



## ANALYSIS

### SUBMITTALS

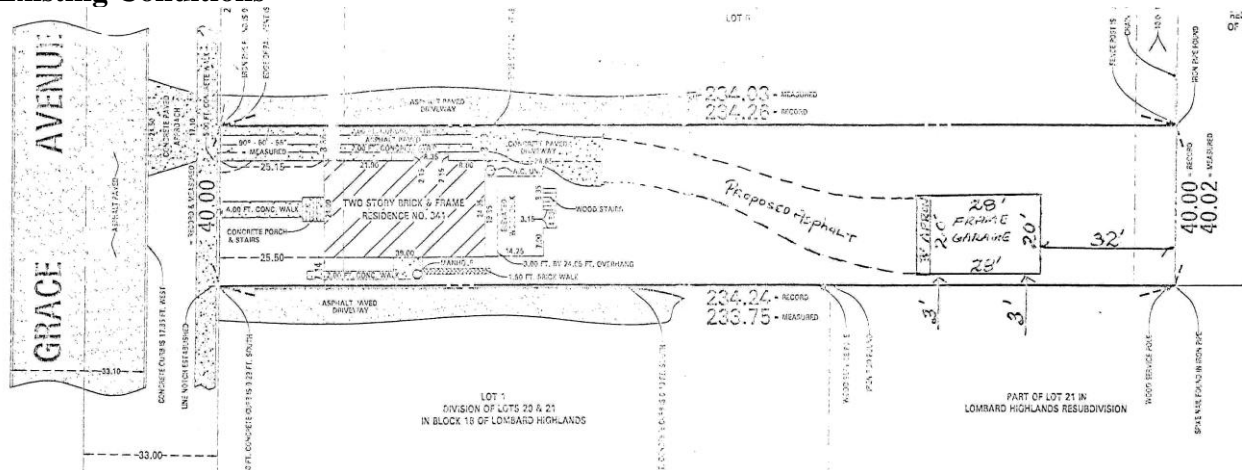
This report is based on the following documents filed on May 22, 2007 with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Plat of Survey, prepared by Marchese Surveying, Inc., dated March 26, 2004.

### DESCRIPTION

The petitioner is requesting relief that will allow the existing home to be rebuilt on its current footprint in the event of a catastrophe. Upon review of the submitted plans, staff noted that the existing interior side yard setback along the northern property line is less than the 9 feet required by code. The current property is legal nonconforming with respect to both lot width and side yard setback, so bringing it into conformance with the Zoning Ordinance would require two variations: a variation to reduce the minimum lot width from 60 feet to 40 feet, and a variation to reduce the minimum required side yard setback along the northern property line from 9 feet to 6.8 feet. Although the petitioner did not specifically mention a side yard setback variation within the Response to Standards, the petitioner's request for fee reimbursement discussed the possibility of rebuilding using the same blueprints as the original structure. Therefore, a setback variation has been added to the petitioner's initial lot width variation request.

### Existing Conditions



## INTER-DEPARTMENTAL REVIEW COMMENTS

### Private Engineering Services

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

### Building and Fire

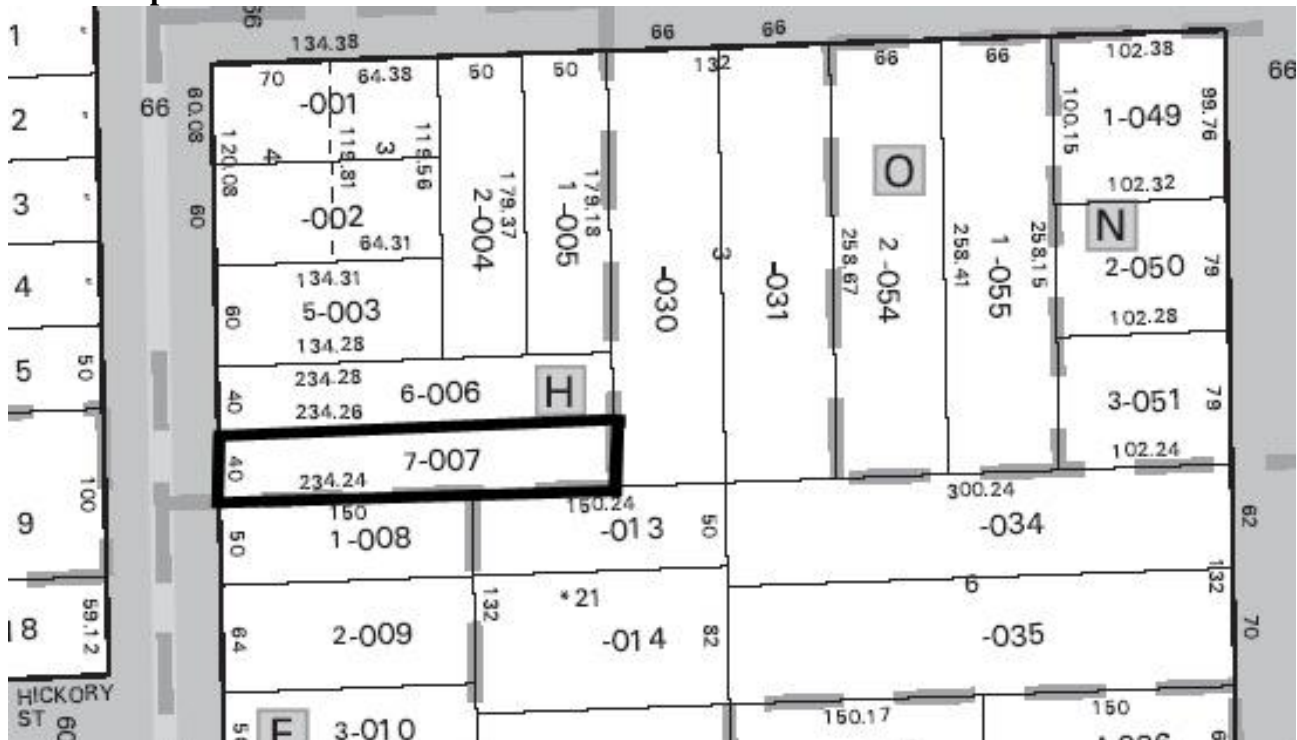
The Fire Department/Bureau of Inspectional Services has no comments on this matter.

### Planning

#### *Lot Width*

Staff finds that the variation request to reduce the minimum lot width to 40 feet meets the Standards for Variations. The Zoning Ordinance permits redevelopment on lots in the R2 District that meet 80% of the required lot width, or a minimum of 48 feet. The intent of this rule is to provide a higher level of review for nonconforming lots platted before the 60-foot minimum lot width requirement. The subject property has a lot width of 40 feet, which is 67% of the required width. As the petitioner's residence was constructed on this lot in 1927, granting the variation would not further increase the degree of nonconformity. There are unique physical limitations on the property in that, due to the width of the subject property and surrounding lots, there is no practical way for the petitioner to meet the requirements of the Zoning Ordinance. The lots immediately north and south of the petitioner's property are 40 feet wide and 50 feet wide, respectively, so there would be no way for the lot to be brought into conformance by purchasing land from a neighboring property.

### Parcel Map



Without the requested relief, the property owner would not be able to make any additions to the property or rebuild the current home in the event it were destroyed or damaged more than 50% of its value. The requested relief is not needed due to the actions of anyone presently having an interest in the property as this subdivision occurred in 1930. Granting the request would neither be injurious to neighboring properties, nor would it change the visual and aesthetic character of the neighborhood. Staff is therefore supportive of the lot width variation request.

*Setback*

The existing home is 6.8 feet from the northern property line, where the Zoning Ordinance requires homes with detached garages to have interior side yard setbacks of 6 feet and 9 feet (in cases where the garage is not attached to the house) to allow for an adequately-sized driveway. This ensures an adequate separation between structures and also ensures that residents are not forced to drive on their neighbors' properties. (Staff is unaware of any existing cross-access agreements pertaining to this property.) No setback variations have been granted on the petitioner's block, so there is no established precedent for zoning relief.

Furthermore, to be granted a variation the petitioner must show that they affirmed each of the "Standards for Variation". Staff finds that the following standards are not affirmed:

1. *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.*  
The proposed variation will decrease the visual open space between homes that is typically protected by the required interior side yard setbacks. Setback requirements within the R2 District are intended to prevent overcrowding and preserve the open space characteristic of suburban single-family development. Granting this variation would increase the likelihood of further encroachments and reductions in open space on surrounding properties, thereby taking away from the spacious, residential character of the neighborhood.
2. *The granting of the variation will not alter the essential character of the neighborhood.*  
Because of the unusually narrow lot width for this property, any reduction in the required setbacks for this property would result in the appearance of this lot being overbuilt. Granting a variation for the side yard setback for a future reconstruction could, depending on the layout of the new home, create a rowhouse-like appearance that may be inappropriate for the neighborhood.

The petitioner wants assurances that a home can be built on the property in the event the existing home were destroyed. As the Zoning Ordinance requires interior side yard setbacks of only 6 feet on both sides where there is an attached garage (versus 6 feet and 9 feet), this variation would only be necessary in the event the new home did *not* have an attached garage.

Rather than grant a side yard variation to accommodate future construction, staff recommends that the request to reduce the interior side yard setback to 6.8 feet be denied. The petitioner and any future owners of this property would retain the right to construct a home within the buildable area of

the subject property, assuming the lot width variation is granted, and the existing house would retain its legal nonconforming status.

In the event the new construction does not meet the required setbacks, staff feels it would be appropriate for the property owner to appear before the Zoning Board of Appeals and the Board of Trustees at that time to request a variation for any future building plans.

### **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 lot width from 60 feet to 40 feet and **denial** of all other requested relief:

Based on the information and testimony presented, the proposed lot width variation complies with the standards required by the Lombard Zoning Ordinance, and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of the request to reduce the minimum required lot width from 60 feet to 40 feet and **denial** of all other requested relief associated with ZBA 07-07.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Assistant Village Manager

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