



MEMORANDUM

TO: LOMBARD PLAN COMMISSION
Donald Ryan, Plan Commission Chairperson

FROM: Christopher Stilling, AICP
Assistant Director of Community Development

DATE: October 18, 2010

SUBJECT: DuPage County Public Hearing Z10-045- Stimac (21W133 Kensington Road)

BACKGROUND

DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 1 foot from the required 3 feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 21W133 Kensington Road. As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition. Staff has informed the County that this matter is being brought forward to the Plan Commission and the Village Board for consideration.

ANALYSIS

According to discussions with the County representatives, the existing shed on the property does not achieve code compliance concerning County and Village Codes. Both the Village Code and County Codes require a minimum 3 foot setback for accessory structures.

As the petitioner's plan shows, the property is 10,050 square feet in size (75' wide by 134' deep). The property is bordered by single family residences on all sides. The Village's Comprehensive Plan included the subject property and identifies the site for Low Density Residential use.

Staff finds that based upon the site plan, a great deal of flexibility exists for the property owner to locate the shed to an area that meets County and Village Codes. Furthermore, staff finds that the shed's current location may present a negative impact upon the adjacent property owners. Based upon established County and Village codes, there are alternative locations to construct the shed

within the buildable area of the lot. Staff also finds that the need for the variation is created by the petitioner and is not unique to the property. Moreover, the variation may also establish a precedent for yard setback relief for other properties in the area. As a practical matter, reductions in side yard setbacks can give an appearance of overcrowding within a subdivision.

Lastly, the existing shed does encroach into an existing public utility easement. Staff does not object to the encroachment so long as it is not permanently affixed to a foundation.

FINDINGS AND RECOMMENDATION

Based upon this review, the petition would be inconsistent with established Village policies. Additionally, the petition would be inconsistent with the objectives included as part of the Comprehensive Plan, creates an adverse impact on a neighboring property, and constitutes an excessive encroachment into a required yard. Therefore, staff recommends that the Plan Commission make the following motion regarding the petition:

Based upon a review of the petition submitted to DuPage County, the Plan Commission finds that the petition is inconsistent with the Village's Comprehensive Plan, the established codes and ordinances of the Village of Lombard, and does not meet the standards for variations as expressed within the DuPage County Zoning Ordinance. Therefore, the Plan Commission recommends that the Village Board adopt a Resolution of Objection for DuPage County ZBA Case Z10-045.