

April 15, 2004

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

Subject: ZBA 04-03; 310 W. Morris Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.406 (F)(2) of the Zoning Ordinance to reduce the corner side yard setback from twenty (20) feet to sixteen (16) feet to allow for the construction of an unenclosed, roofed over front porch.

The Zoning Board of Appeals conducted a public hearing on March 24, 2004. The petitioner, Adolf Munoz, of Apex Homes, stated that they are proposing to demolish the existing home and construct a new home on the premises as shown on the plans. He said that they have been working with the Building staff to address code issues. Once issue that remains is the proposed roofed-over porch which will be attached to the front and side of the house.

He then described the proposed porch layout. He noted that the reason he is proposing the porch and stairs to be located as depicted on the plans is to address the existing evergreen tree currently in the front yard. He then submitted photographs of the subject property. If the porch and stairs were angled toward the front yard, it would require the removal of the tree. He said that neighboring residents like the tree so he was trying to save it.

He then discussed the requested relief, noting that the proposed encroachment into the corner side yard is much smaller than described in the public hearing request. The house itself will meet all setback requirements. He also noted that the existing lot is 52 feet wide which does not provide for a great deal of flexibility in constructing a home – particularly when the 20 foot corner side yard setback provisions are also applied to the property.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or opposed to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. He noted the petitioner plans to demolish the existing residence and construct a new house on the subject property. The petitioner presented the proposed building plans which includes a roofed over, wraparound porch which would encroach approximately four feet (4') into the corner side yard.

Referencing the IDRC comments, Private Engineering Services noted that the new house and drive will exceed the 500 square foot threshold for new impervious surface. This may require that some sort of drainage improvements be installed with the new house. This aspect will be fully reviewed by PES once the permit application is submitted.

Mr. Heniff then discussed the zoning aspects of the petition. Roofed over, unenclosed porches are allowed to encroach five feet (5') into front yards assuming that the porch projects no more than seven feet (7') from the front wall of the house. He noted that this provisions was approved as part of a 2002 amendment to the Zoning Ordinance. In consideration of the Ordinance change, he noted that the corner side yard already has relaxed standards as compared to the front yard setback requirements.

Staff finds that the proposed porch can be constructed according to code by modifying the proposed roof pitch and removing its encroachment into the corner side yard. Referencing the standards for variations, staff finds that there are no physical or topographical conditions effecting the subject lot that prevent the proposed home and porch from meeting code. While the lot is fifty-two feet (52') wide, the home and accompanying porch can be constructed to code on the subject lot. Staff finds that the porch can meet code by shifting the orientation of the stairs and landing toward Morris Avenue. The petitioner could also modify the building footprint as well. Staff finds that the subject lot is comparable to the area found in other corner lots in the R2 Single Family Zoning District. All corner lots are subject to the same requirements as those imposed on the subject lot. Staff finds that the hardship has not been caused by the ordinance, but rather the petitioner's choice of placement of the stairs and accompanying porch. Staff believes that the granting of the requested relief will set an undesirable precedent.

Chairperson DeFalco then opened the meeting for discussion and questions by the Board Members.

Mr. Bedard asked for a clarification of the relief being requested. Mr. Heniff noted that the variation is for the corner side yard to allow for a roofed-over porch. Referencing the IDRC report, it is the triangular area between the proposed foundation of the residence to the proposed staircase. The encroachment to the front yard is already permitted by code.

Chairperson DeFalco then asked about the proposed distance between the porch and the property line. The petitioner stated that it was about three feet into the yard, but then after discussion, it was figured to be between three and four feet into the corner side yard.

Questions then were raised and discussion ensued by the ZBA members about the proposed stairs. Mr. Heniff noted that stairs for the entrance into the home could be up to four feet in height. The petitioner noted that the stairs and porch are proposed to be about 42 inches above grade where the relief is requested.

Chairperson DeFalco then asked about the ownership of the property. The petitioner said that he intends to build the home and then sell it. The intent of the variation is to create a home that will be attractive and will allow for the evergreen tree to remain on the property. He noted that relief needs to be considered on a case by case basis – he believes that the evergreen tree gives value to the property.

Mr. Bedard inquired as to whether the petitioner considered alternate plans, such as having the walk out toward Elizabeth? The petitioner said he looked at that option but that option would not be compatible with the proposed gable roof. Moreover it would also require a column at the doorway that would interfere with access and would not work well.

Mr. Young noted that corner side yards are troubling, particularly when they are applied to very narrow lots even by Village standards. Mr. DeFalco then noted that the existing house on the property is 5.8 feet from the corner side yard. The petitioner's plan would provide a greater setback than what is found now on the property.

The ZBA members talked about the conditions of approval that should be added if a motion to approve is made. Lengthy discussion then ensued about the overall square footage amount that actually encroaches into the corner side yard. The petitioner then shared his proposed building plans with the ZBA members so that they could determine the amount of encroachment into the front yard was being proposed.

After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, the Zoning Board of Appeals by a roll call vote of 5 to 0 recommended approval of ZBA 04-03, subject to the following conditions:

1. That the property shall be developed in accordance with the proposed building elevations and floor plans prepared by Jakl Brandeis Architects Ltd., dated January 23, 2004, and submitted as part of the petition.

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2. That the roofed-over porch shall not be enclosed.
3. That the total square footage of the roofed-over porch into the corner side yard shall not exceed sixteen (16) square feet in overall size.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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