

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

525 S. EDSON AVENUE

August 23, 2023

Title

ZBA 23-06

Petitioner & Property Owner

Mark Heidkamp
525 S. Edson Avenue
Lombard, IL 60148

Property Location

525 S. Edson Avenue
06-07-406-060

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 three and five tenths feet (3.5') for the subject property.

Prepared By

Tami Urish
Planner I



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 one-story addition of 288 square feet (18 x 16) onto the rear of the residence's attached garage. The addition will maintain the existing 3.5-foot (and gradually increasing front to back from the property line) side yard setback. The proposed addition to the legal nonconforming structure requires a variance.

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 three and five tenths feet (3.5') 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 one car attached garage.

PROJECT STATS

Lot Size

Parcel Area: 14,217 SF

Parcel Width: 67.5 feet

Setbacks

Front (east) 130 feet

Side (north) 12 feet

Side (south) 3 feet

Rear (west) 35 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 Gentile and Associates, Inc dated 5/10/2023; and
4. Architectural plans prepared by the home owner, dated 7/13/2023.

INTER-DEPARTMENTAL REVIEW

Building Division:

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

The inside of the garage will have to have a full "frost protected" foundation that goes at least 42 inches into the ground as it is attached to the house. The plan states shallow foundation, but that is not allowed per the adopted building code. They will also need 5/8" drywall installed at any walls adjoining the house up to the underside of the roof, or the complete interior of the garage.

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 no comments regarding the petition. Additional comments may be forthcoming during permit review.

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 south side property line.

The petitioner proposes to build a 288 square foot (18 x 16) addition onto the rear (east) side of the existing attached garage. The proposed addition to the attached garage will hold the existing side setback of the house at approximately three and five tenths feet from the side property line.

In 1917, the Lombard Farms Subdivision platted Lot 3 in which the subject property originated from the north half portion. It is noted that when the house was built in 1924, it was not constructed square on the property. The line of the house gradually slopes away from the interior side property line on the south side of the property where the addition is proposed. The setback of the proposed addition gradually increases to five feet at the southwest corner thereby decreasing the amount of relief required. The property backs up to Brewster Woods Subdivision's Outlot "A" detention basin created in 1992.

The subject property is 67.5 feet wide where Village Code requires a minimum lot width of 60 feet in the R2 Zoning District. The houses located at the subject property and at 531 S. Edson to the south are setback over 100 feet from the front property line where 30 feet is required. Staff finds no records of building permits issued for either house construction and therefore concludes that the footprint of the existing homes is consistent with the original construction in the 1924-31 era.



Figure 1. Existing Conditions.

The current Village Code went into effect after the subject property was developed and contains 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 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 addition to the rear of the garage 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 requirements (1960). Presumably, the house met applicable standards at the time of construction. Current setback 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. According to York Township records, the existing house was built in 1924. Since then, the existing garage with a three and a half-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.

- 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 hold the side setback line of the existing attached garage. The addition is not expected to impact light or air supply to the 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.

Case No.	Address	Summary	ZBA Vote	BoT
ZBA 22-02	476 S. Park Rd.	3' Side Yard (6' Req'd.)	Approval	Approval
ZBA 21-01	217 S. Brewster Ave.	4' Side Yard (6' Req'd.)	Approval	Approval
ZBA 20-05	235 S. Brewster Ave.	2' Side Yard (6' Req'd.)	Approval	Approval
ZBA 18-04	49 N. Garfield St.	3.5' Side Yard (6' Req'd.)	Approval	Approval
ZBA 14-09	317 N. Main St.	3' Side Yard (6' Req'd.)	Approval	Approval
ZBA 12-01	91 S. Chase Ave.	4.5' Side Yard (6' Req'd.)	Approval	Approval
ZBA 11-01	533 N. Columbine Ave.	4.5' Side Yard (6' Req'd.)	Approval	Approval
ZBA 10-11	148 W. Park Dr.	3' Side Yard (6' Req'd.)	No Recommendation	Approval
ZBA 09-04	126 S. Lombard Ave.	4.5' Side Yard (6' Req'd.)	Approval	Approval

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

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variation:

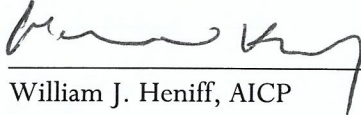
Based on the submitted petition and the testimony presented, the requested variation does comply with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings as discussed at the public hearing, and those findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of **ZBA 23-06** subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioner as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
3. The proposed addition shall comply with all applicable building codes, including the 2018 IRC, Table R302.1(1);
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
5. 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.

6. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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Mark Heidkamp
525 S. Edson Ave
Lombard, IL 60148

VIII. STANDARDS FOR VARIATIONS

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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. *Because of the existing structures which include roof lines, patio and overall placement on the property this would be both the best structural method and aesthetically pleasing way to give additional storage and garage space.
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. *Based on the original placement of the existing structures and the property line this seems to be unique to this property.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain. *We are trying to get rid of an old shed and increase garage space to both gain additional storage and clean up the space by eliminating an old outdated shed.
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. *Correct, we wish to do this extension of the garage with no outside influences or interest.
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 proposed addition is in the back corner of the property and will have very little/no visual presence to any surrounding neighbors.
6. The granting of the variation will not alter the essential character of the neighborhood; and, *The proposed variation will in my opinion bring the property and house up to a higher level of character for the neighborhood by eliminating a small shed and having a more substantial garage for such items.
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. Based on the location of my property and the proposed addition relative to all neighbors it is my belief and understanding that this will not have negative impact on any of the above mentioned items and will only help the overall neighborhood.



LEGAL DESCRIPTION

THE WEST 210.50 FEET OF THE NORTH 67.54 FEET OF LOT 3 IN BLOCK 5, IN LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917 AS DOCUMENT 128539, IN DUPAGE COUNTY, ILLINOIS.

TOTAL AREA: 14,216.59 SQ. FT. 0.33 AC. MORE OR LESS

PROPERTY COMMONLY KNOWN AS: 525 S. EDSON AVENUE, LOMBARD, ILLINOIS

BASE SCALE: 1 INCH = 20 FEET

DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF

ORDERED BY: MARK HEDKAMP

DRAWN BY: RWG

CHECKED BY: JFG

SURVEYED BY: JG-RG

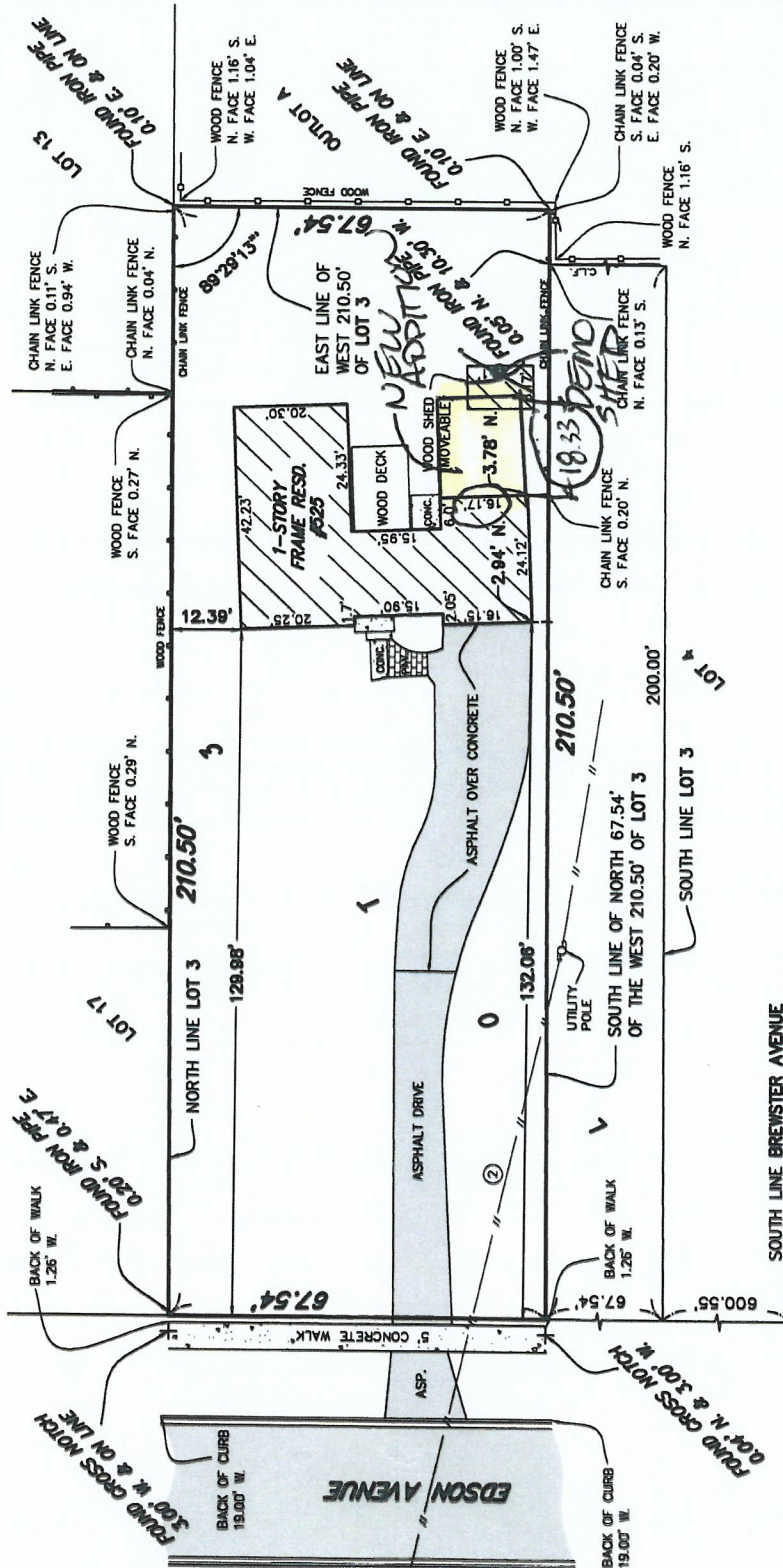
COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT DEED, CONTRACT, AND ZONING ORDINANCE.

ORDER NO. 23-22858

PLAT OF SURVEY

BY
GENTILE AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE: (630) 916-6262



STATE OF ILLINOIS
COUNTY OF DUPAGE

NOTE:

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.

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.

MAY 5, A.D. 20 23

BY: _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2024
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870

NO.	DATE	DESCRIPTION	BY
1	5/10/2023	ADDED ASP. OVER CONC. ON DRIVEWAY	RWG



PLAT OF SURVEY

BY
GENTILE AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60149
PHONE : (630) 816-8282

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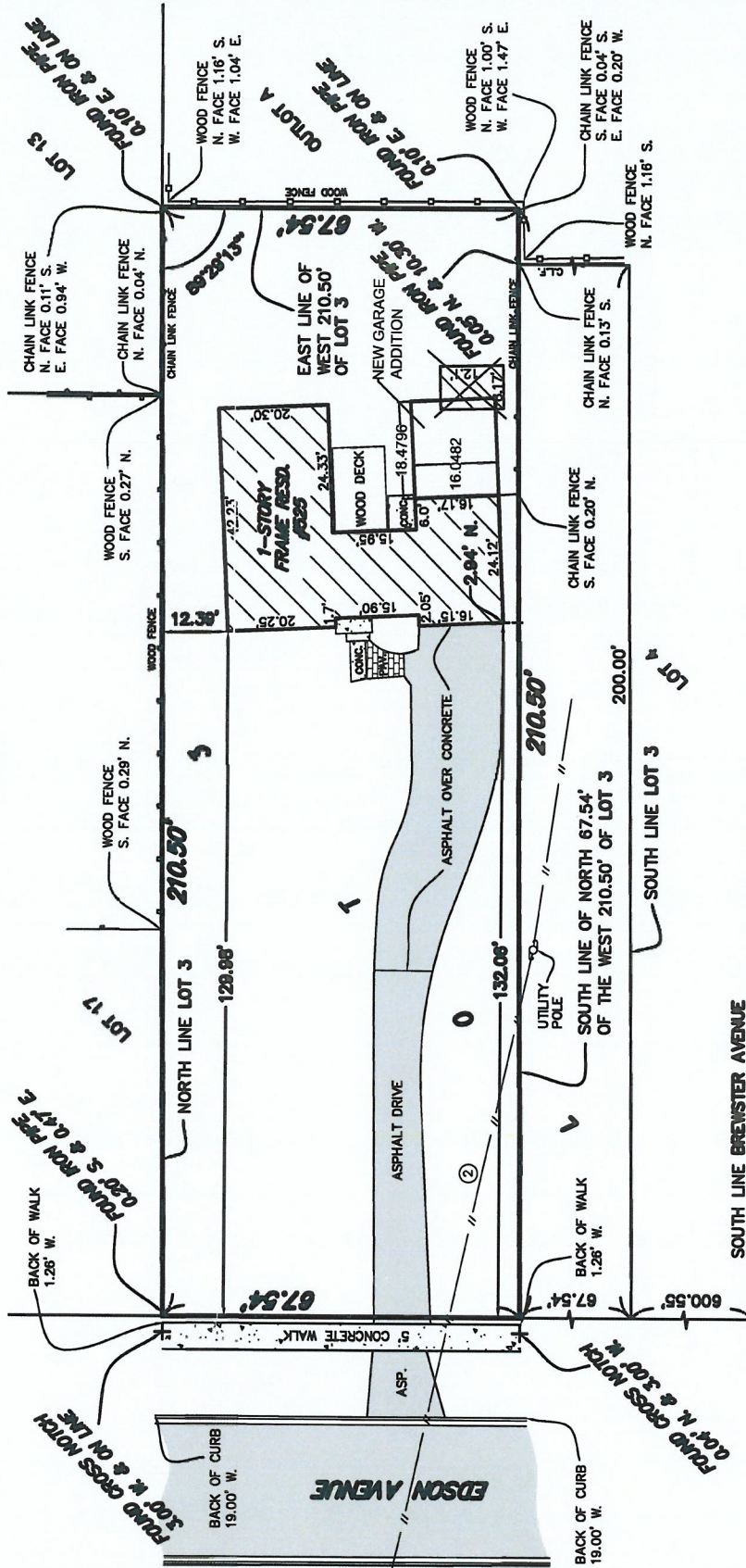
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CHECKED BY : **JFG**

SURVEYED BY : **JG-RG**

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REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER
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CONTRACT, AND ZONING ORDINANCE.

ORDER NO. **23-22698**



STATE OF ILLINOIS
COUNTY OF DUPAGE

S.S.

NOTE:
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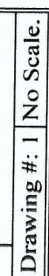
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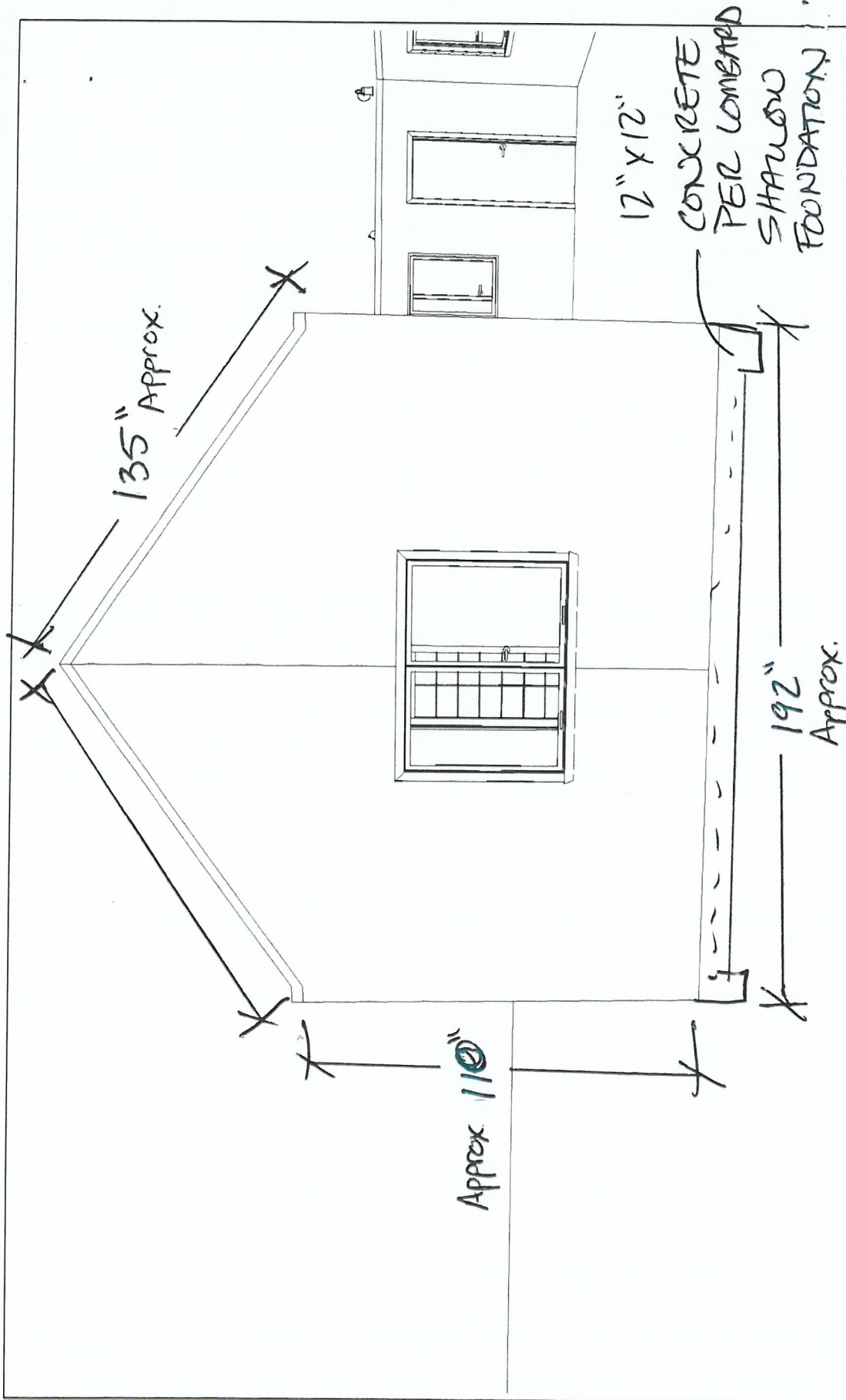
MAY 5, A.D. 20 23

BY :

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ALL U/F TO MATCH EXISTING STRUCTURE

Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.



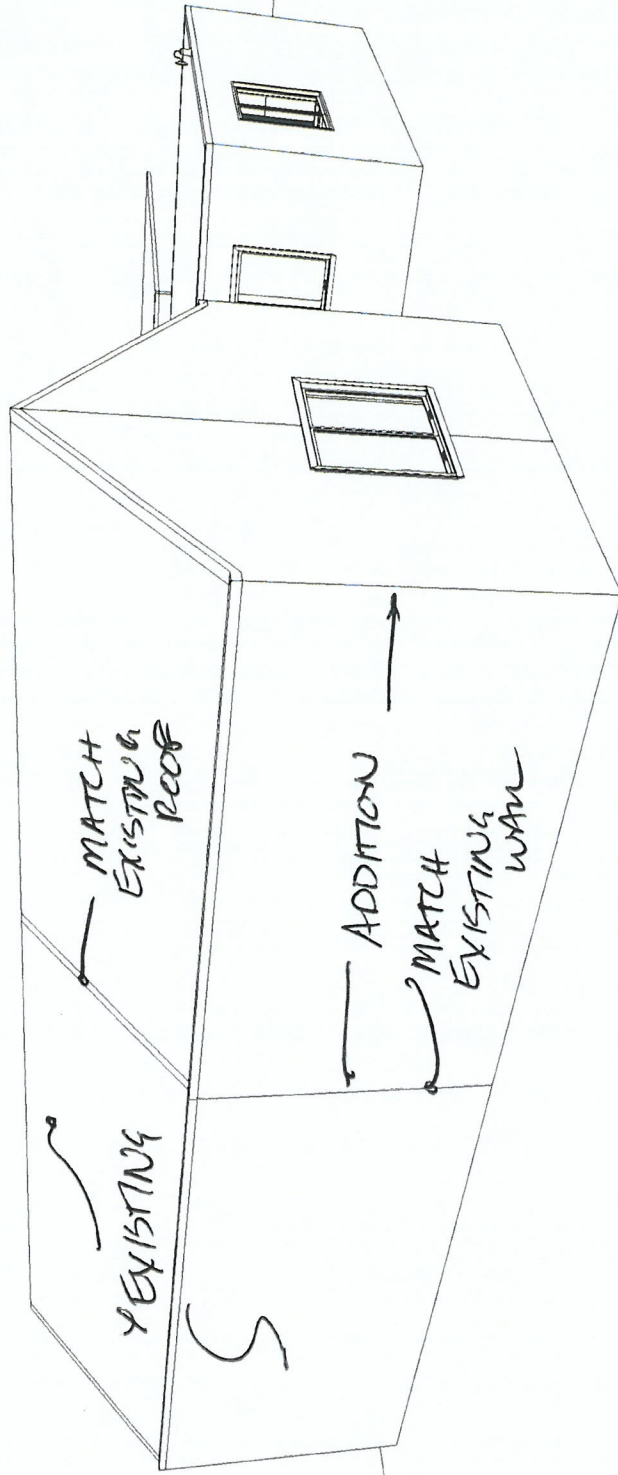
HEIDKAMP

HEIDKAMP, MARK GARAGE ADDITION

All

Drawing #: 1

Designed: 7/13/2023
Printed: 7/13/2023



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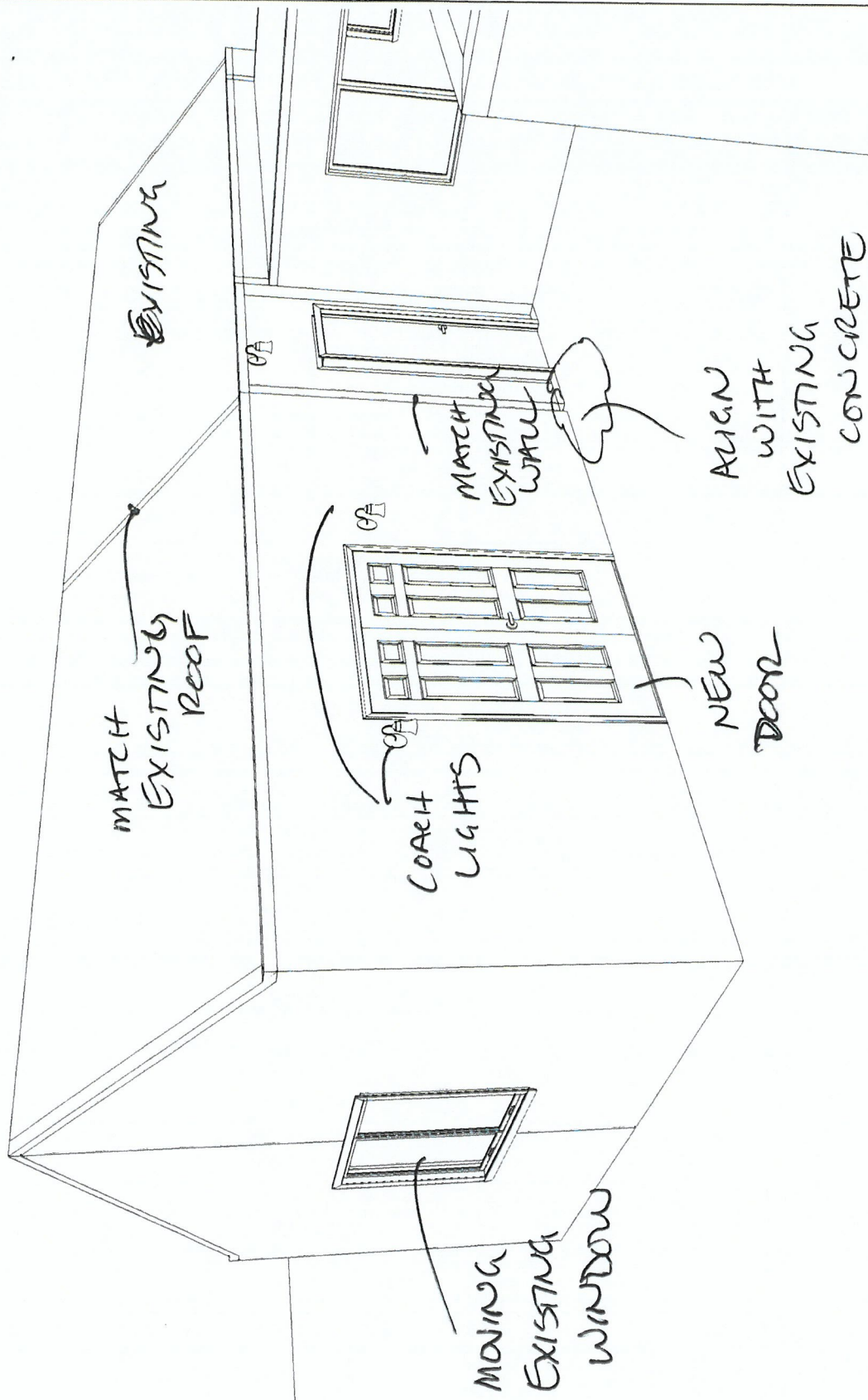
HEIDKAMP

HEIDKAMP, MARK GARAGE ADDITION

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Designed: 7/13/2023
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HEIDKAMP, MARK_GARAGE ADDITION

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Drawing #: 1