

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 28, 2006

FROM: Department of Community PREPARED BY: Michelle Kulikowski, AICP
Development Planner I

TITLE

ZBA 06-11; 415 Manor Hill Lane: The petitioner requests approval of a variation to Section 155.406 (F)(4) to reduce the rear yard setback to twenty-eight feet (28') where thirty-five feet (35') is required to allow for the construction of three season room within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner: National Energy Contractors, Inc.
212 W. North Avenue
Lombard, IL 60148

Property Owner: Al and Betty Jo Kennedy
415 Manor Hill Lane
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residential

Size of Property: Approximately 7,288 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences

South: R2 Single Family Residential District; developed as Single Family Residences

East: R2 Single Family Residential District; developed as Single Family Residences

West: R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 18, 2006.

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.
5. Plans of the proposed addition, prepared by National Energy Contractors Inc., and dated May 18, 2006.

DESCRIPTION

The subject property is approximately seventy feet (70') wide at the front property line and approximately fifty feet (50') wide at the rear property line. The average depth of the property is one hundred twenty-one and sixty-one hundredths feet (121.61'). The current residence is oriented on the lot with the side exterior wall parallel to the southeast side property line, and because of the slightly irregular shape of the lot, the exterior walls are not parallel to either the front or rear property line. The house maintains a thirty foot (30') front yard setback and a thirty seven foot (37') rear yard setback. The property owner is proposing to construct a three season room to the rear of the residence that would be setback twenty-eight feet from the rear property line. Because the proposed three-season room would not meet the minimum thirty-five foot (35') rear yard setback, a variation is being requested.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Private Engineering Services has no comment on this petition.

Planning

The property owners are proposing to construct a three season room addition to the rear of their home where a patio currently exists. The residence on the subject property currently complies with the Zoning Ordinance setback regulations, as the patio is a permitted encroachment in the rear yard. The three season room addition would be required to meet the thirty-five foot rear yard setback, therefore the property owners are requesting a variation.

The purpose of setbacks is to control bulk on property, and provide 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. The property owners state that they wish to build a sunroom addition to avoid being bitten by insects while using the area currently occupied by a patio. Staff finds that the hardship presented is of a personal nature, not one based on the physical attributes of the property. The lot is similar to many R2 single-family lots in Lombard in terms of size and the presence of mosquitoes.

Aerial Photo



The petitioner has noted other non-conforming properties in the neighborhood relative to rear yard setbacks. They noted that the property to the rear is only setback thirty-one feet (31') from the rear property line. However, the neighborhood was developed prior to the adoption of the current Zoning Ordinance when the rear yard setback was only thirty feet (30'). A comprehensive review of Zoning Board of Appeals cases revealed that other rear yard variations have been granted in the neighborhood for the properties located at 320 Manor Hill Ct. (ZBA 76-5), 410 Manor Hill Lane (ZBA 86-9), 1521 Hillcrest Ct. (ZBA 99-09), 418 Hillcrest Ct. (ZBA 01-18). However, for the two more recent cases (ZBA 99-09 and ZBA 01-18) staff recommend denial, finding that there was no unique physical hardship associated with the properties. Therefore, staff remains consistent in its interpretation for the standards for variations. The following standards have not been affirmed:

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The property has sufficient depth with an average depth of more than one hundred twenty-one feet (121').

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 there are not any unique differences between the petitioner's lot and others with the R2 Single Family District with respect to the depth of the property and the required front and rear yard setbacks.

3. *The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.*

The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. Staff finds that the hardship has not been created by the ordinance. The requested relief is needed due to a personal preference to add a three season room addition to the existing residence.

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.

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 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 06-11.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK
att-
c: Petitioner