

July 24, 2024

Title

ZBA 24-03

Petitioner & Property Owner

John Novak
215 E. Hickory Street
Lombard, IL 60148

Property Location

374 W. Grove Street
06-07-200-009 (split from 376
W. Grove - new PIN will be
assigned by DuPage Co.)

Zoning

R2 Single-Family Residence
District

Existing Land Use

Single-Family Home

Comprehensive Plan

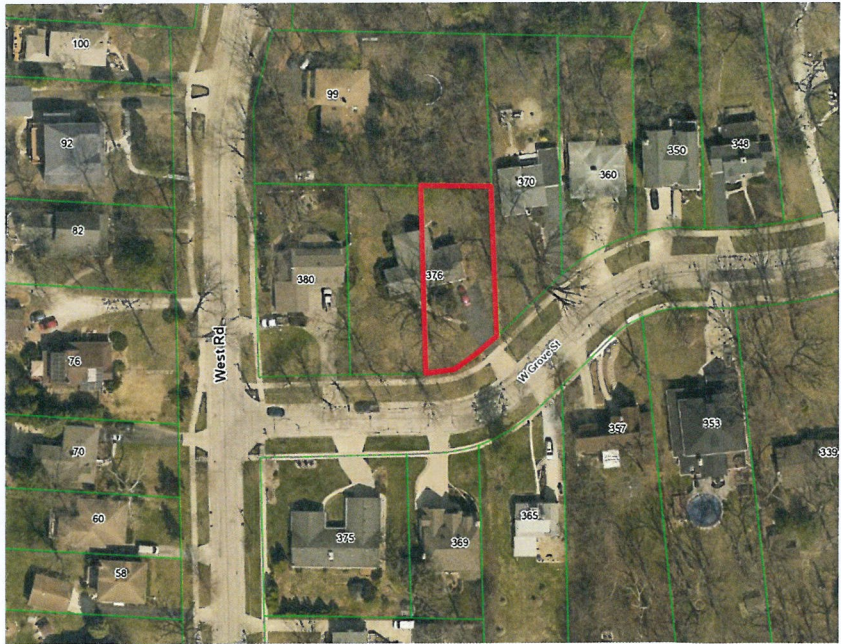
Low Density Residential

Approval Sought

A variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback for the subject property.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is requesting a variance for a proposed house to encroach into the front yard setback. The subject property was recently subdivided to create two lots from one. The existing house was torn down. Lot 1, located at 376 W. Grove Street, is currently under construction for a new house that is setback 57 feet from the front property line where a minimum of 50 feet was required based on the mean of the abutting properties.

Lot 2, located at 374 W. Grove Street, has a required front yard setback of 50 feet also. The street curves to the north on the eastern portion of the subject property creating an irregular front property line as opposed to a straight perpendicular line of a standard lot.

APPROVALS REQUIRED

The petitioner requests that the Village approve the following variation on the subject property located within the R2 Single-Family Residence District:

A variation from Section 155.407(F)(1)(a) to allow a new single family residential structure to be constructed thirty-three feet (33') from the front property line where fifty feet (50') is required (partially encroaches seventeen feet (17') into the front yard setback) on the subject property located in the R2 Single-Family Residence District.

PROJECT STATS

Lot Size

Parcel Area: 9,173 sq. ft.
Parcel Width: ~65 feet

Setbacks with proposed new house

Front (south) 33 feet
Side (west) 8.48 feet
Side (east) 15.86 feet
Rear (north) 41.35 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 Weaver-Consultants Group, dated 12/14/2023;
4. Site plans;
5. Example elevations.

EXISTING CONDITIONS

The property is vacant and recently divided from 376 W. Grove Street where the existing house on the lot was torn down to create two lots.

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 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.

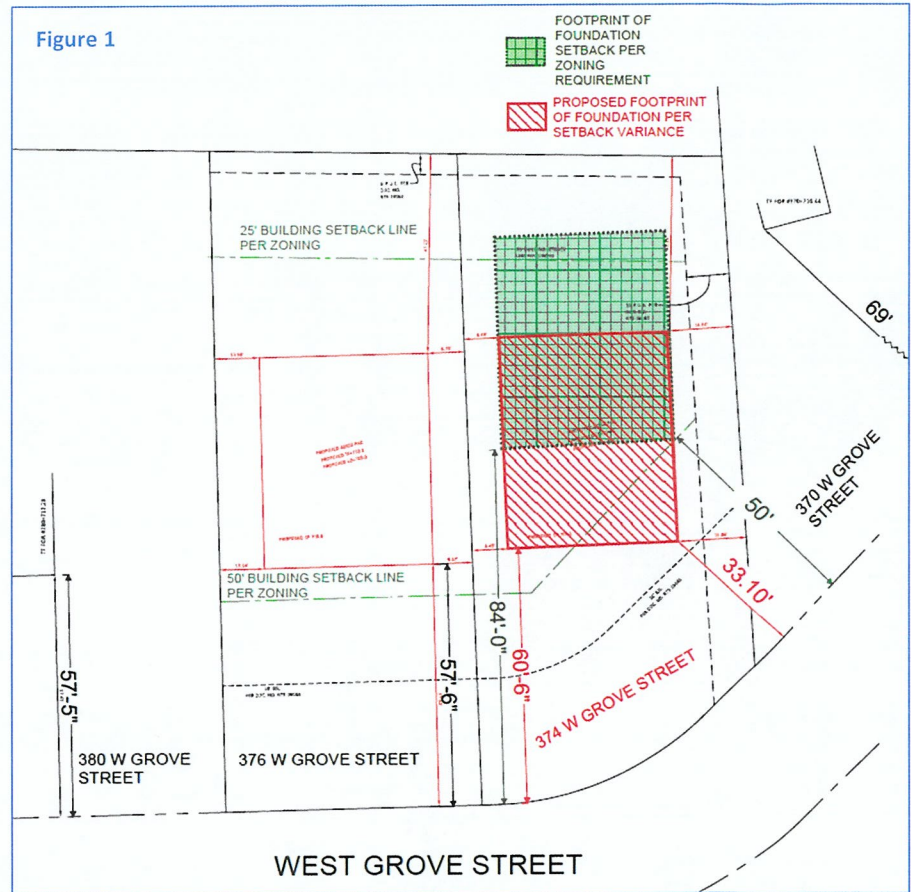
Planning Services Division:

The Zoning Ordinance requires new single-family residences' front yard setbacks to be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots with a minimum front setback of 30 feet from the front property line.

The proposed site plan does not require variances from the interior side or rear yards. The attached exhibit demonstrates the hardship of meeting the standard. In order to meet the required 50-foot setback the house would need to be 84 feet from the front property line on the western portion and would then encroach into the rear yard setback. The petitioner is requesting a variance to permit a house to encroach 17 feet into the front yard setback at the most eastern point. The result would be a front yard setback of 33 feet that will gradually increase to 60 feet.

The subject property is 65 feet wide at the widest point while the curved line of the front property line is approximately 74 feet. The lot is part of a resubdivision of lot 16 platted in 1973 (R1973-019163) from E.W. Zander's Grove Addition to Lombard Subdivision then resubdivided again recently by R2023-078406 to the current two lot configuration.

With respect to the front yard setback variance, staff notes that the existing lot is not in the shape of a standard rectangular lot in regard to the front property line. This circumstance is due to the gradual curvature of the Grove Street right-of-way, noted on the plat of survey as an undefined curve. The petitioner proposes to square the lot beyond this curve to facilitate the location of a new building footprint. As a result of the slight curvature in the front property line, a portion of the modified building footprint will encroach into the front yard setback (Figure 1). Staff considers the road curvature to be a unique circumstance on the subject property that impacts the ability of the petitioner to reasonably locate the building footprint of a house. Staff has no objection to the requested front yard setback variance.



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.*

Staff finds the petitioner’s lot has a unique shape and topography. The majority of the homes in the neighborhood are setback more than thirty (30) feet and a few homes are setback more than fifty (50) feet from the front yard property line, so a thirty-three (33) foot setback of a portion of the lot would maintain the existing character of the neighborhood given that most of the lot is setback further than fifty (50) feet due to the curve along Grove Street. The placement of Grove Street limits the petitioner’s ability to meet the current setback requirement of fifty (50) feet for a portion of the lot and not in total.

- 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 was recently resubdivided from one lot into two. The other lot of the resubdivision did not require a front yard setback variance to obtain a permit as the property line is relatively straight and the street's curve does not impact the lot as it does for the subject property. 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 of Grove Street. In order to meet the front yard setback of fifty (50) feet completely, the size of the rear yard is negatively impacted.

- 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. Staff does not anticipate the proposed front yard setback of thirty (33) feet will impact the adjacent neighbors or the neighbor directly across the street. As noted, only a small portion of the footprint encroaches into the front yard (Figure 1).

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

Staff finds that this standard is affirmed.

- 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.*

As stated above, the proposed plan is unlikely to have any adverse effect on the neighborhood or the general public.

In consideration of precedent, in 2013 a similar request for front yard setback relief was granted (ZBA 13-01; 382 E. 17th Street and ZBA 13-02; 381 E. 16th Place). In this example, one lot was resubdivided into three lots with the existing house remaining as the abutting factor that was set back more than fifty (50) feet therefore impacting the two newly created lots.

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

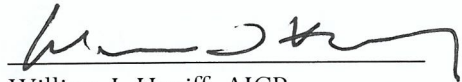
FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variations. 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 variations 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 24-03 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 single-family residence.
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\ZBA Cases\2024\ZBA 24-03 374 W Grove\ZBA 24-03_IDRC Report.docx

374 W Grove, Lombard IL Zoning Board of Appeals Submission

Description of Request:

I am building 2 homes on Grove Street. The first at 376 Grove (lot 1 of a recent subdivision) (currently under construction) and the second home will be built at 374 Grove (lot 2 of a recent subdivision)(permit not filed yet, construction not started yet). This application pertains only to 374 Grove / lot 2.

Due to a unique curve in the winding street, the existing 50 foot setback would push back the 374 Grove home and would be significantly out of alignment with the 376 Grove home. Although construction of the 374 is still possible, in my opinion it would look out of place. Without the variance, the homes will be positioned as illustrated in Exhibit B, with the lot 2 home much further back from the lot 1 home.

See attached Exhibit A which illustrates the side by side homes lined up using the 50 foot setback for lot 1, and a 30 foot setback for lot two. Note that these homes "appear" to be both setback at 50 feet as they are aligned this way. The hardship occurs in the manner that the setback is measured from the unique curve of the front property line.

Therefore, I am requesting that the front set back for lot 2 only be changed from 50 feet to 30 feet.

Response to applicable STANDARDS:

- 1 - The hardship is caused by a very unique curve in the street which clips the corner of the property. Measuring the front setback from this clipped corner pushes the home very far back.
- 2 - The conditions are unique to this property as a result of the winding and curvy street.
- 3 - There is no financial gain with this variation. The property can be built on either way.
- 4 - The hardship has not been created by the applicant/owner.
- 5 - The variation will not be detrimental to the public or injurious to the neighborhood.
- 6 - The granting of the variation will not alter the character of the neighborhood
- 7 - The proposed variation will not impair light, air, traffic congestion, or drainage. The variation will not increase the danger of fire, will not endanger public safety, or diminish/impair property values in the neighborhood.

SURVEY NOTES

1. MEASURED BEARINGS SHOWN HEREON ARE GEODETICALLY REFERENCED TO NORTH BASED ON REALTIME, GPS, CORS OBSERVATIONS OF REFERENCE STATIONS MAINTAINED BY TRIMBLE NAVIGATION.
2. THIS SURVEY SHOULD NOT BE CONSIDERED AS AN EXCLUSIVE SOURCE OF INFORMATION REGARDING THE PROPERTY LIMITS, RIGHTS OR RESTRICTIONS. THE ENDINGS OF THE SURVEY ARE LIMITED TO FIELD OBSERVATIONS AND MEASUREMENTS. THE EXAMINATION OF DOCUMENTS PROVIDED TO THE SURVEYOR AND THE SURVEYOR'S PROFESSIONAL OPINION, THERE MAY BE SETBACK LINES, EASEMENTS AND BUILDING RESTRICTIONS NOT SHOWN HEREON WHICH THE SURVEYOR HAS NOT BEEN ADVISED. ALWAYS REFER TO YOUR ABSTRACT, DEED AND GUARANTEE POLICY AND LOCAL ORDINANCES.
3. ALL AREAS ARE MORE OR LESS.
4. SURVEY IS BASED UPON FIELD OBSERVATIONS MADE ON 07/19/2023 & 07/20/2023. THE IMPROVEMENTS ON THE PROPERTY HAVE BEEN REMOVED PER CLIENT 12/21/2023.
5. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE.
6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
7. THE UTILITIES SHOWN MAY NOT COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
8. ALL STATEMENTS AND INFORMATION SHOWN HEREON ARE TO THE SURVEYOR'S BEST KNOWLEDGE AND BELIEF.
9. NO TITLE COMMITMENT WAS PROVIDED FOR USE IN THIS SURVEY.
10. LOCATIONS OF PERMANENT IMPROVEMENTS IN PROXIMITY OF THE PROPERTY LINE ARE SHOWN HEREON AS WELL AS A MEASUREMENT OF THE DISTANCE FROM WHICH SAID IMPROVEMENT(S) ARE IN RELATION TO THE PROPERTY LINE. THE SURVEYOR OFFERS NO OPINION REGARDING IF THE LOCATION OF SAID IMPROVEMENTS CONSTITUTES AN ENCROACHMENT, AS THE DETERMINATION OF AN ENCROACHMENT IS A MATTER OF LAW AND JUDICIAL OPINION, WHICH ARE NOT MATTER OF SURVEY.
11. THE SURVEYOR OFFERS NO OPINION REGARDING THE VALIDITY OF THE DEDICATION PROCESS OF BUTTING RIGHTS-OF-WAY. ALL DEDICATIONS ARE DESCRIBED QUOTING THE LANGUAGE USED IN THE DOCUMENTS PROVIDED TO THE SURVEYOR.
12. NO GAPS OR OVERLAPS WITH THE ADJACENT PROPERTIES ARE APPARENT BASED ON RECORD DOCUMENTS PROVIDED TO THE SURVEYOR AND EVIDENCE LOCATED IN THE FIELD.
13. RECORD DIMENSIONS SHOWN HEREON ARE BASED UPON EDNA M. WOLF'S RESUBDIVISION AS PLATTED AND RECORDED AS DOCUMENT NUMBER R73-19163.
14. MONUMENTS NOT SET PER AGREEMENT WITH CLIENT.

BENCHMARKS

- SOURCE BM:**
DUPAGE COUNTY BENCHMARK 0322
LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF U. STE 53 WITH THE ILLINOIS PEABODY PATH. MONUMENT IS A 3 INCH BRASS DISK SET ON THE EAST END OF THE NORTH CURB FOR THE PEABODY PATH.
ELEVATION = 714.51
- BM "A":**
"C" SET ON BACK OF SIDEWALK, NORTH SIDE OF WEST GROVE STREET, 9' S/W OF DRIVEWAY FOR #376.
ELEVATION = 702.08
- BM "B":**
SANITARY MANHOLE BM IN WEST GROVE STREET, NORTH OF CENTERLINE, IN FRONT OF #376.
ELEVATION = 701.73
- BM "C":**
"C" SET ON BACK OF SIDEWALK, SOUTH SIDE OF WEST GROVE STREET, 10' WEST OF DRIVEWAY FOR #369.
ELEVATION = 703.16

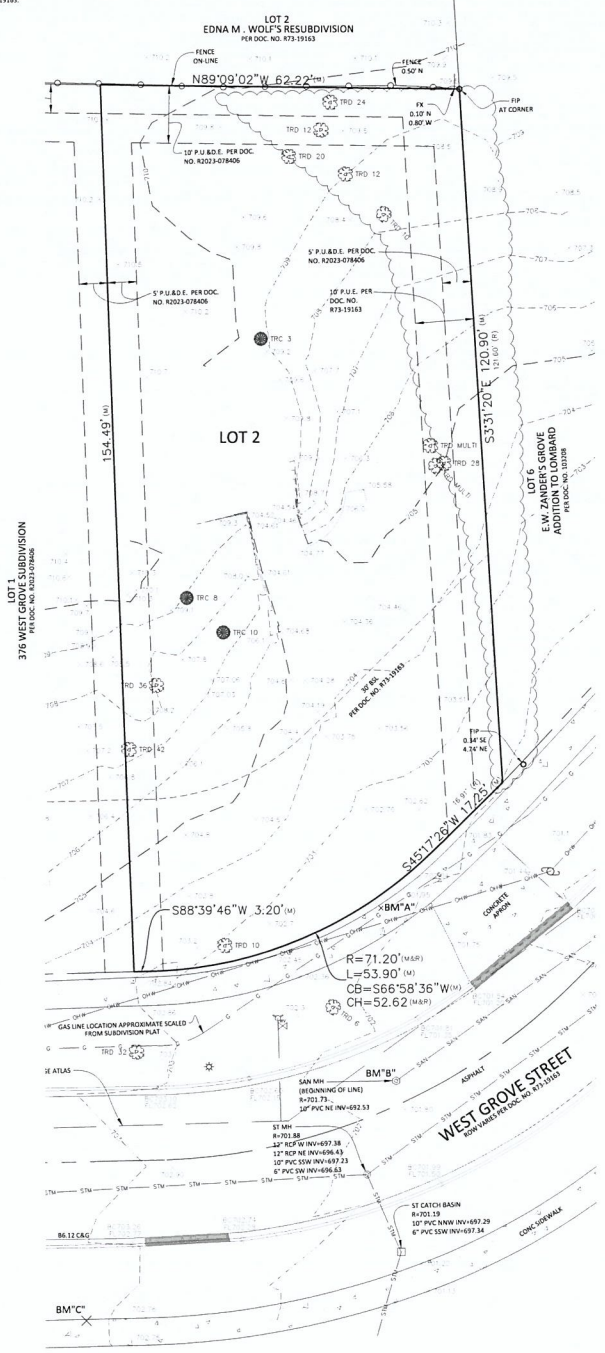
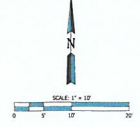
PLAT OF SURVEY

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN.

LEGAL DESCRIPTION

LOT 2 OF 376 WEST GROVE SUBDIVISION IS PART OF A RESUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED DECEMBER 8, 2023 AS DOCUMENT R203-078406, IN DUPAGE COUNTY, ILLINOIS.

AREA = 5.173ac. fl. ± 0.210acrest



LEGEND

	SANITARY MANHOLE		4\"/>
	SANITARY CLEANOUT		IRON PIPE (3/4\"/>
	STORM MANHOLE		IRON ROD (5/8\"/>
	STORM INLET		FOUND IRON PIPE (3/4\"/>
	FIRE HYDRANT		FENCE CORNER
	WATER VALVE		PUBLIC UTILITY EASEMENT
	POWER POLE		TOP OF FOUNDATION (APPROXIMATE)
	LIGHT POLE		GARAGE FLOOR (APPROXIMATE)
	TELEPHONE PEDESTAL		BUILDING SETBACK LINE
	GAS METER		GROUND ELEVATION
	CONFEDEROUS TREE (TRUNK DIAMETER)		BACK OF CURB ELEVATION
	DECIDUOUS TREE (TRUNK DIAMETER)		FLOWLINE ELEVATION
	CONCRETE MATERIAL		
	CONCRETE CURB & GUTTER		
	DEPRESSED CURB		

LINE LEGEND

	SANITARY LINE		SANITARY LINE
	STORM LINE		UNDERGROUND ELECTRICAL CABLE
	CE		COMMUNICATIONS CABLE
	G		2\"/>
	OVERHEAD WIRES		WATER MAIN
	CHAIN LINK FENCE		WOOD FENCE
	TREE LINE		BOUNDARY
	EXISTING LOTS		CENTERLINE
	BUILDING SETBACK LINE		EASEMENT



STATE OF ILLINOIS)
) SS
DUPAGE COUNTY OF DUPAGE,)
) SS
MICHAEL D. BYTNER
035-003158
SURVEYOR
STATE OF ILLINOIS

I, MICHAEL D. BYTNER, A PROFESSIONAL LAND SURVEYOR, DO CERTIFY THAT THIS DRAWING HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION, ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

DATED THIS 26th DAY OF JUNE, 2024

PROFESSIONAL LAND SURVEYOR NUMBER 035-003158
ALL ILLINOIS LAND SURVEYOR LICENSES EXPIRES NOVEMBER 30, 2024
DESIGN FIRM NUMBER 1860465
THIS SURVEY CONFORMS TO THE CURRENT ILLINOIS STANDARD FOR A BOUNDARY SURVEY.

SHEET 1 OF 1

Weaver Consultants Group
1000 N. WILSON AVENUE, SUITE 200
LOMBARD, ILLINOIS 60148
TEL: 630-261-1100
WWW.WEAVERCONSULTANTS.COM

NO.	DATE	REVISION DESCRIPTION

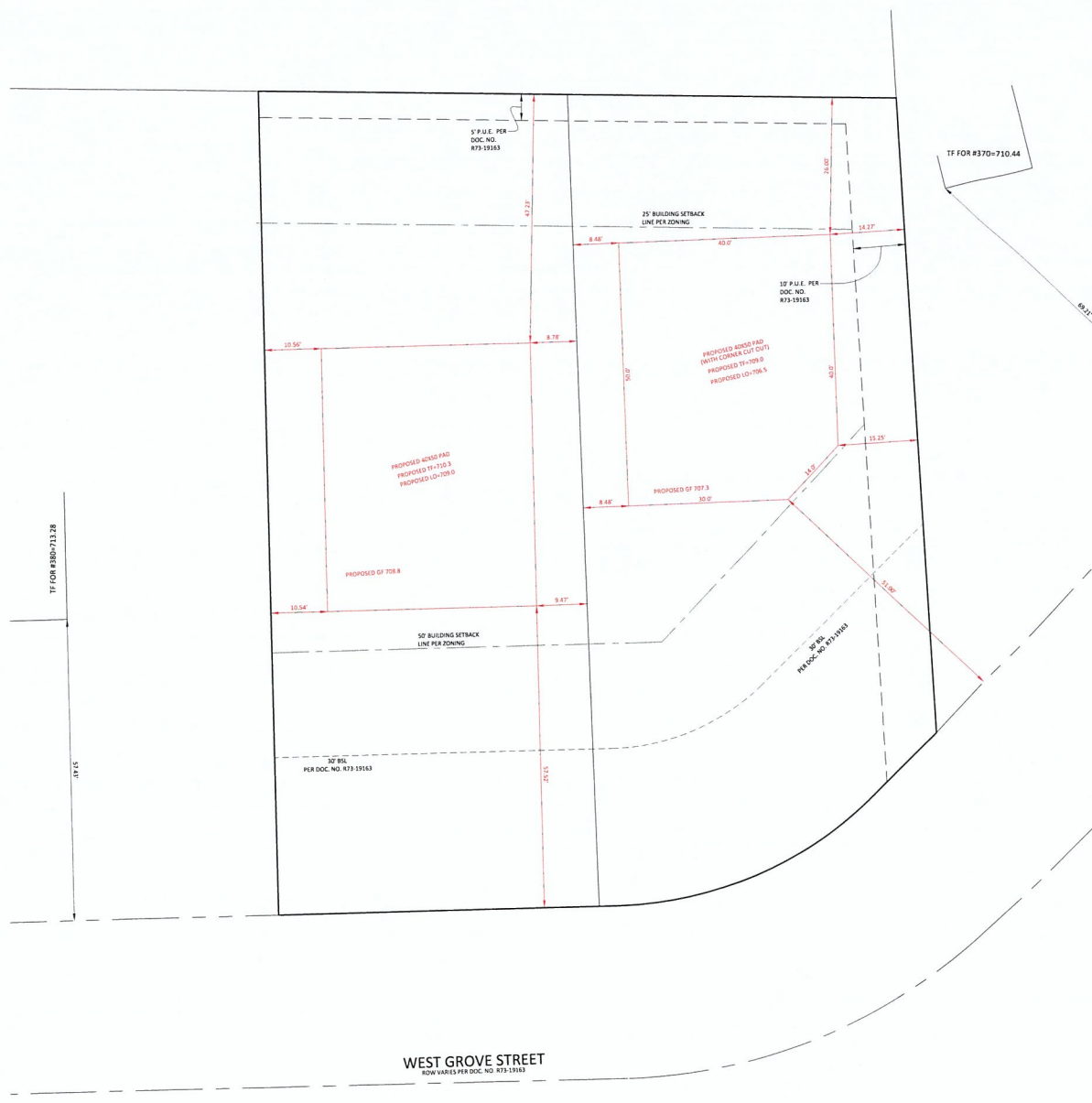
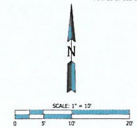
BOUNDARY & TOPOGRAPHIC SURVEY
376 WEST GROVE STREET
LOMBARD, ILLINOIS

PREPARED FOR:
215 E HICKORY
LOMBARD, IL 60148

FINE HOME BUILDERS

BUILDING SETBACK EXHIBIT B

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 7,
TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN.



LINE LEGEND

	BOUNDARY
	EXISTING LOTS
	CENTERLINE
	BUILDING SETBACKLINE
	EASEMENT

376 west grove setbacks exhibit b.dwg

SHEET 1 OF 1

DATE: 12/11/2013
 TIME: 4:15:27 PM
 USER: CWT

WEAVER CONSULTANTS GROUP
 215 E HICKORY
 LOMBARD, IL 60148
 WWW.WEAVERCWG.COM

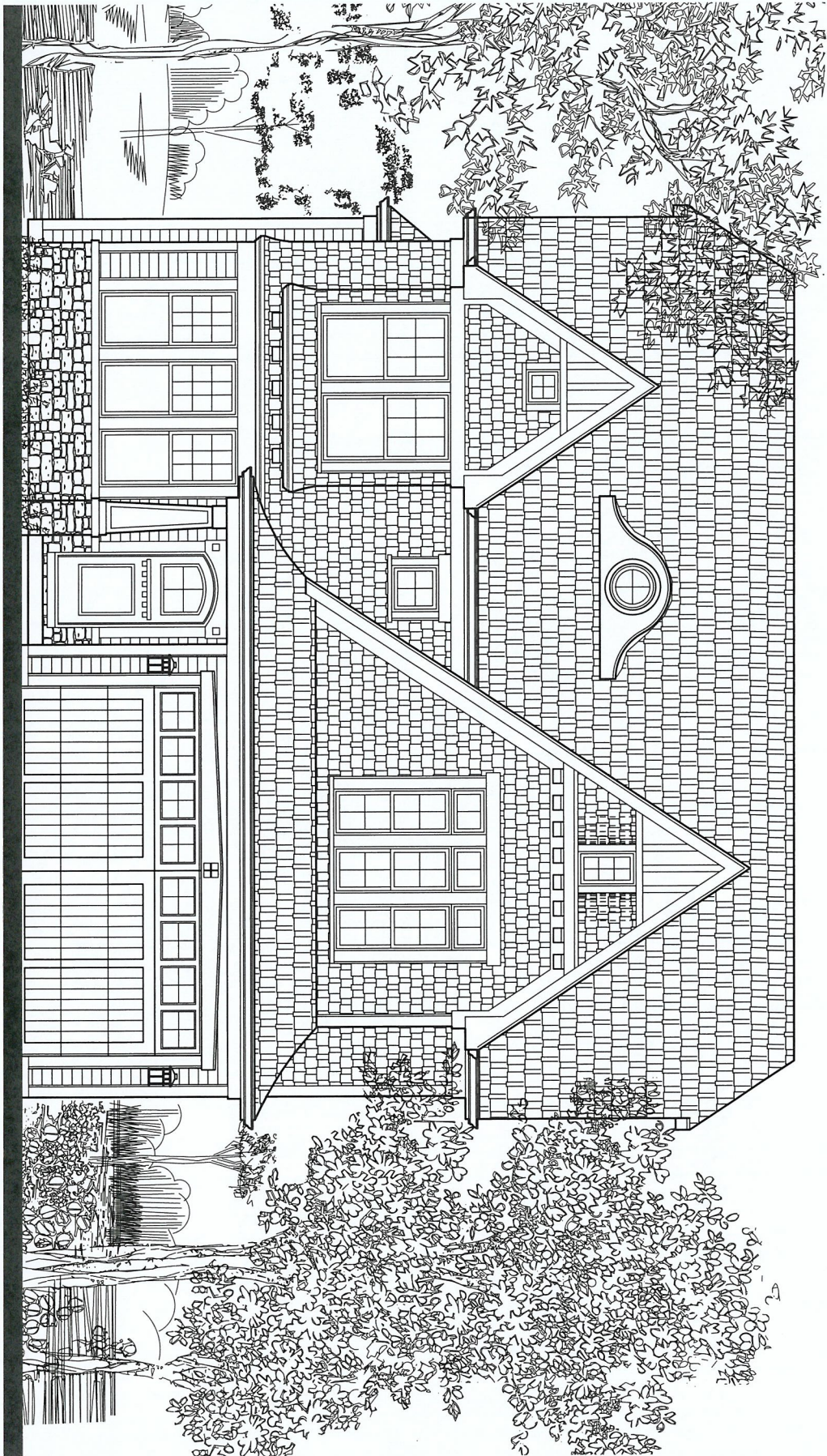
Weaver Consultants Group

No.	DATE	REVISION DESCRIPTION

BUILDING SETBACK EXHIBIT B
376 WEST GROVE STREET
 LOMBARD, ILLINOIS

PREPARED FOR:

215 E HICKORY
 LOMBARD, IL 60148



FRONT ELEVATION

© JMB ARCHITECTS LTD.

