



Surrounding Zoning and Land Use:

North:	R2 Single Family Residence District; Single Family Residences
South:	R2 Single Family Residence District; Single Family Residences
East:	R2 Single Family Residence District; Single Family Residences
West:	R2 Single Family Residence District; Single Family Residences

## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 17, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated November 8, 1990, prepared by Lambert and Associates.
4. Proposed building elevations.

### DESCRIPTION

The existing residence on the subject property is setback five and forty one-hundredths feet (5.41') from the northern property line where a six foot (6') setback is required. The existing residence is setback eight and thirty-three hundredths feet (8.33') from the southern property line. Because there is a detached garage, a nine-foot (9') setback is required from the southern property line. The nine-foot side yard is intended to accommodate the driveway area for detached garages. The petitioners are proposing a second story addition that would maintain the same building line relative to the northern and southern side property lines. Because this would be considered an expansion of a non-conformity, a variation is needed.

### ENGINEERING

#### Private Engineering Services

From an engineering or construction perspective, PES has no comments.

#### Public Works Engineering

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

## **PLANNING**

Even though the proposed second-story addition will not encroach any further into the side yard than the existing home, a variation is needed because the proposed addition is considered an expansion of a nonconforming structure. The definition of “yard”, as defined in Section 155.802 of the Zoning Ordinance, reads as follows:

**Yard** is an open area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Section 155.212 of this Ordinance. A “yard” extends along a lot line, and to a depth of width specified in the yard requirements for the zoning district in which such zoning lot is located.

The definition of a “yard” references a yard as having three dimensions. Therefore, a side yard must be considered in terms of volume. With a nonconforming residence that encroaches into a required yard, the construction of a second story addition above the existing footprint would increase the volume of the residence within the side yard. By decreasing the open-air volume of the side yard, the degree of non-conformity is increased.

Staff can support the requested relief for the following reasons. The proposed addition will not be setback less than the existing residence. Staff finds that that the requested relief is not substantial relative to the six foot (6’) and nine foot (9’) setback requirements. Both side yards will be decreased by less than one foot. Staff finds that the proposed addition will not have a negative impact on the surrounding properties. Also, staff has typically supported variations in the past for additions that hold to existing building lines.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the requested variation:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-05, subject to the following conditions:

Zoning Board of Appeals

Re: ZBA 06-05

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1. That the petitioner shall apply for and receive a building permit for the proposed addition.
2. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, the residence will meet the current zoning requirements and setbacks.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

att-

c: Petitioner

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