#### **ZONING BOARD OF APPEALS**

#### INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

1014 S. FINLEY ROAD

#### May 28, 2025

#### **Title**

ZBA 25-01

#### **Petitioner & Property Owner**

Rohit Dhingra 1916 Saddle Farm Naperville, IL 60564

#### **Property Location**

1014 S. Finley Road 06-18-304-019

#### Zoning

R1 Single-Family Residence District

#### **Existing Land Use**

Vacant

#### **Comprehensive Plan**

Estate Residential

#### **Approval Sought**

A variation from Section 155.406(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



#### **PROJECT DESCRIPTION**

The petitioner is requesting a variance for a proposed house to encroach into the front yard setback. The subject property was subdivided to create two lots from one in 2005. The existing house was torn down in 1999. Lot 1, located at 501 W. Edgewood Road, has a house that was constructed in 2005 with a setback of 30 feet from the front property line.

**Subject Property:** Lot 2, located at 1014 S. Finley, has a required front yard setback of 40 feet since the house to the south, 1018 S. Finley Rd, has a front yard setback of 50 feet. Per Section 155.406(F)(1)(a), "The front yard applicable to the subject lot shall be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots." The relative mean formula was introduced in 2008.

#### **APPROVALS REQUIRED**

The petitioner requests that the Village approve the following variation on the subject property located within the R1 Single-Family Residence District:

A variation from Section 155.406(F)(1)(a) to allow a new single family residential structure to be constructed thirty-one feet (31') from the front property line where a front yard setback of forty feet (40') is required.

#### **PROJECT STATS**

#### **Lot Size**

Parcel Area:

10,004 sq. ft.

Parcel Width:

82 feet

Parcel Depth:

122 feet

## Setbacks for proposed new house

Front (east)

31 feet

Side (north)

8 feet

Side (south)

13.6 feet

Rear (west)

41 feet

## Surrounding Zoning & Land Use Compatibility

North: R1 SF Residential

East: R2 SF Residential

South: Unincorp. Residential

West: Unincorp. Residential

#### **Submittals**

- 1. Petition for public hearing;
- 2. Response to standards for variation;
- 3. Plat of survey prepared by Morris Engineering, dated 10/8/2019;
- 4. Site plan from permit RB25-000410;
- 5. Elevations from permit RB25-000410;
- 6. Exhibit of Floor Plan provided by the petitioner;
- Exhibit of lot with required setback shown on site plan provided by the petitioner;
- 8. W&Z Edgewood Resub.

#### **EXISTING CONDITIONS**

The property is vacant and was divided in 2005 from 501 W Edgewood Road 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 40-foot setback the house would need to encroach into the rear yard setback of 40 feet. The petitioner is requesting a variance to permit a house to encroach 9 feet into the front yard setback. The result would be a front yard setback of 31 feet.

The lot is part of lot 5 platted in 1946 (R1946-501719) from Flowerfield Acres Subdivision then resubdivided by W&Z Edgewood (R2005-083333) to the current two lot configuration.

The two lot subdivision was created before the text amendment in 2008 that changed the front yard setback from 30 feet to the mean of the abutting properties to determine the setback of a new house.

Lot 2 of the W&Z Edgewood Resubdivision is the subject property, 1014 S. Finley Road, which is currently vacant. Lot 1 of the W&Z Edgewood Resubdivision is 501 W Edgewood, located at the corner of Edgewood Road and Finley Road, north of the subject property. A house was built on it at the time the subdivision was created. This house has a front yard setback of 30 feet.

The abutting property to the south, 1018 S. Finley Road, is unincorporated and has a front yard setback of 50 feet. Section 155.406(F)(1)(a) does not specify the jurisdiction status of the property. Therefore the formulated front yard setback for the subject property is 40 feet based on the mean of the abutting properties, 501 W. Edgewood Road and 1018 S. Finley Road.

The attached exhibit demonstrates the hardship of meeting the standard. In order to meet the required 40-foot setback the house would lose buildable space area in depth as the lot is shallow compared to other lots zoned R1 in the Village. Out of 146 properties that are zoned R1, the average lot depth is 172 feet. Three of the lots zoned R1 have a depth of 400 feet or more and ten of the lots have a

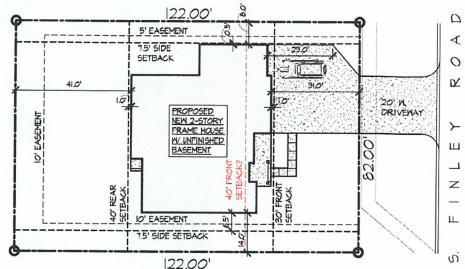


Figure 1: Site Plan provided by petitioner

depth of 100 feet or less. There are eight lots that are zoned R1 within the Flowerfield Acres Subdivision where the subject property is located. The other six lots, not counting 501 W Edgewood and 1014 S. Finley Road (subject property), are 200 feet in depth or more. Staff notes a house built prior to 2011 could have a front addition added up to 30 feet without the mean of the abutting properties considered. The petitioner is requesting a variance to permit a house to encroach 9 feet into the front yard setback. The result would be a front yard setback of 31 feet.

Staff considers the conflict with the 2008 text amendment to be a unique circumstance of 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 155.406(F)(1)(a). 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 relatively unique square shape when compared to other R1 zoned lots creating a shallow buildable area. The shape of the lot limits the petitioner's ability to meet the setback requirement of forty (40) feet as the lot depth is approximately 50 feet less than

the average R1 properties. The majority of the homes in the neighborhood along Finley Road are zoned R2 and are setback at thirty (30) feet with a few homes setback more than thirty (30) feet from the front yard property line. Allowing the thirty-one (31) foot front yard setback instead of the mean setback of forty (40) feet would therefore maintain the existing character of the neighborhood.

b. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

The subject property was resubdivided from one lot into two in 2005. The resubdivision predated the Village's approval of the relative mean formula for front yards for properties zoned R0, R1 and R2 within the Zoning Code. The expectation for the development of the lots in 2005 was a front yard setback of 30 feet and not the formulated 40 feet thereby creating less depth for the buildable space of the lot. These circumstances are specific to the subject property.

 ${
m c.}$  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 timeline of the resubdivison preceded a text amendment to Village Code. The mean of the abutting properties formula, relative setbacks, was introduced in 2008 (PC 08-21) and further fine tuning in 2011 (PC 11-19). Under the Board's direction, the residential redevelopment items were first introduced to the Plan Commission during the February 18, 2008 Plan Commission workshop. More specific items were then later brought back to the Plan Commission during the June 16, 2008 Plan Commission workshop. Ordinance 6246 was then approved on October 2, 2008.

Clarification of interpreting this text amendment required Plan Commission workshops on March 21 and July 18, 2011. Ordinance 6651 included revisions to Ordinance 6246 and was approved September 15, 2011.

Meanwhile, the resubdivision creating 501 W Edgewood and the subject property, 1014 S. Finley, took place in 2005 with the assumption that the front yard setback of both lots would be an absolute of 30 feet. The loss of nine feet negatively impacts the area of buildable space for the house. While both lots meet the minimum lot area of 10,000 square feet and lot width of 75 feet, the lot shape is relatively more square rather than the standard rectangle shape. Compared to other lots zoned R1, the buildable space remaining after setbacks results in the hardship of depth availability for a house if the relative setback is imposed.

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 (31) feet will impact the adjacent neighbors or the neighbor directly to the south.

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 2024 a similar request for front yard setback relief was granted (ZBA 24-03; 374 W. Grove Street). In this example, one lot was resubdivided into two lots with one of the lots uniquely shaped due to the curve of the street.

Also in 2024 the Village approved an amendment to the required front yard setback for a five-lot subdivision (PC 24-14; 614-630 W. Meadow Lane). The subdivision (SUB 17-01) comprised of four single-family residential lots and one stormwater outlot. Three of the four single-family residential lots were vacant. Lot 3, at 622 W. Meadow, was developed with a single-family residence that was built prior to the 2017 subdivision that was setback more than 50 feet. A variance for the three vacant lots was granted in 2024 (PC 24-14).

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 25-01 subject to the following conditions:

- 1. The house shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
- 2. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and

3. 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:

Anna Papke, AICP

Planning & Zoning Manager

c. Petitioner

#### PETITIONERS' GUIDE TO THE ZONING BOARD OF APPEALS

#### VIII. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

#### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

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.

<u>Petitioner (Rohit) Response:</u> Description is Request provided separately and is attached to this application. Kindly refer it, for response to this question.

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.

Petitioner (Rohit) Response: This request is specific to 1014 Finley Rd Lombard.

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

<u>Petitioner (Rohit) Response:</u> This is not for any financial gains, it is to create a beautiful & livable home for family which will be comfortable, secure and have great functionality with proportionate setbacks for front and back yard.

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.

Petitioner (Rohit) Response: No, it hasn't created any hardship for anyone.

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.

Petitioner (Rohit) Response: No, petitioner has no intentions for such.

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

<u>Petitioner (Rohit) Response:</u> No, it will not. Actually, this variance will allow us to build a great single-family home at this site.

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.

Petitioner (Rohit) Response: No, it will not.

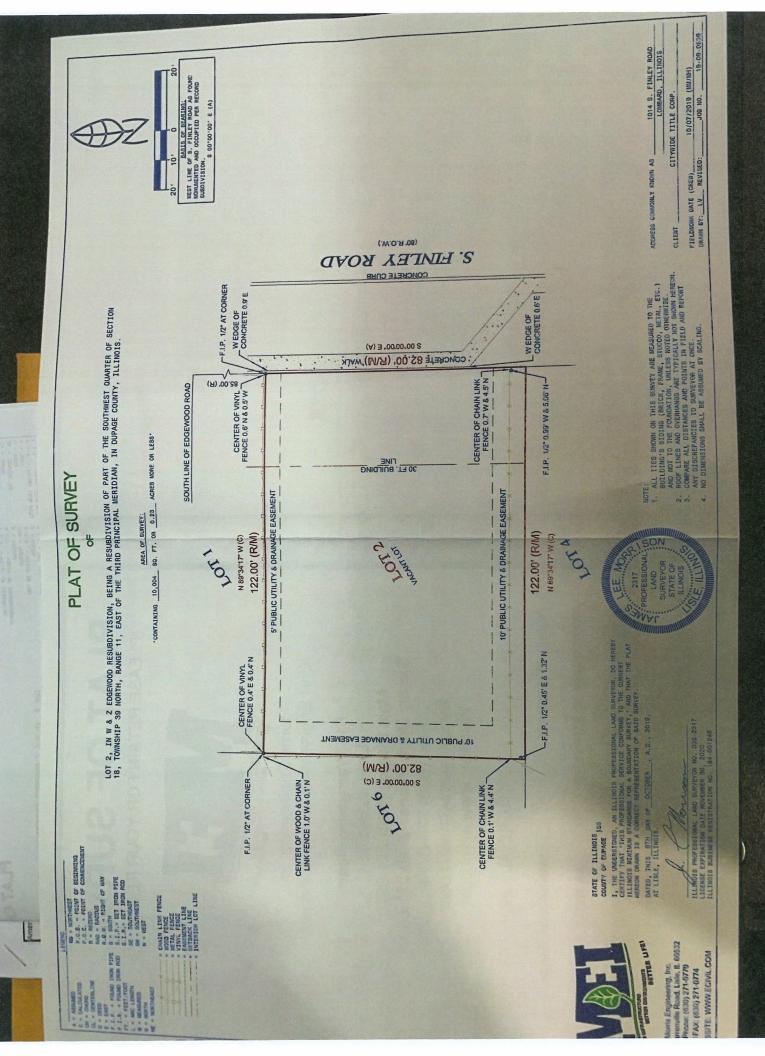
# VILLAGE OF LOMBARD ZONING BOARD OF APPEALS

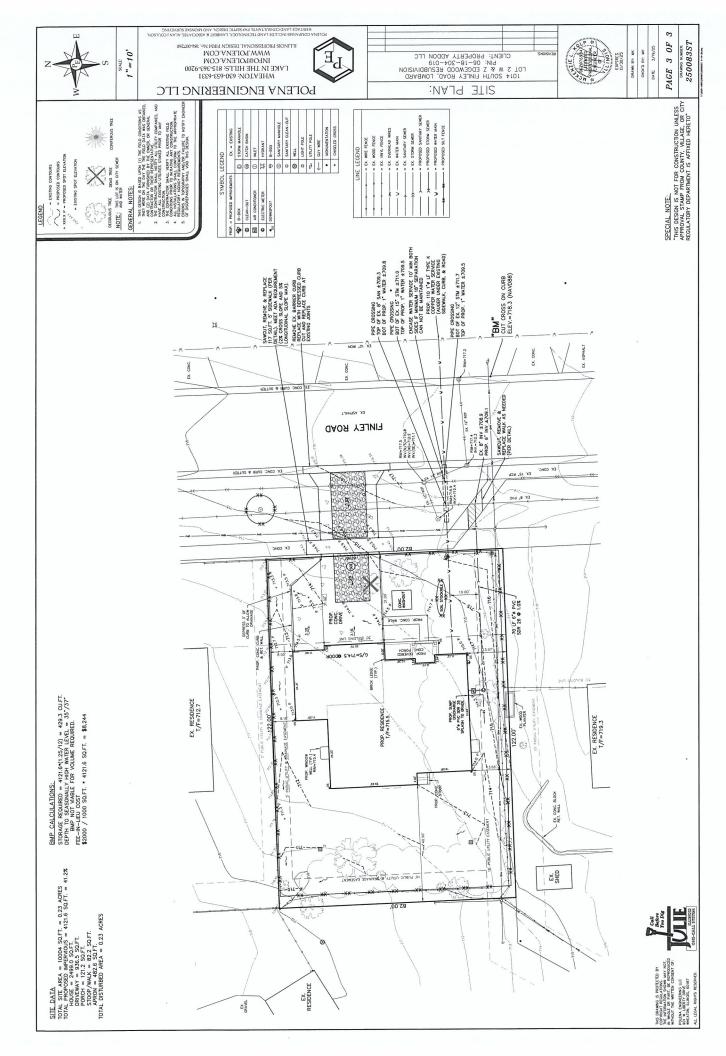
--- PETITION FOR PUBLIC HEARING ---

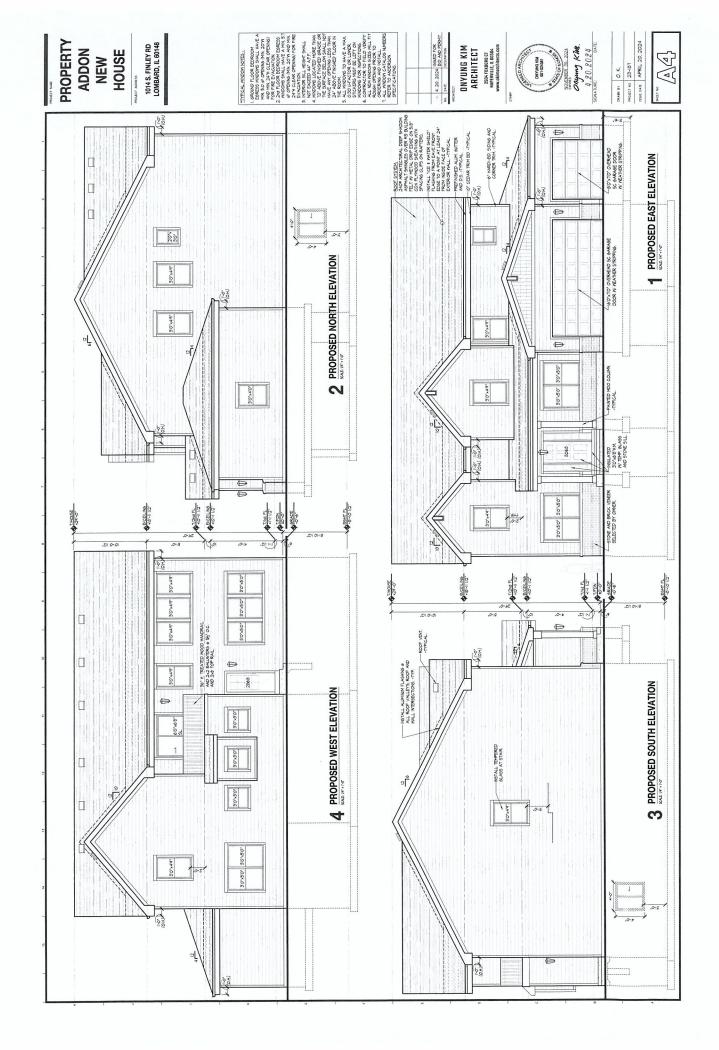
#### **DESCRIPTION OF REQUEST: Petitioner (Rohit) Response**

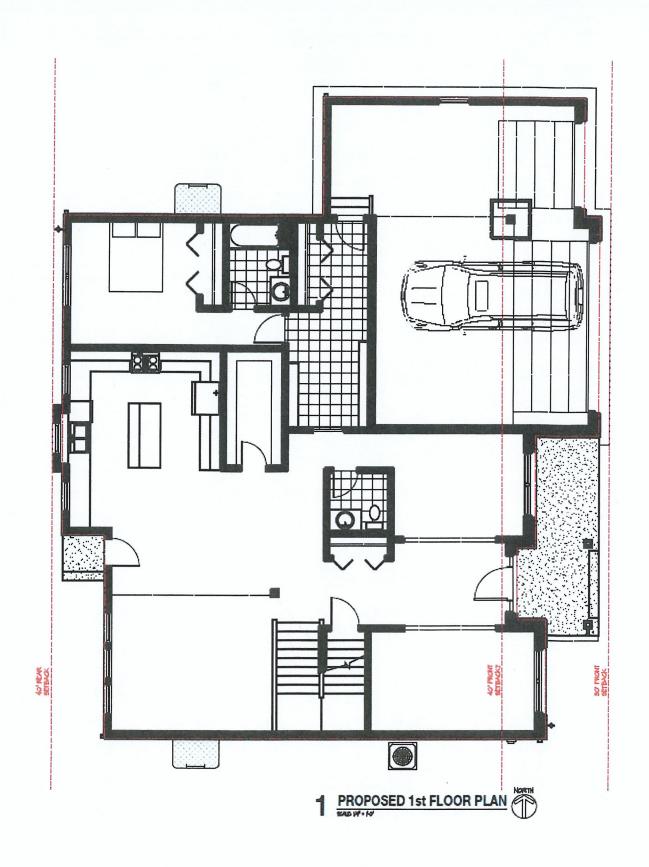
The subject property is 1014 Finley Rd Lombard. We are requesting to allow a 30' FRONT setback as compared to 40' which is calculated because of rule of averages. The reasoning is as follows:

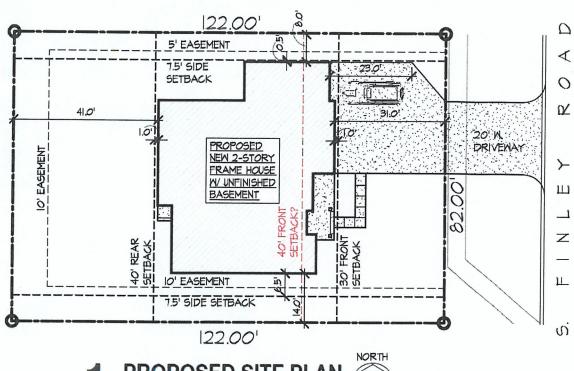
- 1. As shown in the GIS (attached to this description), the south house has a longer lot to the backyard so the house could have a 50' front setback. However, our lot is too short to have a 40' front setback.
- **2.** The lot to the south of subject property is 78' longer (totaling around 180') than our property, hence it's 50' setback per the subdivision compared to the 30' as dictated by our subdivision.
- 3. Also, the south house is an unincorporated lot; DuPage County, not in Village of Lombard.
- **4.** The **north adjacent house has a 30' front setback** and similar lot depth as our lot. So, our proposed house might have a 30' front setback.
- **5.** The plat of survey (when we purchased the lot) was showing a 30' front setback. **See attached plat of survey.**
- **6.** We tried to reduce the size of the house as shown below/next page that is causing a major portion of the house including garage to be eliminated and all the rooms are getting very small/disproportionate.
- 7. The rear setback is also 40'.











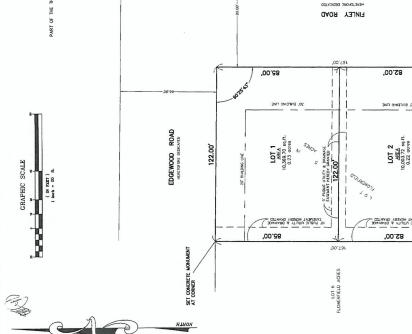
PROPOSED SITE PLAN

SCALE: 1' = 20'-0'



DuPage County Web Site : https://www.cupagecounty.gov

DuPage Maps Portal : https://www.dupage.maps.arcgis.com/ho



# EDGEWOOD RESUBDIVISION 7 જ 3

PART OF THE THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SCHOOL DISTRICT STATEMENT

PARSUMT TO SECTION 1,005 OF THE PLAT ACT, 789, ICS 305, THIS DOCUMENT SMALL SERVE AS THE SHADOL DISTRICT STREAMENT OF THE GRACE AS MOMENDED. THE IRACT OF UMD DESCRIBED IN THE ATRACED PLAT UES IN THE TOLLOWING SCHOOL DISTRICT(S).

ADDRESS: 596 CRESCENT BLVO., GLEN ELLYN, ILLINOIS ADDRESS: 150 W. MADISON ST., LOMBARD, ILLINOIS GRADE SCHOOL DISTRICT #44 JR. COLLEGE DISTRICT #502 HIGH SCHOOL DISTRICT #87

ADDRESS: 425 22ND ST., GLEN ELLYN, ILLINOIS (OWNER)

OWNER

COUNTY OF DU PAGE) STATE OF ILLINOIS)

APPROVED BY THE DEPARTIENTS OF COMMUNITY DEPENDENT OF THE WILLINGS OF COMPANY. HIS COLORS HIS COLOR

LEACHAR, T. 12-040. COLECTOR FOR THE MLIAGE OF LOMBARD, ILLNOS, OF HERRY CERTIFY THAT THERE ARE NO PERMOLENT OR UNIVO. CHARGE TO SPECIAL ASSESSMENTS, NOR ANY OFFERED INSTALLIBENTS THEREOF THAT HAVE BEEN APPORTITIONED ADMINIST. STATE OF ILLINOIS ) S.S. COUNTY OF DUPAGE )

DATED AT LOMBARD, ILLINOS, THES ESTIL DAY OF MARCH.

# UTILITY AND DRAINAGE EASEMENT PROVISIONS

SET CONCRETE MONUMENT

EXISTING 10' PUBLIC UTILITY EASEMENT PER DOCUMENT #501719

122.00

20,373.42 sq.ft. 0.46 ocres

LOT 4 FLOWERFIELD ACRES

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P.I.N. 06-18-304-012

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STATE OF ILLINOIS ) S.S. COUNTY OF DUPAGE ) S.S.

LOT S. N. BLOCK 7. N. TOMERTBLD AGRES, REDRC A SUBDIVISION OF RANGE OF ITE SOUTHEST GUARTER OF SCHOOL STATES OF STAT THIS IS TO CERTIFY THAT I, JOSEPH F. GENTLE, ILLINGS PROFESSIONAL LAND SURVEYOR NUMBER 2925, HAVE SURVEYED AND PLATTED THE FOLLOWING DESCRIBED PROPERTY:

A.D., 2005 

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925 MY LICENSE EXPIRES ON NOVEMBER 30, 2006

GENTILE & ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS

NOTE: SET 1/2" BY 18" IRON PIPE AT ALL LOT CORNERS

550 E. ST. CHARLES PLACE.
LOGARDA, LINKOS BOUNB
PHONE (630) 918–6224
PREPARED FOR: WAMBERTY & ZACACH, LTD.
PREPARED BY: RUC  $\widehat{\mathtt{U}}$ 

RDER NO: 04-18888 RES

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