



## Legislation Text

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**File #:** 2015-0566, **Version:** 1

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**Title/Name/Summary**  
14334 Raneys Lane - Side Setback Variance

**History**  
**Project**  
14334 Raneys Lane - Side Setback Variance

**Petitioner**  
John and Brenda Landers

**Purpose**  
The petitioner is requesting a reduction in the required minimum side setback. The request is for a reduction from 8 feet to 5 feet (a decrease of 37%).

**Project Attributes**  
Address: 14334 Raneys Lane

P.I.N.(s): 27-09-102-023

Size: 10,680 square feet

Existing Zoning: R-3 Single-Family Residential

Existing Land Use: Single-Family Residence with detached garage  
Proposed Land Use: Single-Family Residence with attached garage

Surrounding Land Use: Single-Family Residences

### OVERVIEW AND BACKGROUND

The petitioner has submitted a demolition permit to demolish a detached 1-story single-family house with a detached garage on an existing lot, with the intent of replacing the house with a new 2-story single-family house with an attached garage.

The subject property consists of a legal non-conforming lot that is 50 feet wide (80 feet is required) and 214 feet deep. The lot area is 10,680 square feet.

The proposed house is approximately 3,200 square feet, and the proposed lot coverage with the new house is 32%.

## PROJECT DESCRIPTION & CONTEXT

The petitioner is requesting a variance from the required minimum side setback on the North and South sides of the property. Per LDC 6-204E(2), the required minimum side setback in R-3 zoning district is equal to 10% of the lot width, but not less than 8 feet. The petitioner is proposing to construct a house that is 40 feet wide on a 50 foot wide lot, resulting in 5 foot setbacks on both sides of the house.

The petitioner is asking to reduce the required side setback requirement from 8 feet to 5 feet. According to the petitioner the variance should be granted due to the following unique hardships:

**Unique Lot:** The lot is only 50 feet wide instead of the required 80 feet width. Due to extensive build-out of the neighborhood, there is no opportunity to re-subdivide nearby lots in order to increase the width of this particular lot and bring its lot dimensions into conformance. There are only 8 other lots of similar width within an 800 foot radius of the subject property. All 8 of these lots have existing non-conforming older homes. It is important to note that the subject lot does conform to the minimum lot area of 10,000 square feet for R-3 district.

**Marketability of the new house:** If the petitioner adheres to the required side setbacks (8 feet on each side), the resulting house will be only 34 feet wide. At such a narrow width, the internal layout of the house would be impractical. For example, the layout at the front of the house would consist of a 2-car attached garage (approx. 22 feet wide), front entrance (approx. 5 feet wide), and a mere 7 foot wide living room. Such a small living room would be atypical among comparable houses in the marketplace. Also, a 34 feet wide brand new detached house would be considered an anomaly within the larger suburban context.

An alternate design with a detached garage was explored, but due to topographical conditions and larger setbacks than the existing house, such a solution is even less desirable (see below).

**Topography:** The site presents some unique grading challenges. Due to difference in elevation on the lot (approx. 5 feet difference in elevation from South to North), a house with a detached garage and a long driveway would present site grading difficulties. A detached garage would probably necessitate the construction of a retaining wall along the driveway, with negative impact on site drainage.

## STAFF ANALYSIS

The petitioner claims that the 3 conditions presented above make it impossible to follow the Land Development Code's requirement for a minimum 8 foot setback from the side lot lines.

The Land Development Code requirement for 8 foot minimum setbacks in R-3 District is primarily there to regulate bulk and density. Typical lots in existing R-3 Districts are between 80 feet - 90 feet wide, and the 8 foot required side setback results in familiar "suburban" neighborhood spacing and density. The subject lot is located in an older neighborhood which does not conform to current regulations. There are numerous properties within this neighborhood with side setbacks smaller than 8 foot. Even the existing house on the subject lot is only 1.7 feet away from the South property line.

The proposed new house would result in a structure with similar density and setbacks already found throughout the neighborhood. The proposed house is going to be of similar height as the two neighboring houses, which are also 2-story. In addition to not having a negative impact on density or scale, there are numerous benefits that the new proposed house could contribute.

The existing dilapidated house on the subject lot would be replaced with a brand new house, having a potential positive impact on nearby property values. The setback from the South property line would be increased from 1.7 feet to 5 feet, benefiting the neighbor to the South by providing more light and privacy. Site drainage would be improved, and the lot use would be maximized with a larger improved structure.

The petitioner has provided answers to all 10 variance standards as outlined in Land Development Code Section 5-109 D.

The variance being requested exceeds 25%, and therefore it is beyond the Hearing Officers' authority to grant such a variance.

#### ZONING BOARD OF APPEALS HEARING SUMMARY

Public hearing was held on September 8, 2015 at 5PM in West Conference Room, 2nd Floor, Village Hall. The hearing was attended by four of the five Hearing Officers, Development Services Staff Member Kryz Kociolek, and petitioners Brenda and John Lenders. No other public was present. The petitioners presented their case, elaborating on the hardships listed in the petition. The petitioners also presented a letter in support of the variance from the neighbor to the South (Edward Reynolds), at 14336 Raney Lane. The Hearing Officers expressed unanimous support of the variance and motion was made to recommend the approval of this variance and referred to the Village Board of Trustees.

This petitioner requests the following variances:

1) Reduction of the required minimum side setbacks (North and South) from 8 feet to 5 feet (37% reduction), LDC 6-204E(2).

Overall, the project conforms to the Village's Comprehensive Plan, Land Development Codes and policies for this area.

On September 8, 2015, this item was reviewed by the Zoning Board of Appeals, and recommended for approval and referred to the Village Board of Trustees for consideration.

#### Recommended Action/Motion

I move to approve the reduction of the minimum side setback from 8 feet to 5 feet on the South and North property lines of 14334 Raney Lane.