



## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development

**DATE:** September 3, 2009

**SUBJECT: DuPage County Public Hearing Z09-037- Shah**

DuPage County has received a filing for a public hearing for a variation to reduce the interior side yard setback to 0.38 feet from the required 6.1 feet to allow for an existing shed in an R-4 Single Family Residence District. The petition is for the property at 2S350 Glen Ave. in the Butterfield East Subdivision (DuPage County ZBA Case Z09-037). 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.

On August 17, 2009, staff presented this case to the Plan Commission to solicit their input. The Plan Commission considered the following findings, as identified by Village staff:

1. Under the Village Zoning Ordinance, the subject deck must also maintain a six foot (6') setback from the property line as Village does not permit decks over three feet in height as permitted encroachments in the interior side yard. Therefore, the Village recognizes two variations in this matter:
  - a. A setback variation for the principal structure; and,
  - b. Setback variation for the deck located above the addition.
2. Based upon the site plan, flexibility exists for the property owner to construct a shed and deck that meets County and Village Codes.
3. Staff finds that both the shed and the deck in their current locations may present a negative impact upon the adjacent property owners.

In their deliberations, the Lombard Plan Commission found that the petition is inconsistent with the Village's Comprehensive Plan, the established codes and ordinances of the Village of Lombard, and did not meet the standards for variations as expressed within the DuPage County Zoning Ordinance. As such, the Plan Commission unanimously recommended that the Lombard Village Board adopt a Resolution of Objection for Z09-037, to be forwarded to the County Board before the subject case is presented before them.