

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

224 W. CRYSTAL AVENUE

January 24, 2024

Title

ZBA 24-01

Petitioner & Property Owner

Lindsey Espinosa
224 W. Crystal Avenue
Lombard, IL 60148

Property Location

224 W. Crystal Avenue
06-06-216-019

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) and Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required front and interior side yard setbacks for the subject property.

Prepared By

Anna Papke, AICP
Planning and Zoning Manager



LOCATION MAP

PROJECT DESCRIPTION

The subject property is developed with a single-family home. The existing single-family home does not meet the required interior side yard setbacks on either side of the property. The property owner would like to build a second-story addition onto the residence. The second story addition will maintain the existing interior side yard setbacks. The property owner also plans to modify the first floor to square off the front façade. Because the existing house does not sit square to the front property line, the altered front façade requires a front setback variance to allow for a 29-foot setback for a portion of the altered façade.

APPROVALS REQUIRED

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

1. A variation from Section 155.407(F)(1) to allow a front yard setback of twenty-nine (29) feet, where a front yard of thirty (30) feet is required;
2. A variation from Section 155.407(F)(3) to allow an interior side yard setback of five (5) feet where an interior side yard of six (6) feet is required; and
3. A variation from Section 155.407(F)(3) to allow an interior side yard setback of eight (8) feet where an interior side yard of nine (9) feet is required.

PROJECT STATS

Lot Size

Parcel Area: 8,172 sq. ft.

Parcel Width: 50 feet

Setbacks with proposed second-story addition

Front (south) 29.19 feet

Side (west) 5.03 feet

Side (east) 8.21 feet

Rear (north) 90+ 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 ARS Surveying Service LLC, dated 9/12/2016; and
4. Architectural plans.

EXISTING CONDITIONS

The property contains an existing one-story single-family residence with a detached garage.

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 single-family residences constructed prior to 2011 in the R2 District to maintain a minimum front setback of 30 feet from the front property line. Minimum required interior side yard setbacks for single-family homes without an attached garage are six feet and nine feet (to accommodate a driveway).

The residence on the subject property is not meeting the six- and nine-foot setback requirement relative to the west and east property lines respectively. The petitioner proposes to build a second-story addition onto the house. The second-story addition will maintain the existing side yard setbacks. The front façade of the existing house is currently L-shaped. The petitioner proposes to modify the footprint of the house to square off the front façade. A portion of the altered front façade will encroach into the required 30-foot front yard setback.

The proposed plans include a roofed-over front porch and a deck on the front of the house. Both improvements are permitted encroachments in the front yard setback and do not require variances.

The subject property is 50 feet wide and is part of a subdivision of 50-foot-wide lots platted in 1927 (Elmore's North View Subdivision, R1927-232326). Village Code currently requires a minimum lot width of 60 feet in the R2 Zoning District, though the subject property is a buildable lot under the 80% provision in Section 155.209. According to the York Township Assessor, the home on the subject property was built in 1951, prior to the mid-1950s when the Village began keeping permit records. Staff finds no records of building permits issued for either the original house or an addition to the house, and therefore concludes that the footprint of the existing house is consistent with the original construction in 1951.

The current Village Code went into effect after the subject property was developed and contains lot width and side yard 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.

With respect to the front yard setback variance, staff notes that the existing house does not sit square to the front property line. This circumstance is due to the gradual curvature of the Crystal Avenue right-of-way, noted on the plat of survey as an undefined curve. The petitioner proposes to square the footprint of the house to facilitate the second-story addition and planned interior modifications to the first floor. As a result of the slight curvature in the front property line and location of the existing house, a portion of the modified building footprint will encroach into the front yard setback (Figure 1). Staff considers the layout of the existing house and the road curvature to be unique circumstances on the subject property that impact the ability of the petitioner to make reasonable modifications to the house. Staff has no objection to the requested front yard setback variance.

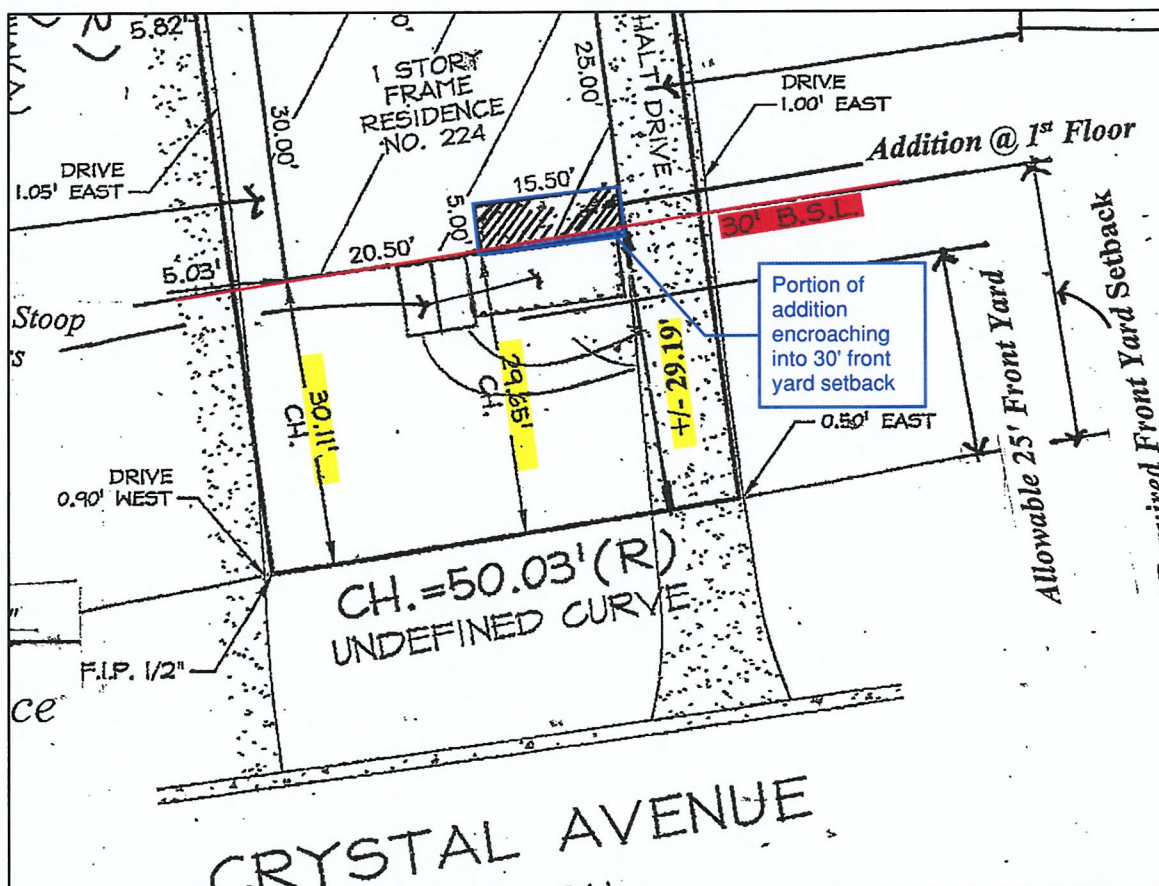


Figure 1. Proposed addition with existing and proposed front yard setbacks noted.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

The subject property is 50 feet wide, and is part of a subdivision of 50-foot wide lots platted in 1927. The current minimum lot width in the R2 Zoning District is 60 feet, though the subject property is a buildable lot under the 80% provision of Village code. A 50-foot lot width could be considered unique when compared to the overall Village housing stock. The property is also unusual in that the front property line has a slight curve along the Crystal Avenue right-of-way. The existing structure was constructed in 1951 and presumably met the setback requirements in place at the time. The substandard lot width and front lot line curvature, combined with the placement of the existing structure on the property, limit the petitioner's ability to meet the current setback 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.*

The subject property is a 50-foot wide lot of record on a curved street in a legally established subdivision. 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 the existing structure in relation to the current front and side yard setback requirements. The existing house was built before the Village adopted a Zoning Ordinance with setback and lot width requirements (1960). Presumably, the house met applicable standards at the time of construction. Current setback and lot width requirements do not reflect the conditions under which the existing house was built.

- e. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

This standard is affirmed. The existing house was built prior in 1951. Since then, the existing house with substandard side yard setbacks has not been detrimental to the public welfare or

injurious to other properties. The proposed addition will hold the side yard setbacks of the existing house and will not further encroach into those requisite yard.

With respect to the front yard setback, staff does not anticipate the modified front façade will impact the adjacent neighbors or the neighbor directly across the street. The expansion of the front building façade is relatively minor, with only a small portion of the footprint encroaching 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.

The petitioner proposes to build the addition over the footprint of the existing house. The addition will hold the side setback lines of the existing house. The modification to the front façade is minor. The addition is not expected to impact light or air supply to adjacent properties.

In consideration of precedent, staff has identified similar cases that appeared before the Zoning Board of Appeals in recent years. All of the cases listed below were requests to reduce an interior side yard setback for an addition that held the setback of the existing residence. Several of these cases involved 50-foot wide lots with circumstances similar to those on the subject property.

Case No.	Address	Summary	ZBA Vote	BoT
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.

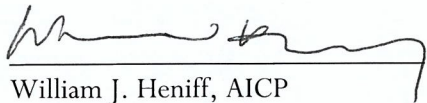
FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested 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 24-01 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed addition;
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

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Standards for Variations

224 W Crystal Ave.

Lombard, IL 60148

1. Our house was built in 1951, presumably built with the permits and codes existing at the time and therefore legally established. In order to extend our home in both the front, and up top, we are requesting a variation of zoning based on current zoning requirements. Without this zoning variation, we would need to move out of our home and/or Lombard to relocate our family.
2. Due to the fact that our home is a legal non-conforming structure, this variation needed is unique to our specific property.
3. This is not applicable to our project since are looking to expand our house so that we can continue to live in Lombard and expand our family.
4. The need for a zoning variance is due to when our home was built, and therefore has not been created by any person presently having an interest in our home.
5. The zoning variance would not have an affect on any other properties or the neighborhood since we are squaring off the front of our home, and building directly above our current structure.
6. The granting of these variations will not alter the essential character of the neighborhood, as it is being designed to match the current property.
7. The proposed variation will not impact any surrounding properties, public streets, or public safety. It will improve property values within the neighborhood since we will be able to add 3 bedrooms, 2 bathrooms, a laundry room an extend the living room to the existing home.