

STAFF REPORT

Community Development Department

2022-01Z: Variation

Council Chambers, 7:30 PM, March 16, 2022

To: Brian O'Donnell, Chairman, Zoning Board of Appeals
From: Brian J. Augustine, Building & Zoning Division Manager
Re: 4225 Lyons Street – Front Yard

General Information	
<i>Location</i>	4225 Lyons Street
<i>Request</i>	Variation in order to construct a second-floor addition resulting in the continuation of the 24.35-foot front yard.
<i>Zoning Requirement</i>	25-foot minimum 118-124(5)
<i>Petitioner</i>	Majeed and Ruba Maatouk
<i>Existing Zoning & Land Use</i>	R1 Single-Family – Detached residence
	North R1 Single-Family – Detached residences
	South R1 Single-Family – Detached residences
	East R1 Single-Family – Detached residence
	West R1 Single-Family – Detached residence
<i>Assigned to</i>	Elaine Jacobson

SITE INFORMATION

- Detached residence constructed in 1955.

PETITIONER'S SUBMITTAL

The petitioner is requesting a variation in order to construct a second-floor addition resulting in the continuation of the existing 24.35-foot front yard.

APPEARANCE COMMISSION

The petitioner's request was approved by the Appearance Commission on December 8, 2021.

STAFF ANALYSIS

Staff Comment and Review sheets were sent to all pertinent departments. The Community Development Department and Forestry Division were the only department/divisions to comment.

Forestry Division

The Forestry Division has no objections to the petitioner's request. Tree protection is required in accordance with Village standards.

Community Development Department

The Community Development Department has no objections to the petitioner's request.

The building was constructed in 1955 in its current location. The proposed addition continues the existing non-conforming front setback. The existing building is only about 8 inches into the existing front yard.

Staff feels the petitioner's request is the minimum variance necessary to allow reasonable use of the property. The proposed addition will not negatively impact surrounding properties.

STAFF RECOMMENDATION

Based on the proposed Findings of Fact, Staff recommends that the petitioner's request to construct a second-floor addition be granted.

ATTACHMENTS

1. Proposed Findings of Fact

Proposed Findings of Fact

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1	<i>Consideration</i>	Limitation on the use of the property due to physical, topographical, and geologic features.
	<i>Finding</i>	There are no limitations on the property due to physical, topographical or geologic features.
2	<i>Consideration</i>	The applicant can demonstrate that without a variance there can be no reasonable use of the property.
	<i>Finding</i>	Staff feels the applicant can most likely can have a reasonable use of the property without a variation.
3	<i>Consideration</i>	The granting of the variance is not based solely on economic reasons.
	<i>Finding</i>	The variance request appears to be based on the desire to construct a second floor addition in line with the existing 1 st floor.
4	<i>Consideration</i>	The necessity for the variance was not created by the property owner.
	<i>Finding</i>	Staff feels the necessity for the variance is clearly not being created by the owner. The building was constructed in its current location.
5	<i>Consideration</i>	The variance requested is the minimum variance necessary to allow reasonable use of the property.
	<i>Finding</i>	Staff feels the variance requested is the minimum necessary to allow for reasonable use of the property. The addition is about 8 inches into the required front yard.
6	<i>Consideration</i>	The granting of the variance will not be injurious to the public health, safety, or welfare.
	<i>Finding</i>	Staff feels the granting of the variance should not be injurious to public health, safety or welfare.
7	<i>Consideration</i>	The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties
	<i>Finding</i>	The building was constructed in its current location. The owner is only asking to continue the existing non-conforming setback, which is about 8 inches into the required front yard.