

MEMORANDUM



Date: March 24, 2022

To: Members of the Planning and Zoning Commission

From: Angela M. Mesaros, Director of Economic and Community Development

Re: Case 22-09, Variance, Lot Width and Lot Area at 2044 183rd Street – West Lot

Cc:

APPLICANT INFORMATION:

APPLICANT:

Anna Lukaszczyk, on behalf of 183rd Street Trust #2044

REQUESTED ACTION:

Variance from Zoning Ordinance Section 4.3 Yard and Bulk Regulations, reference Table 4.2 and Section 36-87 of the Homewood Municipal Code

LOCATION:

2044 183rd Street

CURRENT ZONING/LAND USE: R-2, Two-flat building

SURROUNDING ZONING/USE: N/S/E/W: R-2 SF Residential

LEGAL NOTICE:

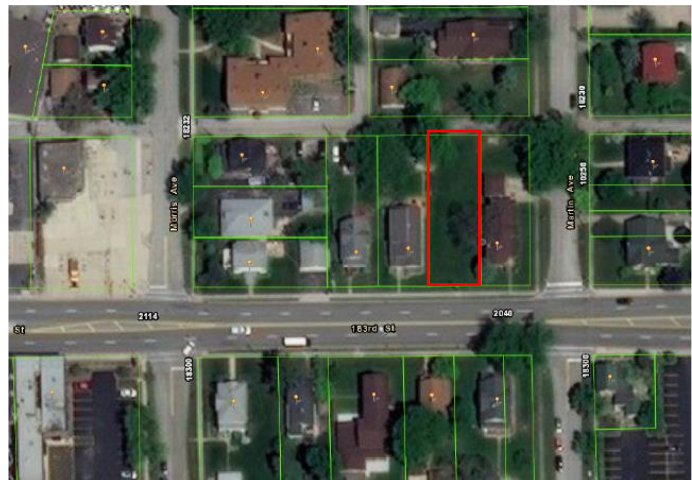
Legal notice published in *Daily Southtown* on 03/05/22; letters sent to property occupants within 250'

DOCUMENTS FOR REVIEW:

Petitioner's application and conditions for variance dated 2/28/22; plat of survey, dated 01/15/2020.

BACKGROUND:

The petitioner, Anna Lukaszczyk, represents the owner of the property at 2044 183rd Street. The property consists of two parcels, Lot 21 and Lot 22. The two-story apartment building is constructed on Lot 22, and Lot 21 is vacant. Both lots are legally nonconforming. The petitioner has approached the Village in order to sell the property for development as a new single-family home.



- Section 4.3, reference Table 4.2, of the *Homewood Zoning Ordinance* and Section 36-87 of the *Homewood Municipal Code* establish a minimum lot width of 60 feet and a minimum lot area of 8,100 square feet in the R-2 Single-family residential district. Both lots are 50' wide x 150' deep (7,500 square feet in area) and thus do not meet the minimum lot requirements in the R-2 Single-family Residential district.
- Section 13.5 of the *Homewood Zoning Ordinance* regulates nonconforming lots of record that were in existence on the date of adoption of the zoning ordinance on April 9, 2002:
 - Section 13.5-B, Lots of Record Held in Common Ownership states that if “*two (2) or more lots of record with continuous frontage in single ownership do not meet the requirements for lot width or lot area, the land shall be considered to be a single undivided parcel for the purposes of the ordinance. No portion of said parcel shall be used, transferred, or conveyed which does not meet the lot width and lot area requirements established by the ordinance. No division of the parcel shall be made which leaves remaining lot(s) with lot width or area below the requirements as stated in the ordinance*” unless a variance has been obtained in accordance with Section 2.17 of the zoning ordinance.
 - Section 13.5-C establishes additional standards beyond those outlined in Section 2.17 that must be in compliance in order to obtain a variance. These standards are outlined in the Variance Standards section below.



DISCUSSION:

The applicant is contemplating selling the vacant lot to the west of the existing two-unit building. The vacant lot (Lot 21) remains a separate property according to Cook County records. However, because the applicant is the owner of two continuous nonconforming lots of record, according to the *Homewood Zoning Ordinance*, they cannot transfer or convey the nonconforming vacant lot without receiving a variance.

VARIANCE STANDARDS:

No zoning variance shall be granted unless findings based upon the evidence presented in each specific case establish that the following standards have been met. Standards 1-3 must all be met; the remaining standards are provided for further consideration:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. *Per the zoning ordinance, the property cannot be used, transferred, or conveyed as a separate lot unless a variance is granted.*

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2. That the plight of the owner is due to unique circumstances. *This was part of an approved subdivision created as Thornton Station in 1923 for residential development. The majority of lots in the area are nonconforming. This property is located on a major arterial street, 183rd Street, and in close proximity to downtown Homewood.*
3. That the variation, if granted, will not alter the essential character of the locality. *None of the properties on the immediate block conform to the currently adopted minimum width and/or area requirements of the zoning ordinance.*

The Village is in the process of a comprehensive update to the Zoning Ordinance. As part of that process, the zoning consultant has recommended that the B-1 district boundaries be adjusted to reflect the Downtown Core as identified in the Village's Downtown Plan. To reflect this change, it is recommended that the area outside of the Downtown Core that is currently zoned B-1 as well as the residentially zoned parcels within the area be rezoned to a new B-2 Downtown Transition District. The new B-2 District is meant to better accommodate the variety of land uses and development patterns that currently exist in the area and support the vibrancy of the Downtown. The subject property would be within the new B-2 District. The new B-2 district would not have a minimum lot area and lot width.

In addition, based on a nonconformity analysis (see attached map), the proposed zoning code update recommends the reduction of the minimum lot area and lot width standards in the current R-2 zoning district to 7,500 square feet in area and 50 feet wide. This is consistent with the lot size requested for the subject property.

The following Standards are provided for your consideration in making a decision regarding the requested variance.

4. Existing conditions pose a particular hardship. *All of the properties in the immediate block are nonconforming and the majority of lots in the area are nonconforming.*
5. Conditions of the petition are not generally applicable. *The nonconforming lots in the area have been developed with single-family and two-family residences.*
6. Hardship not created by the property owner. *The lots were legally subdivided when the subdivision was developed in 1923.*
7. Variation is not detrimental or injurious to the neighborhood. *A nonconforming lot with a single-family house constructed on it is standard in this area. Village Engineer, Max Massi is in process of evaluating potential impacts on storm water detention in the area due to the lower elevation of the property.*
8. Impairment of light and air supply, increased risk of fire or endangerment to public safety or diminished property values. *This property would not be any denser than is typical in this area.*

The following additional Standards are provided in Section 13.5-C for compliance to obtain a variance, as follows:

9. Both lots met the lot area and lot width requirements in effect at the time the applicant purchased the lots. *The lots were legally subdivided as part of Thornton Station in 1923 and sold as single lots for the construction of single-family homes. All of the lots in the area are 50 feet wide (see attached Sidwell map) with a few exceptions that were more recently re-subdivided.*
10. Over half of the lots within five hundred feet of the subject lots have been developed as individual building sites and do not comply with either the lot width or lot area requirement for the district in which they are located. *Approximately 84% of the single-family zoning lots within*

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five hundred feet of the subject property are nonconforming and have been developed as individual building sites with single-family houses.

11. The owners of the abutting lots refuse to sell or convey, at a fair market price, portions of their lots that could be added to the subject lots to render them conforming without rendering said abutting lots or structures located on such lots nonconforming. All lots adjacent to the subject property are also nonconforming.

FINDINGS OF FACT:

Staff has prepared the following *draft* 'Findings of Fact' in accordance with the standards set forth in Section 2.17E for Board consideration. After consideration of public testimony, the following standards (as proposed or amended) will be entered into the record.

1. The subject property is located on the west half of the property commonly known as 2044 183rd Street, and is identified as Lot 21, Property Index Number 21-31-316-019-0000;
2. The subject property is owned by 183rd Street Trust #2044;
3. The subject property is zoned R-2, Single-family Residential;
4. The house on Lot 22 is 6 feet from the subject property's east lot line;
5. The Homewood Zoning Code and Municipal Code require minimum lot widths of 60' and minimum lot areas of 8,100 square feet in R-2 zoning districts;
6. The majority of the lots in the immediate area are nonconforming in width and area;
7. The applicant is seeking variances from the minimum lot width and minimum lot area requirements of Section 4.3, reference Table 4.2 of the Homewood Zoning Ordinance, and from Section 36-87 of the Homewood Municipal Code to allow a lot that is 50' in width and 7,500 square feet in area.

STAFF RECOMMENDATION:

The Planning and Zoning Commission may wish to consider the following motion, written in the affirmative:

Approval of Case 22-10 for a variance from the minimum lot width and minimum lot area requirements of Section 4.3 of the Homewood Zoning Ordinance and Section 36-87 of the Homewood Municipal Code to allow a lot that is 50 feet in width and 7,500 square feet in area located on the west half of 2044 183rd Street, Lot 21, Property Index Number 29-31-316-019-0000, and incorporating the Findings of Fact into the record.