



West: R2 Single-Family Residence District developed as a Single-Family Residence

### ANALYSIS

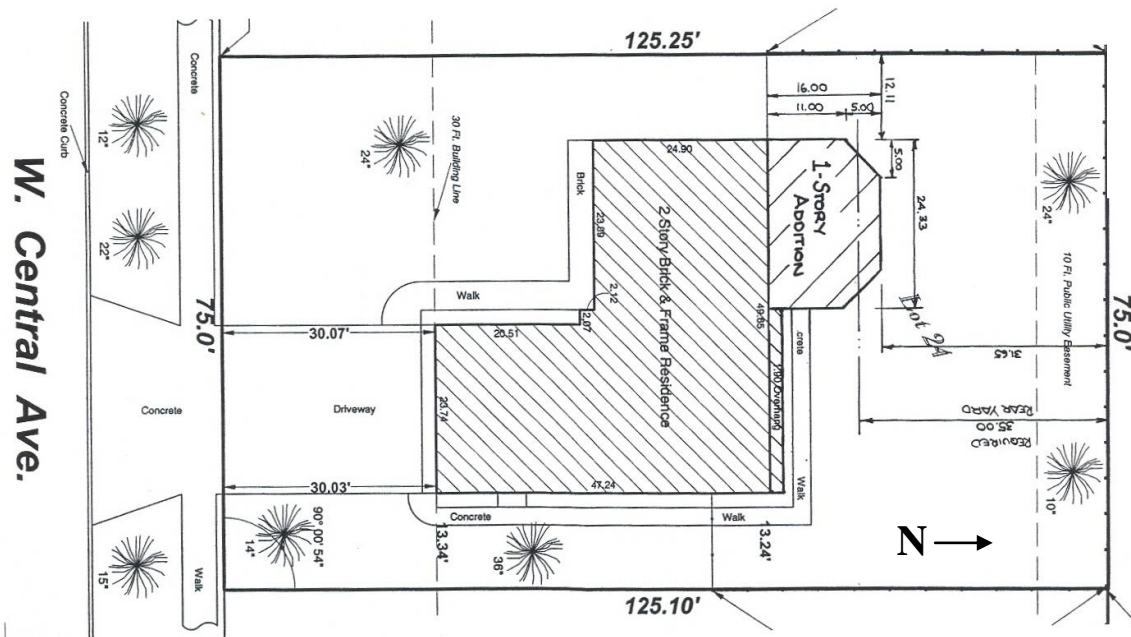
#### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on December 2, 2004:

1. Petition for Public Hearing.
2. Response to Standards for Variations.
3. Plat of Survey, dated October 27, 2004.
4. Proposed floor plans and building elevations prepared by Airoom Architects, Inc., Lincolnwood, IL and dated November 16, 2004.

#### DESCRIPTION

The property owners are proposing a one-story addition to the rear of their home to serve as a family room. The house is currently forty-eight (48) feet from the rear property line. There is currently a concrete patio that extends fourteen feet (14') feet from the house, which is a permitted obstruction within the rear yard. The proposed 364 square foot addition would reduce the rear yard setback from the residence to 31.65 feet.



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **Private Engineering Services**

From an engineering or construction perspective, Private Engineering Services has no comments.

### **Engineering - Public Works**

Public Works Engineering has no comments or changes.

### **Fire and Building**

The Fire Department/Bureau of Inspectional Services has no comments at this time.

## **PLANNING**

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. Staff is not supportive of this variation because the hardship presented is of a personal nature not one based on the physical attributes of the property. In 2002, the Zoning Board of Appeals recommended denial of a similar variation request from the rear yard setback (ZBA 02-06) for a property located just one block south of the subject property in the Melody Lane subdivision. The Village Board ultimately concurred with the recommendation by the Zoning Board of Appeals to deny the variation.

In order to grant a variation, the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *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.* Staff finds that the subject property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The property is a rectangular shaped lot, approximately 75 feet by 125 feet, which is typical of any R2 Single Family Residential lot in the Village of Lombard.
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.* Staff finds that the conditions are not unique to the subject property. The design and layout of the property is typical of any

R2 Single Family Residential lot in the Village of Lombard. The house is a split-level design. There are numerous split-level houses within the Village of Lombard.

3. *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 ordinance has not caused the hardship. The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. The proposed addition on the subject property could meet the setback requirement if it were to extend twelve feet (12') rather than the proposed sixteen feet (16') from the house.
4. *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.* Staff believes that the granting of the requested relief will set an undesirable precedent.
5. *The granting of the variation will alter the essential character of the neighborhood.* Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood.

#### **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has not 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 denial of the rear yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-01.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

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Zoning Board of Appeals

Re: ZBA 05-01

Page 5

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c: Petitioner

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