



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents filed on April 21, 2008 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Plat of Survey, prepared by Professionals Associated Survey, Inc., dated February 26, 1979.

### **DESCRIPTION**

In the R2 District, the Zoning Ordinance requires a rear yard setback of thirty-five (35) feet. No variations have been previously granted for this property; therefore, the existing eleven (11) foot setback would be legal nonconforming. The petitioner is requesting the variation only to legally establish the eleven (11) foot rear setback, which would essentially tie an approval to the land allowing them to rebuild to the same building line in the event that the structure were to be damaged or destroyed beyond 50% of the value of the structure. There are no plans to increase the degree of nonconformity by means of expanding upon the existing detached single family residence.

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

#### **Public Works**

Public Works Engineering has no comments or changes.

#### **Private Engineering Services**

From an engineering or construction perspective, PES has no comments.

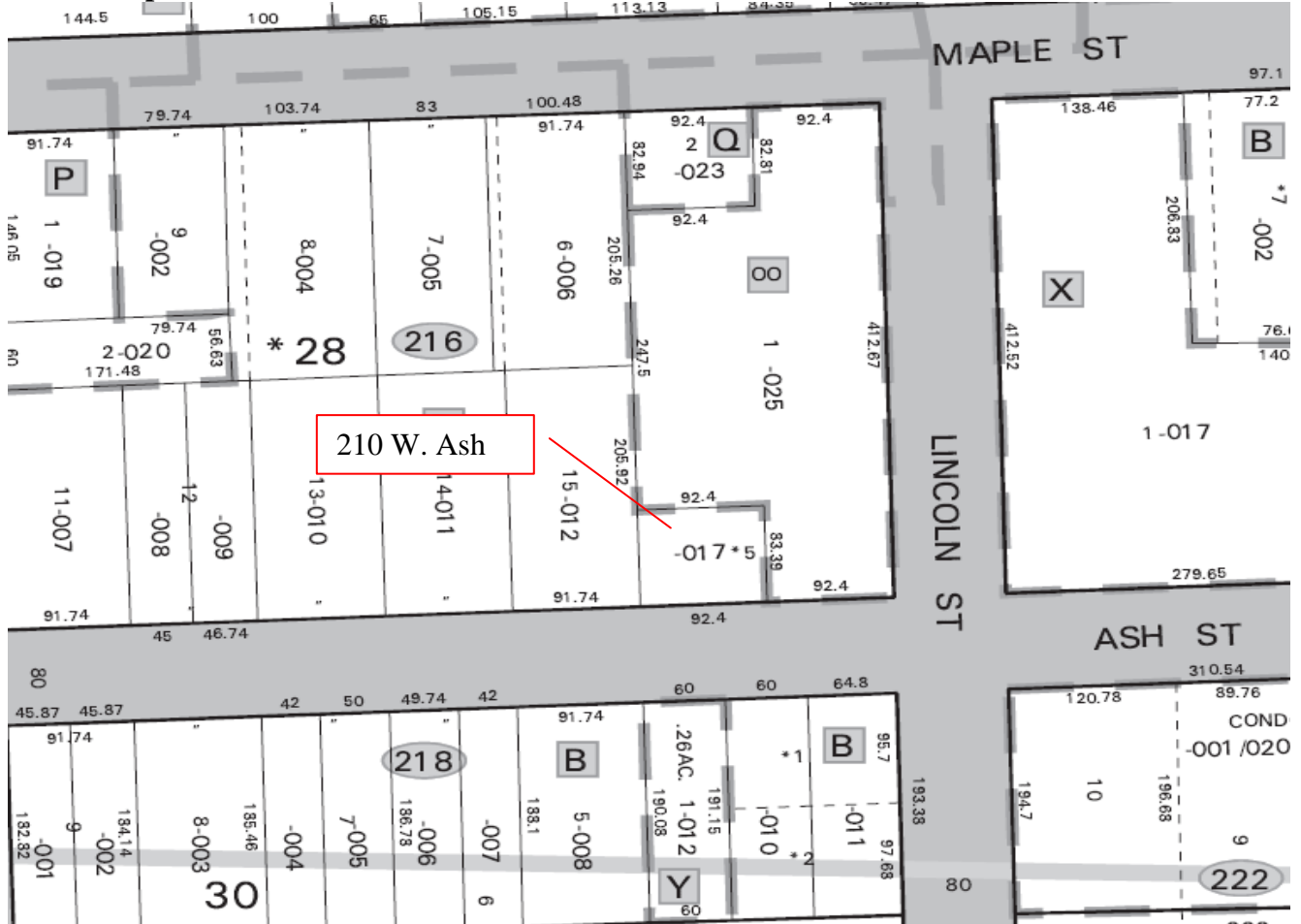
#### **Building and Fire**

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

#### **Planning**

The petitioner's house was built on the subject property in 1952. A detached single family residence once stood on the property to the east of the subject property, which was known as the east half of Lot 5. That property would be later subdivided out and demolished to accommodate the St. John's Lutheran Elementary School. The St. John's Elementary School, which was approved in 2005 (PC 05-06), now abuts the northern and eastern portion of the subject property.

**Parcel Map**



The petitioner's property is unusually shaped in that the lot is wider than it is deep (92.4 feet wide, 81.18 feet deep). There are unique physical limitations on the property whereas there is no practical way for the petitioners to meet the requirements of the Zoning Ordinance. Without the requested relief, the property owner would not be able to rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The relief associated with this petition only pertains to the current situation of the property; therefore, the neighborhood characteristics would not be altered in any way.

The northwest corner of the house is located approximately fourteen (14) feet from the north property line while the northeast corner of the house is located fifteen (15) feet from the north property line. A covered entry-way was constructed on the northern portion of the house and is located eleven (11) feet from the rear property line. As the covered entry-way is considered to be part of the house, the rear setback is measured from the entry-way to the north property line at eleven (11) feet.



Rear yard area taken from the east.



Rear yard area taken from the west.

**Past Rear Setback Approvals**

Case	Address	Requested Relief	Staff Recommendation	ZBA Recommendation	BOT Action
ZBA 02-05	208 S. Martha	13'	Approval	Approval	Approval
ZBA 03-02	105 W. Washington	12'	Approval	No Recommendation	Approval
ZBA 04-02	211 W. Maple	13'	Approval	Approval	Approval
ZBA 07-08	1144 Woodrow Ave	27'	Approval	Approval	Approval

Under certain conditions posed by the physical characteristics of the property, staff has made favorable recommendations of rear yard setback relief in the past. As an example, this petition is nearly identical to relief granted in ZBA 04-02 (illustrated above). As the subject property has a clearly identified physical constraint (lot depth), staff can support the variation to memorialize the existing setback so the house would no longer be considered non-conforming.

**FINDINGS AND RECOMMENDATIONS**

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 request to reduce the minimum required rear yard setback to eleven (11) feet:

Zoning Board of Appeals

Re: ZBA 08-06

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Based on the information and testimony presented, the rear setback variation complies with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Zoning Board of Appeals accept the findings of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of the zoning relief associated with ZBA 08-06, subject to the following condition:

1. The requested relief shall only apply to the current rear yard setback dimensions. In the event that an addition or any other expansion be proposed to the rear of the property, separate relief would be required.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

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