

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	May 24, 2006
FROM:	Department of Community Development	PREPARED BY:	Michelle Kulikowski Planner I

TITLE

ZBA 06-09; 332 South Martha Court: The petitioner requests approval of a variation to Section 155.406 (F)(4) to reduce the rear yard setback to twenty-one feet (21') where thirty-five feet (35') is required to allow for the construction of an addition within the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner:	Don W. Meyer 332 S. Martha Ct. Lombard, IL 60148
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PROPERTY INFORMATION

Existing Zoning:	R2 Single Family Residential District
Existing Land Use:	Single Family Residential
Size of Property:	Approximately 8,680 Square Feet

Surrounding Zoning and Land Use

North:	R2 Single Family Residential District; developed as Single Family Residences
South:	R2 Single Family Residential District; developed as Single Family Residences
East:	R2 Single Family Residential District; developed as Single Family Residences
West:	R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 15, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Harry A. Ekdahl and Associates, dated June 9, 1979.
4. Site Plan, prepared by the petitioner, showing existing and proposed improvements.
5. Interior floor plans, prepared by the petitioner, showing the interior layout.

DESCRIPTION

The subject property is a “pie-shaped” lot located on a cul-de-sac. The depth of the lot ranges from one hundred eleven feet (111’) to one hundred fifty-nine feet (159’). The subject property is approximately twenty-six feet (26’) wide at the front property line and one hundred forty one feet (141’) at the rear property line. The existing residence is currently legal non-conforming with a twenty-eight foot (28’) rear yard setback. The petitioner is proposing a one story addition to the rear of the home that would be setback twenty-one feet (21’) from the property line. Because the proposed addition would expand the degree of non-conformity, a variation is needed to construct the addition.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Private Engineering Services has no comment on this petition.

Planning

The existing residence on the subject property is setback twenty-eight feet (28') from the rear property line at its closest point and is considered legal non-conforming as it was constructed prior to the current thirty-five foot (35') rear yard setback requirements. The petitioner is proposing a twelve and one half by twelve and one half foot (12.5'x12.5') (156.25 sq. ft.) addition, which would reduce the rear yard setback to twenty-one feet (21'), thus further decreasing the degree of non-conformity of the property. The proposed addition could be built meeting the rear yard setback if it were moved six feet to the northwest. However, the addition would be adjacent to one of the bedrooms, thus blocking the windows to the exterior. Building Code requires windows in bedrooms for the purposes of light and ventilation.

Staff has conducted a review of all the petitions for rear yard variations since 2000. Staff has only recommended approval for rear yard variations in situations when the proposed improvement maintained the existing building line or where the depth of the lot was unusual (e.g., less than one hundred feet (100') in depth). Staff remains consistent in its interpretation for the standards for variations. The following standards have not been affirmed:

- 1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The shape of subject property is typical for a lot located on a cul-de-sac. The property has sufficient depth ranging from one hundred eleven feet (111') to one hundred fifty-nine feet (159').

- 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 there are not any unique differences between the petitioner's lot and others with the R2 Single Family District with respect to the depth of the property and the required front and rear yard setbacks.

- 3. The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.*

The 35-foot rear yard setback for R2 properties has been consistently applied throughout the Village. Staff finds that the hardship has not been created by the ordinance. The requested relief is needed due to a personal preference for an office addition to the existing residence.

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 believes that the granting of the requested relief will set an undesirable precedent.

FINDINGS AND RECOMMENDATIONS

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 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 06-09.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK
att-
c: Petitioner