

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 20, 2008.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Landmark Engineering Corp., dated June 5, 2003.
4. Architectural drawings, prepared by Jeffery J. Heaney, Architect, dated December 13, 2007.

DESCRIPTION

The property contains a one-story single family residence built approximately 7.9 feet from the northern side property line. The petitioner plans to erect a sunroom on the footprint of an existing wood deck attached to the rear of the home. The addition will utilize the posts of the existing deck. As there is no attached garage, the Lombard Zoning Ordinance requires that one interior side yard setback be a minimum of 9 feet. Therefore, the house is legal non-conforming and will require a variation for the proposed construction. The sunroom will maintain the current side yard setback of 7.9 feet.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments at this time. Additional comments will be provided as part of the building permit submittal.

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding the request at this time.

PLANNING

The house was constructed in 1955 and is considered a legal non-conforming structure. The house is currently 7.9 feet from the side lot line as is the existing rear deck which the sunroom will replace. According to Section 155.212, decks that are not over three feet above the average level of the ground and that maintain a minimum two (2) foot side yard are permitted encroachments the required interior side yard. Therefore, the petitioner's deck is permitted in its current condition. Granting this variation would address the existing nonconformities on the property as well as the new sunroom.

The proposed addition will not violate the 50 percent open space requirement. Open space on the property currently stands at 64.1 percent and would not be significantly changed by the proposed sunroom.

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 576 Green Valley Drive received approval of a variation to reduce the required interior side yard setback from six feet (6') to two feet (2') for the conversion of a carport into a garage and for a residential addition (ZBA 03-10).
- 2) The property at 828 S. Fairfield received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and a half feet (2.5') for a residential addition (ZBA 05-14).
- 3) The property at 219 W. Hickory received approval of a variation to reduce the required interior side yard setback from six feet (6') to two and a half feet (2.5') for an attached garage (ZBA 06-14).
- 4) The property at 259 N. Garfield received approval of a variation to reduce the required interior side yard setback from nine feet (9') to 7.88 feet for a second story addition holding the previously developed exterior wall of the residence (ZBA 07-12).

The proposed addition would maintain the existing building line and would not increase the degree of encroachment into the existing non-conforming setback. There are no similar cases in the immediately surrounding neighborhood to provide additional precedent for this case.

Rear of Subject Property and Current Wood Deck



Staff finds that this petition meets the Standards for Variations. The proposed location for the sunroom is the only option at the rear of the house due to the location of windows, meters, and the only rear access door. The deck will be construction upon a legal non-conforming structure, maintaining the building line, and would therefore not increase the setback non-conformity. The proposed addition would neither be out of character in the neighborhood nor detrimental to the public welfare or other the neighborhood properties.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has 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 **approval** of the side yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 08-03, subject to the following conditions:

Zoning Board of Appeals

Re: ZBA 08-03

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1. The addition to the single-family residence shall be developed in accordance with the site plan drawn on the June 6, 2003 Plat of Survey submitted February 20, 2008 as part of this petition; and
2. The proposed development shall meet all codes of the Village of Lombard.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH:SWM

c: Petitioner

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