

November 18, 2010

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 10-12; 544 S. Highland Ave.

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on October 27, 2010.

Tom Mack, 544 S. Highland, presented the petition. Mr. Mack stated that they wanted to add the front porch to the house for a couple of reasons. First, Mr. Mack said that the existing porch is too small to accommodate wheelchair access for his mother-in-law. Second, you have to step off the porch in order to open the front door. He added that the mailman had fallen off his front porch at one time because of this. Lastly, Mr. Mack stated that they have been residents for 25 years and they plan to retire in their current residence. He stated that the front porch would allow them greater access and safety for the years to come.

Patty Mack, 544 S. Highland, stated that the front porch would provide wheelchair access for her mother and also mentioned the mailman incident. She then stated that they need the extra room on the porch.

Michael Toth, Planner I, presented the staff report. The property contains a one-story single family residence. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two and a half (22.5) feet from the eastern property line, which is considered the front yard of the subject property. The Zoning Ordinance allows unenclosed roofed-over front porches as a permitted encroachment into the required front yard, provided

that a minimum of twenty-five (25) feet is provided. As the proposed porch is set back only twenty-two and a half (22.5) feet, a variation is required.

The Zoning Ordinance allows roofed-over porches, which are unenclosed and projecting not more than seven (7) feet, as a permitted encroachment in the front yard, provided that a minimum of twenty-five (25) foot front setback is maintained. The principal structure on the subject property is situated twenty-nine feet nine inches (29'9") from the eastern property line at its closest point. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet three inches (4'3") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (eastward) six feet ten inches (6'10") from the principal structure. This would result in a setback deficiency of two feet one inch (2'1") as the structure would only be set back a distance of twenty-two feet eleven inches (22'11") from the eastern property line, where twenty-five feet (25') is required.

The existing porch consists of a concrete landing with no roof or overhang over the landing. In the response to standards, the petitioner indicates that the existing stoop is very small and when the door opens out, there is no room for anyone to stand. Moreover, constructing a wider porch would allow greater clearance around the door area, creating safer and easier access to/from the home. While staff recognizes this issue, staff believes that the hardship for the variation has more to do with the location of the principal structure in relation to the eastern property line.

As previously mentioned, the principal structure on the subject property is situated less than thirty (30) feet from the eastern property line at its closest point. Staff notes that this setback is considered legal non-conforming with respect to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard.

There is also precedent for setback variations to allow roofed-over porches within required yards. Recently, the property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a stoop, which was located in the required corner side yard. As the porch was built with the house in 1924 it was also considered legal non-conforming. Although this case involved a corner side yard, staff believes that the relevance is similar in nature as it involves a required yard that is visible from the right of way.

A variation was also granted in 2006 (ZBA 06-03) to allow a roof over an existing stoop within the front yard. ZBA 06-03 (121 N. Lincoln Ave.) was similar in nature as the existing front yard setback of the principal structure was also considered legal non-conforming at approximately twenty-eight and one half feet (28.5') from the front property line. ZBA 06-03 received approval to construct an unenclosed roofed-over front porch that only maintained a twenty-three and one half foot (23.5') setback from the front property line.

Staff finds that the requested relief can be supported, as the proposed porch will be setback two feet one inch (2'1") less than what is allowed by code. Staff is also able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with legal non-conforming setbacks. Furthermore, the proposed improvements will not increase the visual bulk within the front yard as the setback of the house itself will remain the same and the porch itself would be unenclosed. Lastly, the proposed porch would not alter the essential character of the neighborhood as there are a number of homes in the immediate area with non-conforming front yard setbacks that have constructed either enclosed or unenclosed front porches.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-12, subject to the four conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap asked if the front steps are included in the setback measurement.

Mr. Toth stated that the steps are actually a separate item; however, they are considered a permitted encroachment in the required front yard.

Chairperson DeFalco stated there are a number of homes in the neighborhood that have deficient front setbacks that have porches constructed on the front of the house. He then stated that a condition of approval would require the house to meet the current setback requirement. He then mentioned the new average setback provisions. He asked staff if there was a minimum setback.

Mr. Toth stated that the house would be required to be setback a minimum of thirty (30) feet.

On a motion by Bedard and a second by Tap, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board **approve** the variation associated with ZBA 10-12, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans, prepared by T.R. Knapp Architects, dated September 9, 2010.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

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4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required front yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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