



East: CR Conservation Recreation District; Terrace View Park  
West: R2 Single Family Residence District; Single Family Residences

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on February 20, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey prepared by Marchese Surveying, Inc. and dated December 15, 2005.
4. Site Plan prepared by Arris Architects and Planners and submitted on February 27, 2006.
5. Proposed building elevations prepared by Arris Architects and Planners.

### **DESCRIPTION**

The subject property is a corner lot approximately fifty feet (50') by one hundred fifty one feet (151') deep. The petitioner owns the subject property and the adjacent property to the north. He plans to construct a new home for his family on the adjacent property. The petitioner also intends to redevelop the subject property with a single family home to compliment his anticipated home on the adjacent property. Because the subject property is only fifty feet (50') wide, the setback requirements would only allow a twenty-four foot (24') wide house to be built. In order to accommodate the construction of a new home, the petitioner is requesting two variations to reduce the corner side yard setback and to reduce the rear yard setback.

### **ENGINEERING**

#### **Private Engineering Services**

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

#### **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**

In reviewing the petition, staff has compared the existing conditions with the proposed site plan. The following table outlines the comparison:

|  | Code Requirements | Existing Residence | Proposed Residence                     |
|--|-------------------|--------------------|--|
| Front Yard Setback                             | 30'               | ≈ 30'              | 30'                                    |
| Interior Side Yard Setback                     | 6'                | 7.62'              | 6'                                     |
| Corner Side Yard Setback                       | 20'               | 11.5'              | to residence 11.8'<br>to chimney 10.5' |
| Rear Yard Setback                              | 35'               | 79'                | 31'                                    |
| Area of Residence (footprint)                  |                   | 1080.78 s.f.       | 2325.25 s.f.                           |
| Lot Coverage                                   | <50%              | 18.1%              | 43.3%                                  |
| Area encroaching into Corner Side Yard Setback |                   | 271 s.f.           | 481 s.f.                               |

*Corner Side Yard Setback*

Staff can support the variation from the corner side yard setback for the following reasons. The subject property is recorded as a fifty foot (50') wide lot of record. With the required interior side yard and corner side yard setbacks, only a twenty-four foot (24') wide house could be constructed. Many of the houses currently existing on fifty-foot (50') wide corner lots are considered legal non-conforming as they were constructed during the post World War II era when the Zoning Ordinance required a different side yard setback, usually ten feet (10'). There is a precedent for variations to reduce the corner side yard setback on fifty-foot (50') wide corner lots to allow for the construction of a single family residence (most recently ZBA 05-03).

The proposed residence will essentially have the same corner side yard setback as the existing residence. The existing residence is setback eleven and one half feet (11.5') and the proposed residence is setback eleven and eight tenths feet (11.8'). Only the proposed chimney projects beyond the existing building line as it is setback ten and one half feet (10.5') from the corner side property line. Because the proposed chimney does not meet the provisions for allowing chimneys as an encroachment within the corner side yard, the corner side yard must be reduced to ten and one half feet (10.5').

There are three very large coniferous trees existing in the corner side yard. The petitioner has indicated that the proposed residence has been designed in such a way that the trees do not have to be removed. These trees will substantially screen the proposed residence thus reducing the visual impact of the encroachment within the corner side yard. Also the encroachment within the side yard will have the greatest impact on the adjacent property to the north, which is also owned by the petitioner and is where he resides.

*Rear Yard Setback*

Staff does not support the requested variation to reduce the rear yard setback. The lot meets the minimum 7,500 square foot lot area requirement for the R2 Single Family Residence District, and staff finds that one hundred fifty one feet (151') is a sufficient lot depth to construct a two-story single family residence even in consideration of the narrow width of the lot. There are no conditions unique to the property that prevents compliance with the rear yard setback requirements. Furthermore, staff finds that requesting the proposed relief would set an undesirable precedent.

The request is not based on a hardship but the petitioner's preference for the proposed design. Alterations can be made to the design to bring the proposed residence in conformance with the rear yard setback. The fourth bedroom on the first floor can be eliminated, or rather than have a two story ceiling height over the living room, a fourth bedroom can be located above the living room on the second floor. Also, the widths of the rooms can be slightly reduced so as to total a four foot (4') reduction in the total width of the proposed residence. Staff finds that the length of the rooms can be reduced and still provide sufficient space.

**FINDINGS AND RECOMMENDATIONS**

Staff recommends approval of the variation to reduce corner side yard setback, and denial of the variation to reduce the rear yard setback. Should the Zoning Board of Appeals concur with this recommendation, staff suggests that prior to consideration by the Board of Trustees, that the petitioner submit revised plans showing how the design will be changed to meet the rear yard setback.

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation to reduce the corner side yard setback, but has not affirmed the standards for variations for the rear yard setback variation request. 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 requested variation to reduce the corner side yard setback **does comply** with the Standards for Variation in the Lombard Zoning Ordinance but does not comply with the Standards for Variations for the rear yard setback; 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 **partial approval** of ZBA 06-06, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans prepared by Arris Architects and Planners and submitted as part of the petition, but with the proposed

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Re: ZBA 06-06

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residence meeting the required thirty-five foot (35') rear yard setback. The petitioner shall submit modified plans prior to consideration by the Board of Trustees.

2. That the petitioner shall apply for and receive a building permit for the proposed improvements associated with this petition.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

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c: Petitioner

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