

ANALYSIS

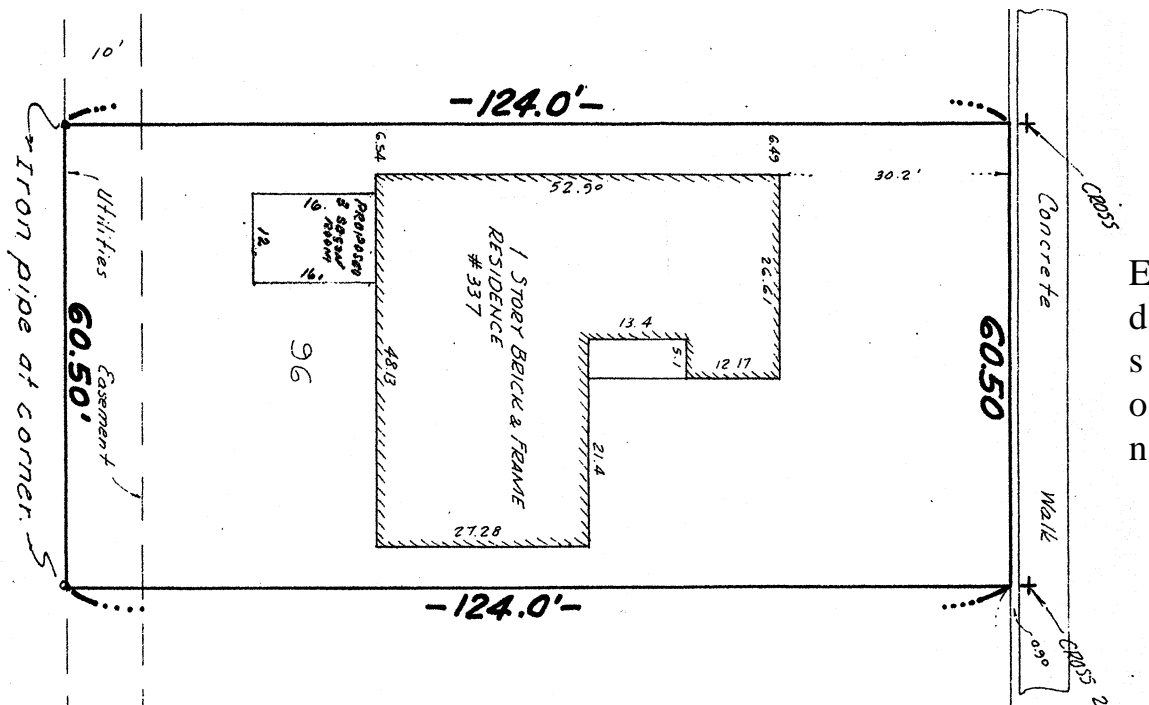
SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 6, 2002.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by, Earl M. Smith & Associates, dated May 13, 1965.
4. Proposed building plans, dated January 25, 2002.

DESCRIPTION

The petitioners desire to construct a sunroom addition on the rear of their house. There is currently a concrete patio that extends into the rear-yard setback requirement, but open patios less than 36 inches in height are permitted obstructions within the rear yard. The petitioners wish to construct a 192 square foot addition that would reduce the rear yard to 25 feet. This no longer meets the requirements of the Zoning Ordinance and so the petitioner is requesting a variation.



ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments regarding the request.

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

FIRE AND BUILDING

The Bureau of Inspectional Services has no comments or concerns at this time regarding the petitioner's request.

PLANNING

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Staff is not supportive of this variation because the hardship presented is of a personal nature not one based on the physical attributes of the property.

A comprehensive review of building permits, Plan Commission cases, and Zoning Board of Appeals cases revealed that no variations have been granted in the neighborhood. A visual assessment of the area surrounding the property found that homes at 329 & 357 W. Edson Place are located within the required rear yard setback. These homes were originally built before the 1990 text amendment, which increased the rear yard setback from 30 feet to 35 feet.

To be granted a variation the petitioner 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.
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 design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard.

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 ordinance has not caused the hardship. The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village.
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 finds that granting the request could be injurious to neighboring properties because it contributes to loss of suburban character of the neighborhood and is not consistent with the overall characteristics of the area.
5. *The granting of the variation will alter the essential character of the neighborhood.* Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations for the requested setback 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 setback variation:

Based on the submitted petition and the testimony presented, the requested setback 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 recommend to the Corporate Authorities **denial** of ZBA 02-06.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MMG:jd
att-
c: Petitioner