TO: Village of Palos Park Zoning Board of Appeals  
HEARING DATE: July 8, 2020 at 7:30pm  
FROM: Building Department  
SUBJECT: Staff Report  

PROJECT TITLE  
ZBA 2020 – 06: An application has been filed requesting a variation from the requirements of Section 1268.02(f) of the Palos Park Village Code in regard to side yard setbacks to permit an addition to the existing single family building. Where the required south side yard setback is 22.455 feet, the applicant is requesting a side yard setback of 9.0 feet at the property commonly known as 12109 Spring Drive in Palos Park, IL.

APPLICANT INFORMATION  
PROPERTY OWNER(s): Robert Masini  
12109 Spring Drive  
Palos Park, Illinois 60464  

EXHIBITS:  
1. Aerial Photo  
2. Photos of Site  
3. Application for Zoning Variance, Variance Hardship Criteria  
4. Survey, Site Plan and Elevations  

PUBLIC HEARING NOTICE: The notice for this hearing was published in The Regional News on June 18, 2020 in accordance with the Village Zoning Ordinance. A sign was posted on the subject property, and the Village notified neighboring property owners within 350’ of the subject property 15-30 days prior to the date of the hearing.

NEIGHBORHOOD COMMENT: One resident called to inquire about the application and has registered to attend the hearing.

PROPERTY INFORMATION  
EXISTING ZONING: R-1-A One Family Dwelling District  
EXISTING LAND USE: Single Family Residential  
PROPERTY SIZE: 29,939 square feet  
PIN: 23-27-206-038-0000
SURROUNDING ZONING AND LAND USES:

North: R-1-A One Family Dwelling District, Single Family Residence
South: R-1-A One Family Dwelling District, Single Family Residence
East:  R-1-A One Family Dwelling District, Single Family Residence
West:  R-1-A One Family Dwelling District, Single Family Residence

COMPREHENSIVE PLAN’S recommended use: Low Density Single Family Residential

ANALYSIS

DESCRIPTION
The subject property, commonly known as 12109 Spring Drive, is zoned R-1-A Single Family Residential and is developed with an existing single-family home. The applicant proposes to build a 143 square foot addition for a master bathroom and a new closet nine (9) feet from the side lot line, rather than the required 22.455 foot setback.

The existing structure is currently located 13.5 feet from the south side lot line and features a deep roof overhang, or eve, in the area of the proposed addition, which extends further into the existing side yard setback. The proposed addition will be located entirely under the existing eve.

In accordance with Section 1264.04 Variances, there is a limitation on the amount of a variation a petitioner can request. Chapter 1264.04 (e) states: “Provided the parcel in question is a single-family residential parcel of less than one acre in size, and the requested variance relates to either the construction of an addition to the existing building that does not increase the square footage of the existing building by more than fifty percent (50%) or a remodeling of the existing building that does not impact more than fifty percent (50%) of the square footage of the existing building, to permit a side or rear yard of less than that required by this Zoning Code, but such variance shall not exceed sixty percent (60%) of the depth of the rear yard or the width of the side yard, as required by this Zoning Code.” The proposed 13.455 foot variation is 59.91% of the requirement and within the maximum limit of 60%.

ANALYSIS OF STANDARDS – VARIATIONS
In considering all proposed variances to the Zoning Code, the Zoning Board of Appeals shall, before recommending that Council grant a variance, first determine and make a finding of fact that the proposed variance will not merely serve as a convenience to the applicant, but is necessary to alleviate practical difficulties or a demonstrable hardship in the way of carrying out the strict letter of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land, and that:

1. Site Conditions: There are one or more unusual physical conditions of the site, such as size, shape, or slope, that were not created by a person having an interest in the property, that are unavoidable or uncorrectable, or that are worthy of preservation, such as a creek, wetland, or specimen trees, and that make it a substantial burden to use the property or develop the property, or otherwise result in a substantial loss of value or cause the site to be unable to yield a reasonable return, without a variance.
Finding. The existing nonconforming side yard setback is unavoidable and uncorrectable. Although there are other locations on the property where a conforming addition might be able to be constructed, the applicant has stated that the house only has 1.5 baths, with no bathroom close to the master bathroom. The goal is to add a master bath so that they can continue to live in the house without moving to a new home where the house is equipped with a more suitable bathroom arrangement. This location is the only location near the master bedroom that would be suitable, as there is a fireplace on the west wall of the building, and a covered patio on the north wall.

The lot was developed prior to current regulations and is smaller than the one acre minimum required by the code. Additionally, the side and rear setbacks also are not in conformance with today’s requirements. These conditions have existed prior to the establishment of today’s standard and is unavoidable by the current owner of the property. The 22.455 foot required side yard setback is sized according to the one acre minimum lot size. The application of this setback requirement on a lot smaller than required by the code places an undue burden on the property.

2. Development Design: The variation would not merely serve the temporary social or personal convenience of an occupant, and an alternative development plan that would conform to Code would not be suitable for the uses permitted by Code and would not be typical of similar properties in the area.

Finding. The applicant has stated that the addition would also be needed by future occupants of the home. Further, they state that it would serve more than a mere personal convenience as the existing bathroom is not close to the master bedroom.

3. Community Impact: The variation would retain the essential character, scale, intensity, and open space of the area, and would be in harmony with the purposes of the Zoning Code as stated in Section 1260.02 of this Code, and would not be substantially injurious to other property, or be detrimental to public interests or adopted Village plans.

Finding. There is a dense wooded area between the proposed addition and the property directly to the south that provides a buffer and mitigation for the addition. Further, the addition will be located entirely under the existing eave that is already located within the existing building setback.

In addition the Findings above, the Board shall look to, and make findings of fact in regard to, those factors set forth in Section 1260.05(b)(1) through (6) in regard to the requested variation, as noted below:

4. Existing uses of property within the general area of the property in question;

Finding. The existing uses in the surrounding area are all residential uses. The proposed addition is in keeping with a residential use.

5. The zoning classification of property within the general area of the property in question;

Finding. The subject property and the surrounding area are all zoned R-1-A One-Family
Dwelling District. Other than the requested side yard variance, the proposed addition is in conformance with the requirements of the R-1-A zone.

6. **The suitability of the property in question to the uses permitted under the existing and proposed classifications:**

**Finding.** The existing and proposed residential use of the property is permitted in the R-1-A zone.

7. **The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the date the property was placed in its present zoning classification:**

**Finding.** The proposed addition is consistent with the residential trend of development in the surrounding area.

8. **Proposed uses of property within the general area of the property in question as represented on the Village Comprehensive Plan:**

**Finding.** The proposed addition is consistent with the Comprehensive Plan designation of Low Density Single Family Residential.

9. **The frontage and square footage of the land involved and whether or not it adjoins a parcel of land which bears the same zoning district classification as the proposed amendment.**

**Finding.** The property is a 29,939 square foot regularly shaped lot with 149.7 feet of frontage on Spring Drive. The subject property is surrounded by other properties also zoned R-1-A.

**STAFF RECOMMENDATION**

The 22.455 foot required side yard setback is sized according to the one acre minimum lot size. The application of this setback requirement on a lot smaller than required by the code places an undue burden on the property. Staff has reviewed the application and recommends approval of the 13.455 side yard setback variance requested to construct an addition on the property commonly known as 12109 Spring Drive.

**RECOMMENDATION**

Concurring with the findings as outlined in the Staff Report, I move to recommend that the Village Council approve the requested 13.455 foot variation from the required 22.455 foot side yard setback as required by Chapter 1268.02 (f) of the Village of Palos Park Code to allow the construction of an addition on the property commonly known as 12109 Spring Drive.
IMAGES OF SITE AND SURROUNDING AREA

View Looking South along Spring Dr.

View Looking North along Spring Dr.

View of Site

View Looking West from Site

12109 Spring Drive
Side Yard Variance

Exhibit 2
IMAGES OF CONSTRUCTION AREA
Application for Zoning Board of Appeals

1. Applicant: Robert Masini Daytime Phone: 847-867-5216
Mailing Address: 12109 Spring Dr
Email Address: bob.masini1@gmail.com

2. Owner(s) of Record: Robert & Geraldine Masini Daytime Phone: 847-867-5216
Mailing Address: 12109 Spring Dr, Palos Park, IL 60464

3. Applicant is: □ Owner □ Attorney □ Other Agent (please specify) ____________
(Note: A letter of authorization from the owner(s) of record must be attached)

4. Address/Location of Subject Property: 12109 Spring Dr, Palos Park, IL 60464

5. Permanent Index Number(s) of Subject Property: 23-27-206-038-0000

6. Present Zoning Classification: residential
Proposed Zoning Classification (if applicable): same

7. Zoning Designations and Uses of properties to the North: residential
South: residential
East: residential
West: residential

8. Current Use: primary residence
Proposed Use (if applicable): same

9. Lot Square Footage: 29,940
Building Square Footage: 2,717

10. Explanation of Relief requested: proposed addition foundation wall would be 9’ from the south lot line

11. Ordinance Section seeking Relief from: 12-68, 02 (E)

APPLICATION MUST BE FILED WITH ORIGINAL SIGNATURES

I hereby certify that the above statements and all accompanying statements and drawings are true and correct to the best of my knowledge. I hereby consent to the entry in or upon the premises described in this application by any authorized official of the Village of Palos Park for the purpose of securing information, posting, maintaining and removing such notices as may be required by law.

Robert Masini
Applicant Signature

6-12-20
Date

Please note that advertisement of proposed projects prior to Village approval in no way creates an obligation for Village approval. Any advance promotion of a project is done at the risk of the petitioner.

PLEASE EMAIL COMPLETE APPLICATION TO: lpruss@palospark.org
VARIANCE HARDSHIP CRITERIA

The following criteria (Village Code Section 1264.07) are used by the Village to help determine if property conditions are hardships that are sufficient to grant a zoning variance.

A. Site Conditions
   1. What are the unusual physical conditions of the site; such as size, shape, slope, or other natural or manmade features; that make it a substantial burden to use the property or develop the property?
      The property size is 687 ft. of an acre. The house is a ranch with a large footprint. The house is built on a diagonal to the street. The house has 14 baths with no bathroom close to the master bedroom. The house is already 13% off from the lot line. (cover)
      a. Were these conditions created by current owners of the property? No
      b. Are these conditions unavoidable or uncorrectable? Yes
      c. Are these conditions worthy of preservation? No
      d. Is the loss of value or reasonable return due to these conditions substantial? Yes

B. Development Design
   1. Would the variation serve only the temporary social or personal convenience of the occupant?
      No, it would be needed for future occupants also. The variance would serve as more than a personal convenience since the existing bathroom is not close to the master bedroom.
   2. Is there another way to design the development that would be suitable for the permitted uses and that does not require a variance?
      No. Since there is a fireplace on the west wall and a covered brick patio on the north wall, the south wall is the only possibility for the addition.

A. Is this other design similar to other development in the neighborhood? Yes

C. Community Impact
   1. Would the proposed development with the variance alter the essential character, scale, intensity, and open space patterns in the area?
      No

   a. Would the proposed development with the variance still be in harmony with the purposes of zoning as described in Section 1260.02 of the Zoning Code? Yes, there is dense woods between the proposed addition and the neighbors house to the south.

2. Would the proposed development with the variance be substantially injurious to other property?
   No

   a. Would it be detrimental to public interests? No
   b. Would it be detrimental to Village Plans? No

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Exhibit 3
A bathroom in our master bedroom would allow us to continue living in our house without considering a move.