



2. Response to the Standards for Variation
3. Plat of Survey, Associated Surveying Group, dated September 22, 2003
4. Floor plan and elevation, prepared by K.F. Brandeis Architects, dated February 16, 2005.

**ANALYSIS**

The Zoning Board of Appeals continued the public hearing for ZBA 05-05 in order to allow staff time to further review other properties on cul-de-sacs in the Pinebrook subdivision as it relates to rear yard setbacks.

Staff was able to find plat of surveys for all properties located on cul-de-sacs within the Pinebrook subdivision with the exception of 1501 Walnut Court. The lot dimensions, lot areas and setbacks are listed in the table below.

**Figure 1: Setbacks on cul-de-sacs**

	<b>Lot Width</b>	<b>Lot Depth</b>	<b>Lot Area</b>	<b>Front yard setback</b>	<b>Rear yard setback to house</b>	<b>Rear yard setback to deck/patio</b>
1474 Poplar Ct.	125'	125'	15,625 s.f.	30'	36'	22'
1475 Poplar Ct.	125'	125'	15,625 s.f.	31'	42'	26'
1474 Sycamore Ct.	125'	125'	15,625 s.f.	30'	42'	8'
1475 Sycamore Ct.	125'	125'	15,625 s.f.	30'	40'	29'
1474 Oak Meadow Ct.	125'	125'	15,625 s.f.	30'	21'	21'
1475 Oak Meadow Ct.	125'	125'	15,625 s.f.	31'	39'	?
1500 Acorn Ct.	112'	125'	14,00 s.f.	31'	40'	28'
1501 Acorn Ct.	112'	125'	14,00 s.f.	31'	40'	?
1500 Spruce Ct.	112'	125'	14,00 s.f.	31'	40'	28'
1501 Spruce Ct.	112'	125'	14,00 s.f.	31'	42'	25'
1500 Walnut Ct.	112'	125'	14,00 s.f.	30'	42	?

Staff notes that all of the lots have the same depth, one hundred twenty-five feet (125'), but the lots south of the wooded area are approximately one hundred twelve feet (112') wide while the lots north of the wooded area are by one hundred twenty-five feet (125') wide. All are front yard setbacks either thirty feet (30') or thirty-one feet (31'). Because of standards and regulations required for cul-de-sac construction, all six of the cul-de-sacs in Pinebrook are nearly identical. Each of the lots listed in Table 1 are set back approximately twenty feet (20') farther than the respective adjacent property not fronting onto the cul-de-sac. Functionally, this leaves a lot depth of one hundred five feet (105'). Accounting for the rear and front yard setbacks, this allows for a house up to forty feet (40') deep. Staff does not find that forty feet (40') is unreasonable or constitutes a hardship.

**Figure 2: Aerial photo of Pinebrook**



*1474 Oak Meadow Court*

With respect to property to the east of the subject property, staff reviewed all permits associated with the respective address. Staff was previously unaware of the permit issued in 2000 for the enclosed structure to the rear of the house because it was listed on the permit address card as a siding and roof repair. Upon review of the permit file, staff noticed that the permit was approved as a deck repair. The information included with the permit application at the time of review by the Planning Services Division represented that the permit was for the repair of an existing non-conforming structure. In the recent follow-up to this matter, the property owner at 1474 Oak Meadow has indicated to staff that the structure was unenclosed prior to 2000 and that the enclosure was made subsequent to the permit issued in 2000.

As such, the permit was issued in error. The structure is constituted as non-conforming. Staff will be notifying the property owner at 1474 Oak Meadow Court that they do not have any rights to rebuild the enclosed porch and terrace.

*1500 Acorn Court*

A variation was approved for 1500 Acorn Court to reduce the rear yard setback to twenty-eight (28') to allow the construction of a sunroom (ZBA 99-12). This petition was very similar to the petition associated with the subject property. Based on the standards for variations, the staff report for ZBA 99-12 recommended denial of the petition. In review of the referral letter to the Board of Trustees, it does not appear that the Zoning Board of Appeals made any findings

relevant to the standards to variations. Staff remains consistent with the interpretation of the standards of variation in relation to ZBA 99-12, and thus, recommends the current petition, ZBA 05-05, for denial.

## **FINDINGS AND RECOMMENDATIONS**

Upon further review of cul-de-sac properties within the Pinebrook subdivision, staff has not found any evidence affirming the standards for variations. Staff does not feel that the size or shape of the lots located on cul-de-sacs constitute a hardship. Even though there is a farther setback as a result of the cul-de-sac bulb, the lot depths are still reasonable for providing for a single family home. As mentioned in the previous staff report, arced front property line is inherent of lots located on cul-de-sacs and the property owners were aware of this when they purchased the home.

Two other properties on cul-de-sacs in the Pinebrook subdivision have enclosed additions encroaching into the rear yard setback. Staff does not feel that these properties are necessarily relevant to the petition associated with the subject property. Staff has reviewed the petition in the context of the standards of variations as they apply to the subject property.

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

Based on the submitted petition and the testimony presented, the requested 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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 05-05.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

DAH:MK  
att-  
c: Petitioner