

## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development

**DATE:** August 20, 2009

**SUBJECT: DuPage County Public Hearing Z09-038- Johnson**

On July 28, 2009, the DuPage County Board approved a request for a variation to reduce the interior side yard setback to 1.77 feet from the required 3 feet to allow for an existing shed and a variation to reduce the interior side yard setback to 3 feet from the required 7.7 feet to allow for an existing deck in their R-4 Single Family Residence District. The variations were granted for the property at 21W210 Canary Rd., in the Butterfield East Subdivision (DuPage County ZBA Case Z09-038). As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village received notice of the public hearing from the County and was asked to provide comments or concerns regarding this petition.

On June 15, 2009, staff presented this case to the Plan Commission to solicit their input. The Plan Commission considered the following findings, as identified by Village staff:

- Based upon the site plan, flexibility exists for the property owner to construct a deck and a shed that meets County and Village Codes.
- Based on discussions with County staff, the existing shed is not on any foundation and is not a permanent structure. Therefore, the shed can be moved to meet the required three foot setback.
- Staff finds that both the shed and the deck in their current locations may present a negative impact upon the adjacent property owners.

In their deliberations, the Lombard Plan Commission found that the petition is inconsistent with the Village's Comprehensive Plan, the established codes and ordinances of the Village of Lombard, and did not meet the standards for variations as expressed within the DuPage County Zoning Ordinance. As such, the Plan Commission unanimously recommended that the Lombard Village Board adopt a resolution of objection for Z09-038. Staff did transmit its initial concerns and the Plan Commission recommendation to the County for their consideration. However, with the approval already granted by the County Board, no further actions are needed by the Village Board.