

ZONING BOARD OF APPEALS

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

809 S. ELIZABETH STREET

June 22, 2022

Title

ZBA 22-01

Petitioner & Property Owner

Anthony Lupo
809 S. Elizabeth Street
Lombard, IL 60148

Property Location

809 S. Elizabeth Street

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

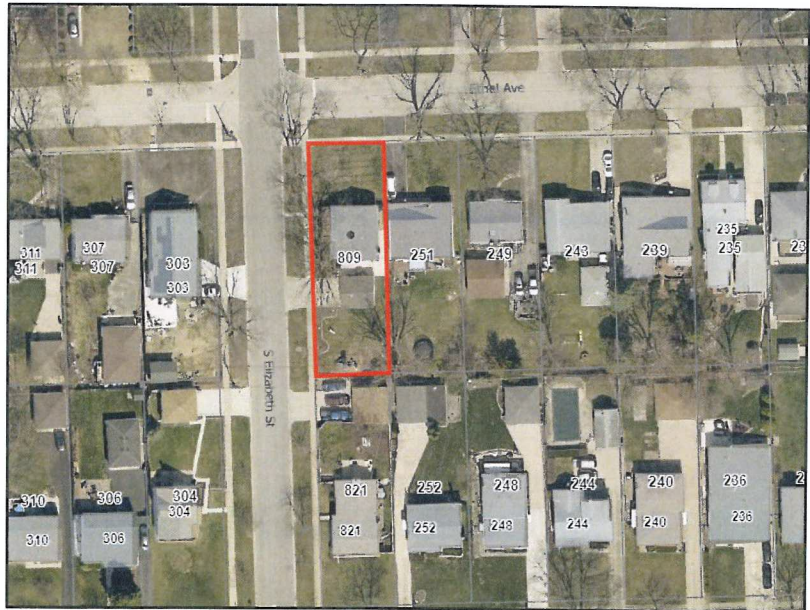
Low Density Residential

Approval Sought

A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fourteen feet (14'), and a variation from Section 155.407(F)(3) to reduce the required interior side yard setback from six feet (6') to five and seven tenths feet (5.7'),

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is developed with a single-family home. The existing single-family home does not meet the required twenty-foot corner side yard setback or the six-foot interior side yard setback. The property owner would like to build a second-story addition onto the residence. The second story addition will maintain the existing fourteen-foot corner side yard setback and 5.7-foot interior side yard setback.

The property owner also intends to build a new attached garage. The attached garage will meet all required setbacks.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fourteen feet (14'), and a variation from Section 155.407(F)(3) to reduce the required interior side yard setback from six feet (6') to five and seven tenths feet (5.7'), for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for a second-story addition to an existing nonconforming single-family residence located on the subject property.

PROJECT STATS

Lot Size

Parcel Area: 8,007 SF

Parcel Width: 50.11 feet

Setbacks with proposed second-story addition

Front (north) 37.88 feet

Corner Side
(west) 14.09 feet

Side (east) 5.79 feet

Rear (south) 47.17 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 Preferred Survey, Inc., dated 03/11/2014; and
4. Architectural plans, prepared by Jeffery J. Heaney, dated 5/30/2022.

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:

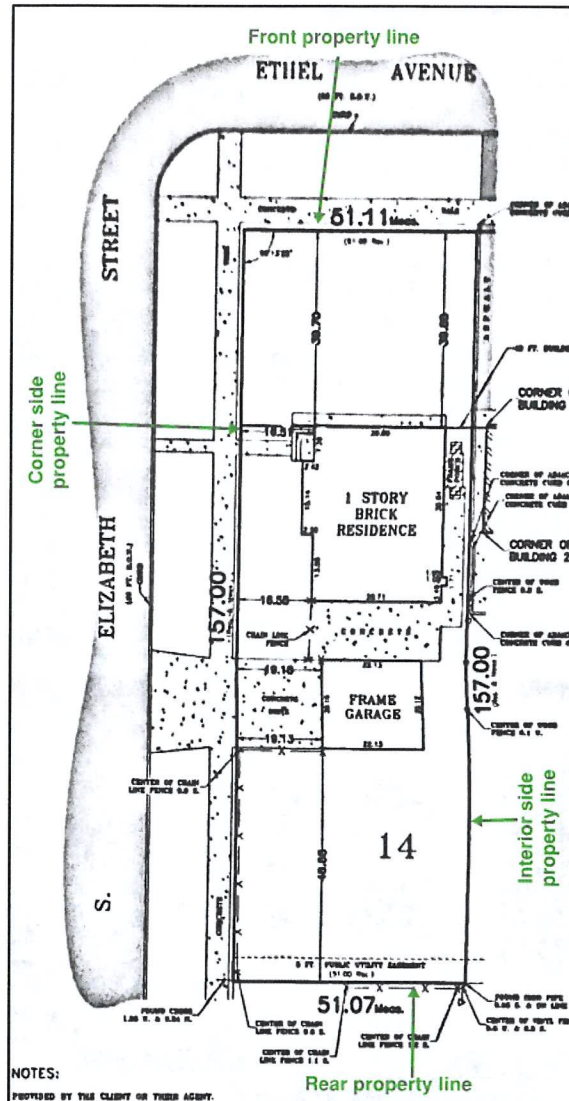
The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance requires single-family residences in the R2 District to maintain a minimum corner side yard setback of 20 feet and a minimum interior side yard setback of six feet from property line. The residence is not meeting the required 20-foot corner side yard setback relative to the west property line, and is not meeting the required six-foot interior side yard setback relative to the east property line. The petitioner proposes to build a second-story addition onto the house. The second-story addition will hold the existing side setbacks of the house.

The property owner also proposes to construct an attached garage on the south end of the house. The garage will meet the required corner side, interior side, and rear yard setbacks.

The subject property is 51 feet wide, and is part of a subdivision of lots with widths ranging from 50 to 52 feet. The subdivision was platted in 1924 (Lombard Park Manor Subdivision). 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.



Subject property



Subject property viewed from corner side yard (Elizabeth Street)



Subject property viewed from front yard (Ethel Avenue)

According to the York Township Assessor, the home on the subject property was built in 1956. The Village issued a permit for the construction of the house in 1955. The site plans for the original house are not available in Village records, but the existence of a permit suggests the house met all applicable development regulations in place at the time. Staff finds no records of building permits issued for an addition to the house, and therefore concludes that the footprint of the existing house is consistent with the original construction in 1956. The existing detached garage received a building permit in 1966.

The current Village Code went into effect after the subject property was developed, and contains lot width and 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 subject property is 51 feet wide, and is part of a subdivision platted in 1924. 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 51-foot lot width could be considered unique when compared to the overall Village housing stock. Further, the existing structure was constructed in 1956, prior to current yard setback provisions. The substandard lot width, combined with the placement of the existing structure on the property, 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.*

The subject property is a 51-foot wide lot of record in a legally established subdivision. The second-story addition will hold the side setback lines of the existing house. 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 corner side and interior side yard setback requirements. The existing house was built before the Village had 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 to 1960. Since then, the house has not been detrimental to the public welfare or injurious to other properties. The proposed second-story addition will hold the side setbacks of the existing house and will not further encroach into the requisite yards. The garage addition will meet all applicable setbacks.

Staff does not believe the proposed second-story addition will have a negative impact on adjacent properties. The height of the house with the proposed addition will be 24.75 feet (Village Code defines building height as the mean level between the eaves and the peak of the roof). Maximum building height in the R2 District is 30 feet.

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

Staff finds that this standard is affirmed. The second-story addition will maintain the existing side building lines.

- 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 second-story addition over the footprint of the existing house. The second-story addition will hold the side setback lines of the existing house. The addition is not expected to impact light or air supply to 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. 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 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 22-01 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;
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11);
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.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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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. *It would cut down a significant amount of living space for two of the bedrooms on the second floor.*
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. *It applies to the side of the house that faces the street so no neighbors would be impacted.*
3. The purpose of the variation is not based primarily upon a desire to increase financial gain. *No, it is solely to increase living space.*
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, the ordinance is the only thing causing this hardship.*
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. *Correct, it will not be. This is only a slight extension to the second level towards the street, not an extension of the first level.*
6. The granting of the variation will not alter the essential character of the neighborhood; and, *this addition will only add to the character of the neighborhood, as it will bring a modern & more updated aesthetic.*
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. *None of these concerns will apply, as it is only an additional 3 ft of living space towards the street.*