

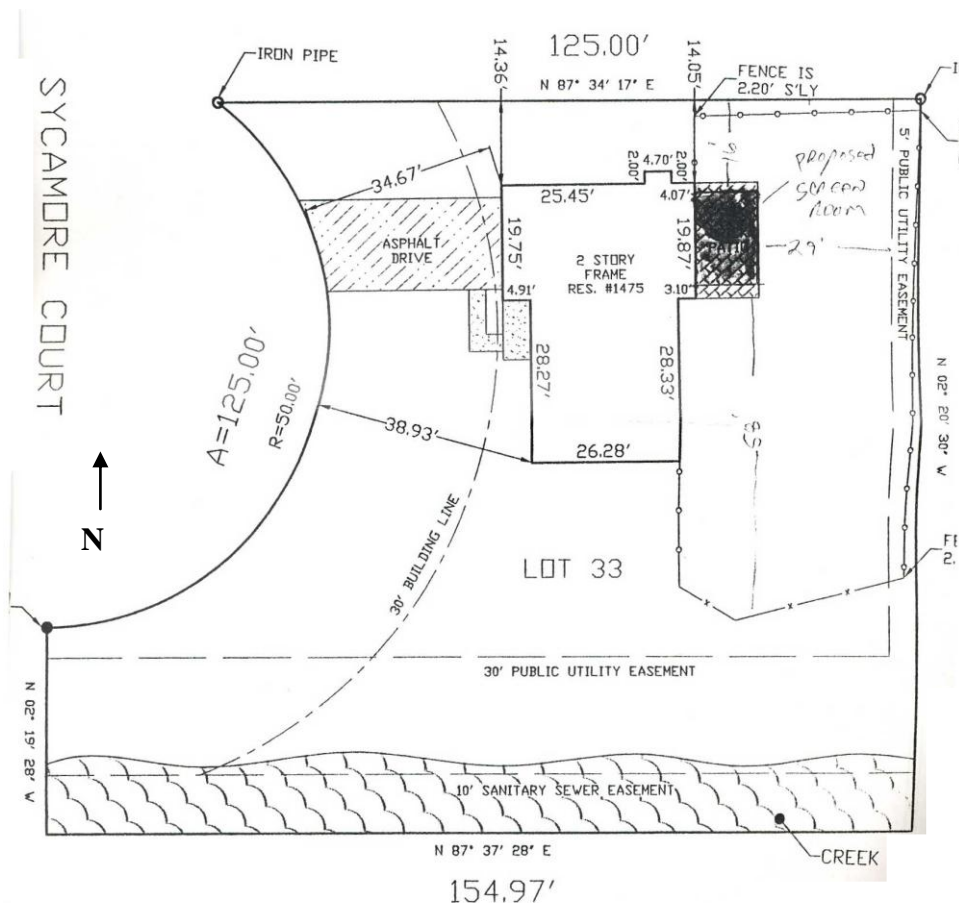


2. Response to the Standards for Variation
3. Plat of Survey, Associated Surveying Group, dated September 22, 2003
4. Floor plan and elevation, prepared by K.F. Brandeis Architects, dated February 16, 2005.

### DESCRIPTION

The subject property is located on a cul-de-sac in the Pinebrook subdivision and is approximately one hundred twenty-five feet (125') wide with an average depth of one hundred forty feet (140'). The existing house is setback thirty-one feet (31') from the front property line and forty feet (40') from the rear property line. Currently, a brick patio, eleven feet (11') by sixteen feet (16') is located to the rear of the house. The petitioner is looking to enclose the area where the patio is located to create a sunroom addition.

### Existing Site Plan



## **ENGINEERING**

### **Private Engineering Services**

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

### **Public Works Engineering**

Public Works Engineering has no comments or changes.

## **FIRE AND BUILDING**

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

## **PLANNING**

In order to grant a variation, the petitioner must show that they have affirmed each of the “Standards for Variation”. 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. Staff finds that the shape of subject property is typical for a lot located on a cul-de-sac. The property does substantially slope towards the south. The southern thirty-five (35’) of the property is wooded with a creek running along the southern property line. However, these conditions do not restrict the subject property from placing a sunroom addition or screen-enclosed accessory structure on the property in a manner that would comply with the zoning ordinance. The subject property is a large lot and there are several other options as far as constructing a sunroom addition or screen-enclosed accessory structure.
- 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.*

The condition upon which the application for variation is based is the distance between the house and the rear property line to the east. The slope of the lot towards the south has no relevance to rear yard setback. 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. The semicircular front property line is inherent of properties located on a cul-de-sac.
- 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 for the location of the sunroom addition. A sunroom extending eight feet (8') from the house could be located to the south of the existing patio. There is also room for an addition along the south side of the house. The property owners could also construct a gazebo to serve as a screened-in enclosure.

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.
  
5. *The granting of the variation will not alter the essential character of the neighborhood.*  
There isn't a neighbor immediately to the south of the subject property. The distance to the closest house to the south is approximately 120'. This house is located on Spruce Court and is separated from the subject property by a wooded area and a creek. The proposed sunroom addition would have a minimal effect on the neighbor to the south. A retaining wall separates the subject property from the property to the north, which is approximately four feet higher in elevation. With the existing topographical conditions, the proposed sunroom addition would have less of an impact on the property to the north than if the grade of the properties were level. However, the proposed sunroom addition would create a negative impact on the property to the east by increasing the visual bulk.

## **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 rear yard setback 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 05-05.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

Zoning Board of Appeals

Re: ZBA 05-05

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DAH:MK

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c: Petitioner

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