

MEMORANDUM

TO: John DeFalco, Zoning Board of Appeals Chairperson
Zoning Board of Appeals Members

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: October 26, 2005

RE: Rear Yard Setbacks for R2 Properties Abutting the CR District

Recently, the Zoning Board of Appeals has seen several requests for variations from the rear yard setback for single family residential properties whose rear yards abut properties zoned CR Conservation Recreation District (ZBA 02-06, ZBA 05-01, and ZBA 05-18). With respect to the previously heard variation petitions, these cases were ultimately approved by the Village Board. In their approval, the Board noted that the setback relief was for a yard abutting a more passive land use, such as a school or park. Therefore, the impacts of the variation request would not be as great as if the adjacent property was developed with single family residences.

In light of the ZBA 05-18 petition being heard by the Zoning Board of Appeals members at the October 26, 2005 meeting, staff would like to solicit the thoughts of the members relative to rear yard setbacks for all properties that abut CR District properties.

Moreover, staff would like direction as to how to handle these cases in the future. Staff would like to know whether the Zoning Board of Appeals feels that is appropriate to continue reviewing future requests on a case by case basis through the variance process or would like to memorialize the precedent through a text amendment. Specifically, staff would like to know if the members would be supportive of a text amendment reducing the rear yard setback for R2 District properties when those properties abut properties in the CR Conservation District.

Staff will be placing this issue on the October 26, 2005 agenda for discussion. In the event that the ZBA members support such an amendment, staff requests that the ZBA make a motion to the Village Board that the Board consider a text amendment to the Zoning Ordinance and that the Board direct staff to schedule a public hearing with the Plan Commission accordingly.