

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 29, 2007:

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements to the residence and property.

DESCRIPTION

The residence on the subject property currently has a setback of seven and eighty eight-hundredths feet (7.88') from the northern property line where a nine foot (9') setback is required. The nine foot (9') setback is required to allow for driveway access to the detached garage behind the residence. The petitioner is requesting a second story addition, which would maintain the existing building line relative to the northern property boundary. Because this addition constitutes an expansion of a non-conformity, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

Public Works Engineering

Public Works has no comments on the petition at this time.

Private Engineering

Private Engineering has no comments on the petition at this time.

Fire and Building

The Fire Department / Bureau of Inspectional Services has no comments on the petition at this time. Should the petition be approved, the petitioner will be required to apply for a building permit and the plans shall meet the Building Code provisions.

Planning

Despite the fact that the proposed addition will not further reduce the side yard between the house and property line, a variation is required for the expansion of a non-conforming structure. Section

155.802 of the Zoning Ordinance defines a yard as an open area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 155.212 of this Ordinance. Because a yard is a three dimensional space, a vertical addition to the house is viewed as an expansion of a non-conforming structure. The addition, while not affecting the width of the side yard, does further encroach on the “yard space” above the non-conforming structure. As the home was built in 1955, prior to the application of current zoning requirements, the residence is permitted to remain as a non-conforming structure. However, any additions to the structure subsequent to passage of those zoning requirements will be bound by the current regulations.

Staff recognizes that a strict enforcement of the regulation would impose a significant hardship on the property owner. Applying the setback requirements to the second story would require the petitioner to create a 1.2 foot offset from the supporting wall and foundation of the existing residences. Aside from creating an undesirable aesthetic appearance, the offset would also require significant modifications to the existing first floor, as new supporting walls or columns would have to be installed to support the weight of the proposed second floor.

Given the nature of the structural design and the limitations established by the Zoning Ordinance, staff supports the request for a variation. The conditions for seeking a variation are unique to this property and do not represent circumstances that would apply broadly to other residents in the neighborhood. Staff does not view the granting of the requested variation for this property to be detrimental to the welfare of surrounding residents including: the disruption of natural light, the presence of an overbearing structure, interference with proper drainage, or any harmful effect on neighboring property values. Also, it is common for staff to support variations for single-family residential structures that maintain their original building line.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested relief. 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 requested variation:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-12, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed addition.
2. The proposed addition shall be developed in accordance with the site plan prepared by the petitioner and submitted as part of this request.

3. The variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any new buildings or structures shall meet the applicable underlying R2 Single Family Residential District setback requirements.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager

att-
c: Petitioner

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