



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on October 19, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Kabal Surveying Company and dated May 31, 2006.
4. Site Plan prepared by T. R. Knapp and dated October 19, 2006.
5. Proposed building plans and elevations prepared by T. R. Knapp and dated October 19, 2006.

### **DESCRIPTION**

The subject property is located at the southwest corner of Harding Road and Elizabeth Street and is approximately 65 feet wide and 188 feet in depth. The existing residence is a split level house that is setback approximately 50 feet from the front property line 25 feet from the corner side property line. The petitioner is proposing a one story addition which includes a master bedroom suite, living room, and a three-car garage. The addition would be setback ten feet from the property line. Therefore, the petitioner is requesting a variation to reduce the corner side yard setback.

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

#### **ENGINEERING**

##### **Private Engineering Services**

The Private Engineering Services Division has the following comment on the subject petition:

- The proposed house addition, as drawn, is proposed to encroach into the required clear line-of-sight-area for the driveway. This would be a safety hazard. Therefore, the driveway and/or building location must be adjusted in order to maintain the required 20' by 20' clear line-of-sight triangle.

##### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

#### **FIRE AND BUILDING**

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

## PLANNING

Staff finds it difficult to demonstrate a physical hardship unique to the property. The lot is 12,220 square feet, which exceeds the minimum required lot size of 7,500 square feet in the R2 District. Even though the existing residence is setback approximately 50 feet from the front property line, there is still substantial room to the rear of the existing residence to build an addition and comply with the setback requirements. There is a buildable area of approximately 55 feet by 39 feet.

The hardship in this circumstance is a personal preference for the proposed design for the addition. The portion of the proposed addition that would encroach into the corner side yard would be a third bay for the garage and storage areas designated as a utility room and a laundry room. The proposed addition would meet the setback requirements if the three-car garage was reduced to a two-car garage and the storage areas were reconfigured. The petitioner also has the option to construct a second story addition and/or a detached garage.

Staff has reviewed the corner properties in the neighborhood. There are several corner properties that do not meet the current 20 foot corner side yard setback. Staff did not find any corner side yard variations granted in the neighborhood. These residences were likely built prior to the establishment of the current corner side yard requirements and are considered legal non-conforming. These properties would be required to meet the 20 corner side yard setback should they be redeveloped in the future. There are also many corner properties in the neighborhood that meet the current 20 foot corner side yard setback. It is difficult to make the argument that reducing the corner side yard to 10 feet would be consistent with the character of the neighborhood since there isn't a consistent pattern as it relates to corner side yard setbacks. Aerial photographs of the neighborhood are included in the Appendices of this report.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. The lot is not unusually small. The lot is 65 feet wide and 12,220 square feet in area. There is sufficient room in the rear of the existing residence to construct a sizeable addition in compliance with the setback requirements.

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.*

Staff finds that the conditions are not unique to the subject property. The petitioner's property is the same size and dimensions as other properties in the neighborhood. The front yard setback for the existing residence is consistent with that on neighboring properties.

3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design and the extent of the proposed improvements to the property.

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.

## **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 to reduce the rear yard setback. 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 aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the corner side yard setback **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 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 **denial** of ZBA 06-24.

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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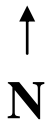
c: Petitioner

**Aerial Photograph of Elizabeth Street from Harding Rd. to Harrison Rd.**





**Aerial Photograph of Elizabeth St. from Harrison Road to Ethel Ave.**





**Aerial Photograph of Elizabeth Street from Ethel Ave. to Harrison to Taylor Rd.**

