



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on July 24, 2008.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by ARS Surveying Service, dated November 1, 2000.
4. Architectural drawings, prepared by Barnes Architects Ltd, dated July 2, 2008.

### **DESCRIPTION**

The property contains a two-story single family residence built (at the closest point) approximately 5.5 feet from the southern property line. The petitioner plans to construct a two-story addition from the rear of the residence expanding west and a one-story bedroom addition on the northwest portion of the residence on an existing concrete block patio. The rear addition would maintain the current building line of the existing residence. However, the residence does not run parallel to the southern property line. As such, the degree of encroachment would be increased into the interior side yard. As the residence already consists of an insufficient side yard setback and the house sits on an angle, the proposed addition would increase the level of non-conformity, thus requiring a variation.

In an effort to bring the entire property into full Code compliance, staff recommends that the non-conforming side yard setback of the existing structure also be memorialized. Therefore, not only would the proposed addition be granted zoning rights in relation to the side yard setback, but the existing residence would also be afforded those same applicable rights.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **ENGINEERING**

The Private Engineering Services Division has no comments at this time.

#### **PUBLIC WORKS**

The Utilities Division of the Department of Public Works does not have any comments regarding this variation. Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

Maintaining the existing structure's building line is recommended. Off-setting the addition with the existing building may alter the interior layout and angling the addition would create site lines that would not be uniform with the rest of the structure. In no case shall the addition encroach into the required five (5) foot utility easement located along the southern portion of the property.

## **PLANNING**

The minimum interior side yard setback in the R2 – Single Family Residence District is six feet (6'). The existing residence currently maintains a 5.5 foot setback and does not run parallel with the southern property line. As the setback is less than six (6) feet, it is considered non-conforming. The addition will maintain the building line of the existing residence; as such, the addition would further encroach into the required interior side yard setback. As the current residence is located 5.5 feet from the property line and the proposed addition will be 5.1 feet from the property line at the closest point, the increased degree of encroachment is roughly 4.5 inches. However slight the encroachment, the addition would still remain clear of the existing five foot (5') utility easement.

The proposed addition will not violate the 50 percent open space requirement. With the proposed improvements, open space on the property would be 74 percent.

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

There are several ZBA cases that provide precedence for the requested variation where the addition holds the building line of the existing residence, but is located within the required side yard setback. Examples of these variations include:

- 1) The property at 1067 Cherry Lane received approval of a variation to reduce the required interior side yard setback from six feet (6') to 5.5 feet for a building addition holding the previously developed exterior wall of the residence (ZBA 01-20). The degree of encroachment was increased as a result of the variation.
- 2) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).
- 3) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and a half feet (2.5') for an attached garage (ZBA 06-14).

- 4) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).
- 5) The property at 217 N. Craig received approval of a variation to reduce the interior side yard setback from nine feet (9') to (7.9') feet to allow a sunroom addition (ZBA 08-03).

Staff finds that this petition meets the Standards for Variations. A majority of the neighboring properties appear to be built directly on or in close proximity to the six (6) foot side yard setback lines. As such, the proposed addition would neither be out of character in the neighborhood nor detrimental to the welfare of the public or those neighboring properties.

## **FINDINGS AND 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 side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 08-13, subject to the following conditions:

1. The addition to the single-family residence shall be developed in accordance with the site plan prepared by Barnes Architects Ltd, dated July 2, 2008 as part of this petition.
2. That the variation shall apply to the proposed addition and the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, any new structures shall meet the full provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

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William Heniff, AICP  
Acting Director of Community Development

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c: Petitioner