



## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 25, 2007.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey prepared by Glen D. Krisch and dated August 13, 1980.

### DESCRIPTION

The subject property is located at the northeast corner of Woodrow Avenue and Addison Avenue. The residence on the subject property was constructed in 1919 on what was previously a much larger lot. In 1965, the property was subdivided and the residence was located on what was known as Lot 1 in Kettel Construction's Resubdivision. The property was subdivided again in 1979 as a result of Dudczak Resubdivision, which created a new lot out of the northern seventy-five feet (75'). After the second resubdivision, the existing residence maintained a rear yard setback of approximately twenty nine and one-half feet (29.5'). At the time, the Zoning Ordinance only required a minimum rear yard setback of thirty feet (30'). It is likely that the six inch (6") discrepancy is a result of a surveying or construction error.

The petitioner is proposing two options for constructing an addition. The first option is to construct the addition with a twenty-seven foot (27') rear yard setback and the other option is to construct the addition maintaining the existing building line with a twenty-nine foot (29') setback. Because the current rear yard setback requirement is thirty-five feet (35') a variation is required.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### ENGINEERING

##### Private Engineering Services

The Private Engineering Services Division states that the new addition to the home shall meet all Village Codes and requirements for utility connections, street and driveway, and stormwater.

##### Public Works Engineering

Public Works Engineering states that the existing driveway and any associated curb cut should be removed when the new driveway to the proposed attached garage is constructed.

## **FIRE AND BUILDING**

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

## **PLANNING**

The subject property is legal non-conforming with respect to the rear yard setback. At the time the property was resubdivided, it essentially met the thirty foot (30') rear yard setback requirement. The minimum rear yard setback requirement has since changed from thirty feet (30') to thirty-five feet (35'). The petitioner is proposing two options for constructing an addition. The petitioner's preferred option is to construct the addition with a twenty-seven foot (27') rear yard setback. Staff does not support a variation for this option as it will increase the degree of non-conformity. Furthermore, there isn't a hardship unique to the property that would necessitate a twenty-seven foot (27') setback versus a twenty nine foot (29') setback. The request for the twenty-seven foot (27') setback is based on personal preference rather than hardship.

However, staff supports a variation to allow the addition to be constructed at a twenty-nine foot (29') setback. Staff has typically supported variation requests where the addition will be maintaining the existing building line. There is substantial room to construct an addition on the east side of the existing residence. However, any addition would likely require the removal of the large Ginkgo tree currently existing on the property. Furthermore, it is more desirable from a traffic safety standpoint to locate the driveway further from the intersection of Woodrow Avenue and Addison Avenue.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for a variation to reduce the rear yard setback to twenty nine feet (29'). 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 aforementioned variation:

Based on the submitted petition and the testimony presented, the variation to reduce the rear yard setback to twenty nine feet (29') **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-08 for a variation to reduce the rear yard setback from thirty-five feet (35') to twenty-nine feet (29'), subject to the following conditions.

1. That the petitioner shall construct the proposed improvements in accordance with the plans submitted as part of the petition for an addition maintaining a twenty-nine foot (29') rear yard setback.

2. That the petitioner shall apply for and receive a building permit for the proposed addition.
3. The existing driveway and any associated curb cut shall be removed when the new driveway to the proposed attached garage is constructed.
4. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

---

David A. Hulseberg, AICP  
Assistant Village Manager

att-

c: Petitioner