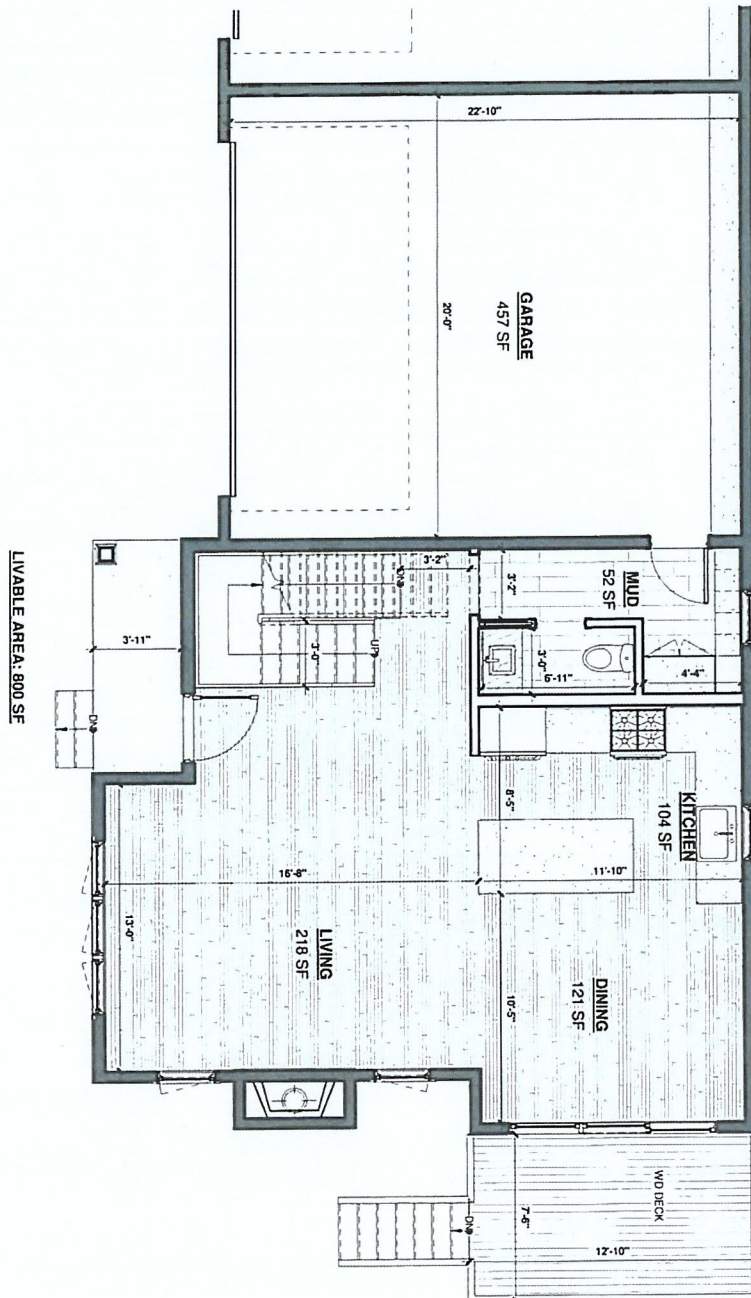
1161 S FINLEY RD

22128

2 UNIT RESIDENCE

ZONING
VARIANCE
01/16/2023 D-2.2

1 1st FLOOR - PRE
3/16" = 1'-0"



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1ST FLOOR

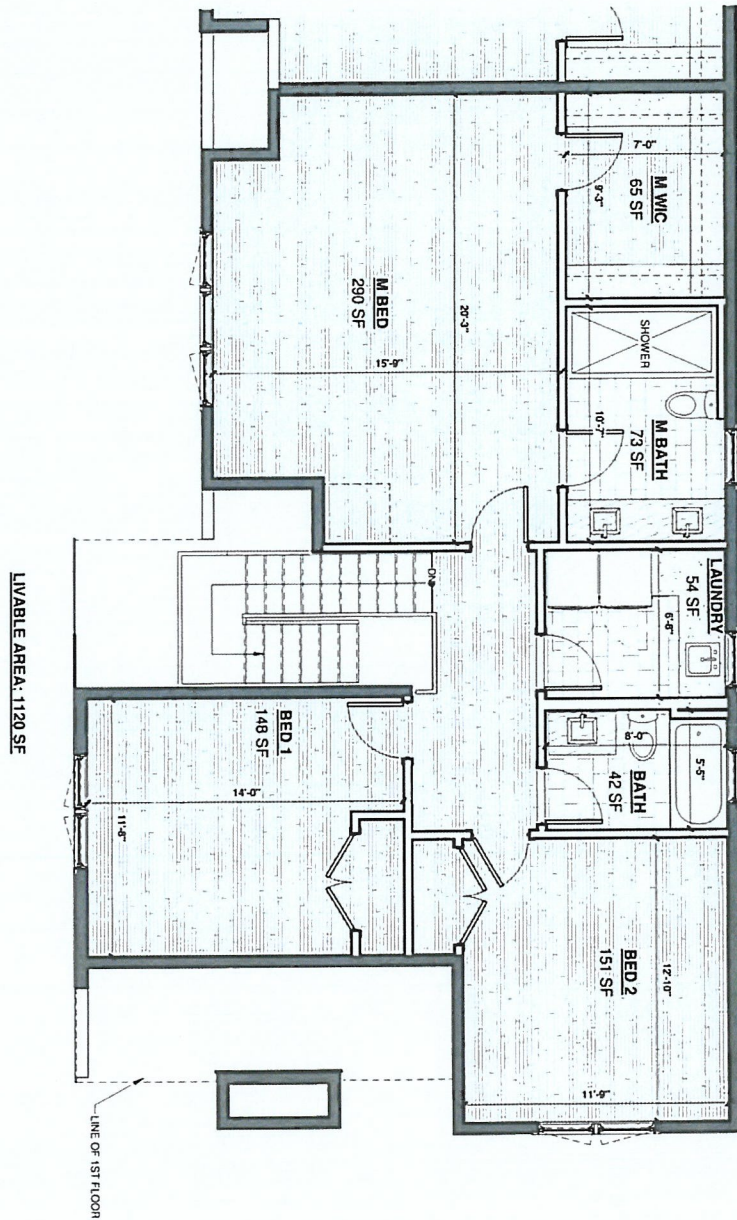
1161 S FINLEY RD

22128

2 UNIT RESIDENCE

ZONING
VARIANCE
01/16/2023 D-2.3

① 2nd FLOOR - PRE
3/16" = 1'-0"



LIVABLE AREA: 1120 SF



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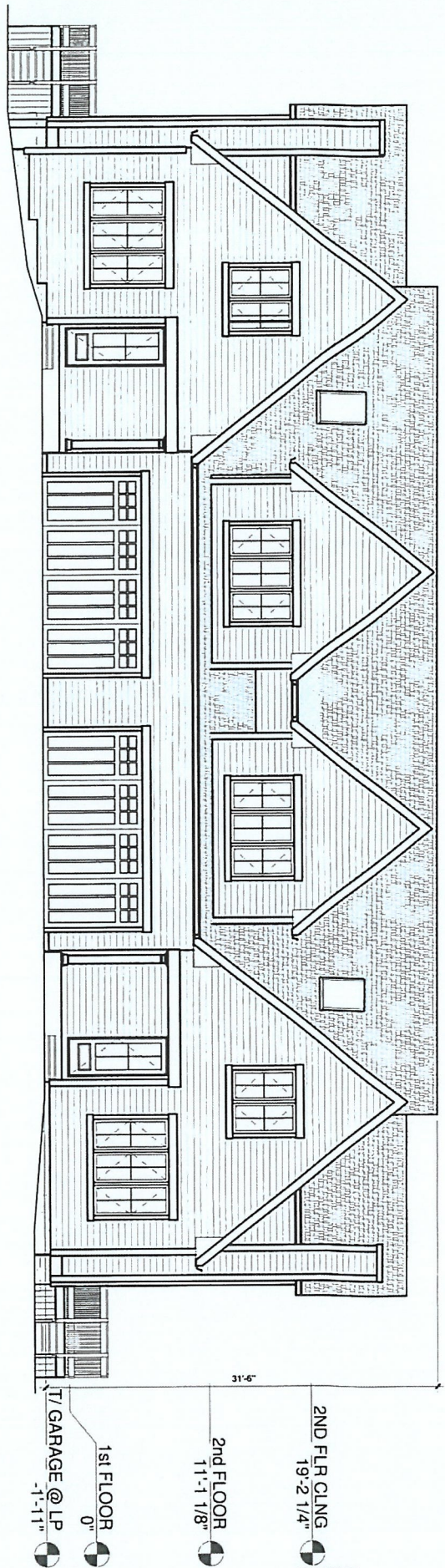
2ND FLOOR

1161 S FINLEY RD

22128

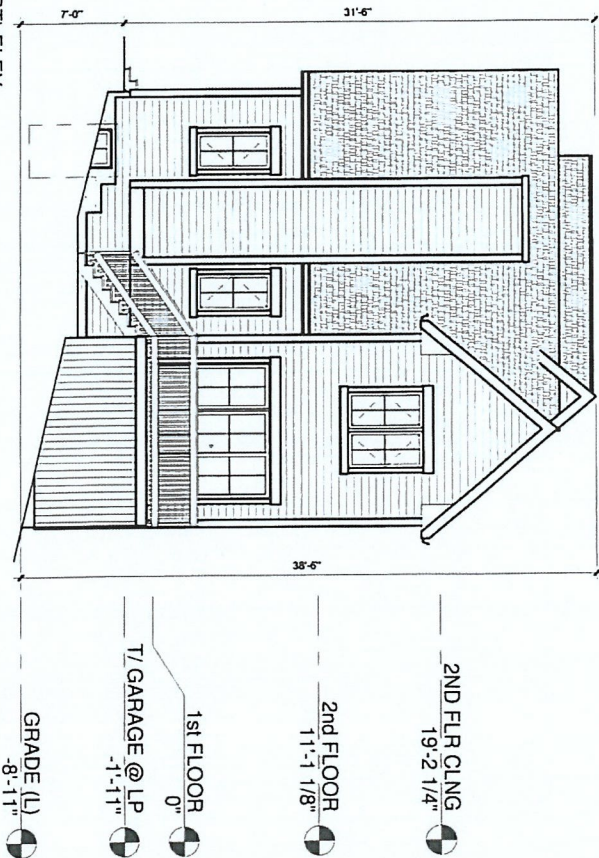
2 UNIT RESIDENCE

ZONING
VARIANCE
01/16/2023 D-2.4



1 FRONT (SOUTH) ELEV
1/8" = 1'-0"

2 SIDE (EAST) ELEV
1/8" = 1'-0"



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ELEVATIONS

1161 S FINLEY RD

22128

2 UNIT RESIDENCE

2ND FLR CLNG
19'-2 1/4"

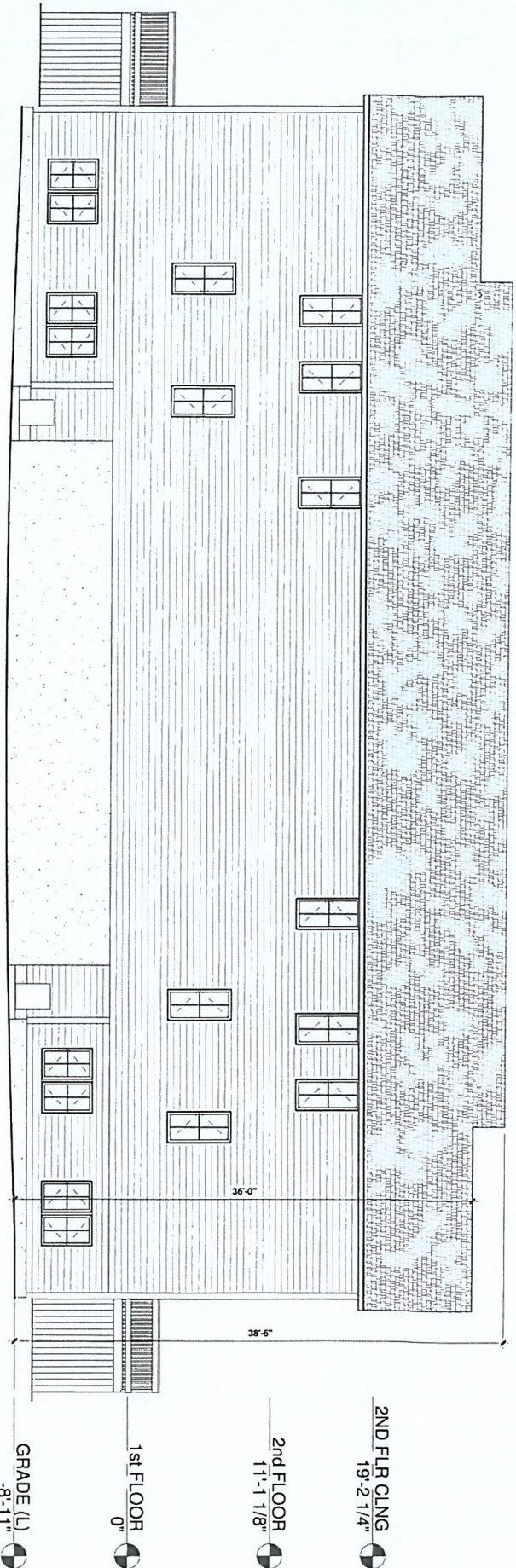
2ND FLOOR
11'-1 1/8"

1ST FLOOR
0"

T/GARAGE @ LP
-1'-1 1/8"

ZONING
VARIANCE
01/16/2023 D-2.5

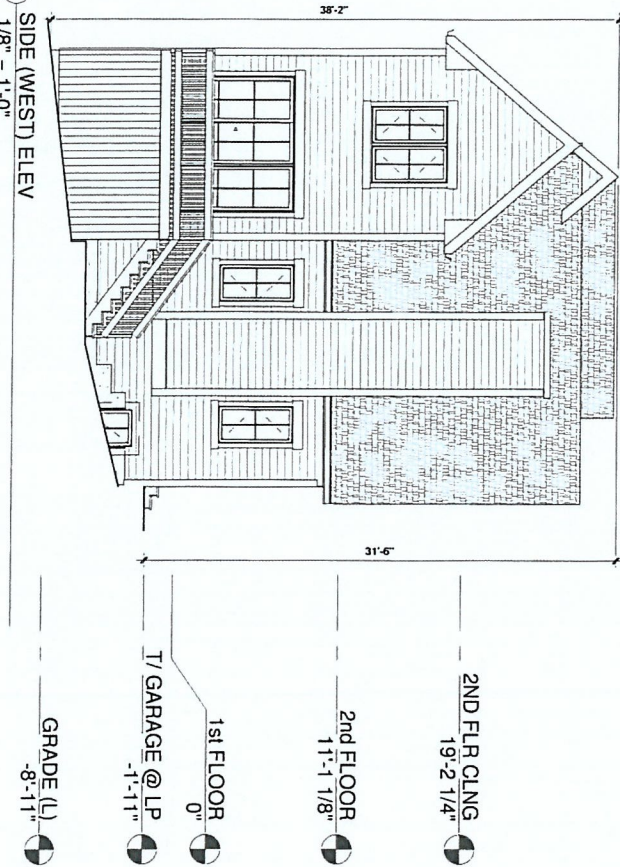
1 REAR (NORTH) ELEV
1/8" = 1'-0"



22128
2 UNIT RESIDENCE

2ND FLR CLING
19'-2 1/4"
ZONING
VARIANCE
01/16/2023 D-2.6

2 SIDE (WEST) ELEV
1/8" = 1'-0"



ELEVATIONS



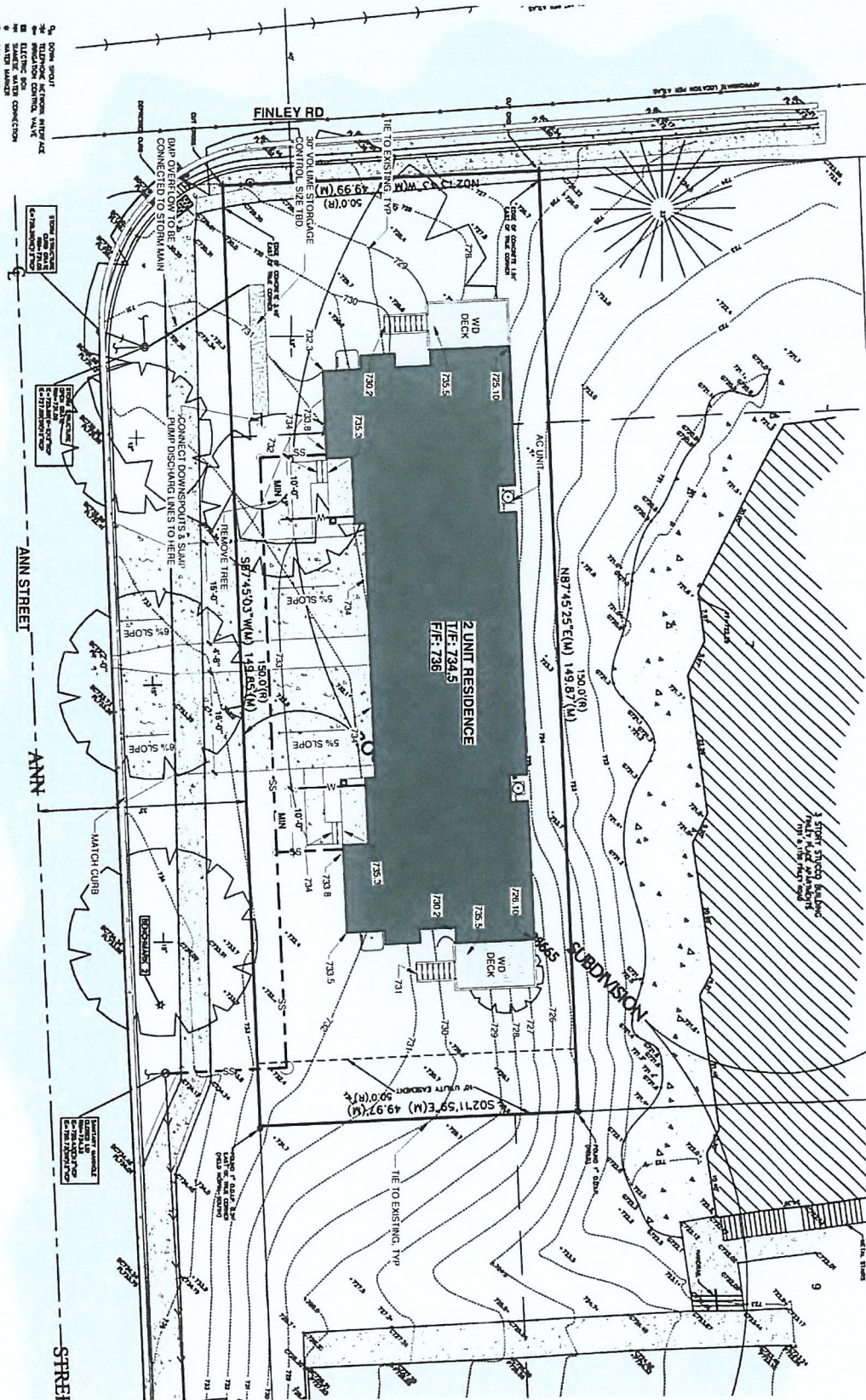
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O: 847.235.6815

THOMAS@THOMASARCH.COM

1161 S FINLEY RD

1 SITE PLAN
1/16" = 1'-0"

- 1. DRIVE PAVEMENT
- 2. DRIVE PAVEMENT
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SITE PLAN - CIVIL

1161 S FINLEY RD

22128

2 UNIT RESIDENCE

ZONING
VARIANCE
01/16/2023 D-2.9

ORDINANCE NO. _____

**AN ORDINANCE APPROVING VARIATIONS FROM TITLE XV, CHAPTER 155,
SECTION 155.410 AND SECTION 155.212 OF THE LOMBARD VILLAGE CODE
TO ALLOW FOR CONSTRUCTION OF A TWO-FAMILY DWELLING ON A
PROPERTY LOCATED WITHIN THE R5 GENERAL RESIDENCE DISTRICT**

(ZBA 23-02: 1161 S. Finley Road)

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 R5 General Residence Zoning District; and,

WHEREAS, an application has been filed with the Village requesting approval of the following variations for the subject property located within the R5 General Residence Zoning District:

1. A variation from Section 155.410(E) of Village Code to allow a lot width of 50 feet for an existing lot of record, where a minimum lot width of 60 feet is required;
2. A variation from Section 155.410(F)(2)(b) to allow a corner side yard setback of 14 feet, where a corner side yard of 20 feet is required;
3. A variation from Section 155.410(F)(2)(d) to allow a rear yard setback of 25 feet where a rear yard of 30 feet is required;
4. A variation from Section 155.410(H) to allow a floor area ratio (FAR) of more than 0.5 FAR; and
5. A variation from Section 155.212 to allow decks that are more than three feet above the average level of the adjoining ground to encroach into the required front and rear yard setbacks; and

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 22, 2023, 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 variations; 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 following variations are hereby granted:

1. A variation from Section 155.410(E) of Village Code to allow a lot width of 50 feet for an existing lot of record, where a minimum lot width of 60 feet is required;
2. A variation from Section 155.410(F)(2)(b) to allow a corner side yard setback of 14 feet, where a corner side yard of 20 feet is required;
3. A variation from Section 155.410(F)(2)(d) to allow a rear yard setback of 25 feet where a rear yard of 30 feet is required;
4. A variation from Section 155.410(H) to allow a floor area ratio (FAR) of more than 0.5 FAR; and
5. A variation from Section 155.212 to allow decks that are more than three feet above the average level of the adjoining ground to encroach into the required front and rear yard setbacks.

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

1. The project shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. Any future repairs, reconstruction, or modifications to the structure shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
3. The petitioner shall apply for and receive a building permit for the proposed development;
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).

SECTION 3: This Ordinance is limited and restricted to the property located at 1161 S. Finley Road , Lombard, Illinois, and legally described as follows:

Ordinance No. _____
Re: ZBA 23-02
Page 3

LOT 8 IN BLOCK 14 IN ROOSEVELT CREST, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1930 AS DOCUMENT 298665, IN DU PAGE COUNTY, ILLINOIS.

PIN: 06-18-414-004

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 _____, 2023.

First reading waived by action of the Board of Trustees this _____ day of _____, 2023.

Passed on second reading this _____ day of _____, 2023, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2023.

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____

Re: ZBA 23-02

Page 4

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2023

Elizabeth Brezinski, Village Clerk