

**ORDINANCE NO. 6752**

**AN ORDINANCE GRANTING A PLANNED DEVELOPMENT AMENDMENT TO  
ORDINANCE 4566 & ORDINANCE 4722 WITH COMPANION VARIATIONS AND  
DEVIATIONS**

**(PC 12-16; 661 N Charlotte Street)**

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2PD Single-Family Residence District, Planned Development; and,

WHEREAS, on November 19, 1998, the President and Board of Trustees of the Village of Lombard adopted Ordinance 4566 granting a conditional use for a planned development with companion deviations; and,

WHEREAS, on April 6, 2000, the President and Board of Trustees of the Village of Lombard adopted Ordinance 4722 and ordinance amending Ordinance 4566; and,

WHEREAS, an application has heretofore been filed requesting approval of an amendment to Ordinance No. 4566, as amended by Ordinance No. 4772, for the Providence Glen Planned Development, to amend Exhibit "A" to said Ordinances to show a rear yard setback, for no more than the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room); and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on August 20, 2012 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending denial of the petition as described herein; and,

WHEREAS, the President and Board of Trustees have determined that the associated relief enhances the overall planned development and is in the best interest of the Village to approve the requested amendment; subject to conditions set forth in Section 3 below; and,

WHEREAS, the Village Board finds that the proposed relief, as amended, does meet the standards for planned development amendment and conditional use, based upon the findings prepared by the petitioner attached as Exhibit A and the alternative recommendation as set forth within the IDRC staff report, as well as testimony submitted by the petitioner at the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

**SECTION 1:** That the following relief is hereby granted for the Subject Property, as described in Section 2 below, subject to the conditions set forth in Section 3 below:

1. An amendment to Ordinance No. 4566, as amended by Ordinance No. 4772, for the Providence Glen Planned Development, to amend Exhibit "A" to said Ordinances to show a rear yard setback, for no more than the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room)

**SECTION 2:** Said relief noted in Section 1 above is limited and restricted to the property located at 611 N. Charlotte Street (within the Providence Glen Planned Development), Lombard, Illinois; legally described as follows:

LOT 6 IN PRAIRIE PLACE OF LOMBARD, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1999 AS DOCUMENT R99-258187 IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-05-100-032

**SECTION 3:** This ordinance shall be granted subject to compliance with the following conditions:

1. The proposed amendment shall only apply to 661 N. Charlotte Street within the Providence Glen Planned Development for a rear yard setback, for the north three-

quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room).

2. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet shall only apply to a one-story structure attached to a dwelling with a screened, open or glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof, not to exceed 300 square feet in area.
3. The petitioner for the property at 661 N. Charlotte Avenue shall apply for and receive a building permit for the proposed plans. All IDRC comments must be addressed prior to the issuance of a building permit.
4. The petitioner for the property at 661 N. Charlotte Avenue shall be responsible for exposing any necessary construction for the purposes of required inspections to the existing three season room, under the 2009 International Residential Code (foundation, framing, etc.), to make sure the minimum safety standard set by Code has been met.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

First reading waived by action of the Board of Trustees this 6<sup>th</sup> day of September, 2012.

Passed on second reading this 6<sup>th</sup> day of September, 2012, pursuant to a roll call vote as follows:

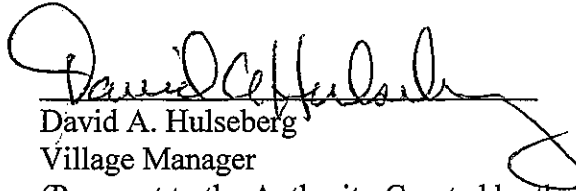
Ayes: Trustees Wilson, Breen, Fitzpatrick and Ware

Nays: Trustees Gron and Giagnorio

Absent: None

Approved by me this 6<sup>th</sup> day of September, 2012.

Ordinance No. 6752  
Re: PC 12-16  
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David A. Hulseberg  
Village Manager

(Pursuant to the Authority Granted by the Village Board at  
the September 6, 2012 Village Board Meeting)

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet from this 7<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

**Exhibit A**

**Standards for Conditional Uses**

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The conditional use process allows the Village the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. The proposed planned development amendment (conditional use) would allow the subject property the right to a reduction to the rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. Allowing the screen porch addition, within the fifteen feet (15') of the rear property line, would **not** create any additional circumstances that would impact the general public be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. This screen porch was built on an existing deck that was built around 2001 with a building permit. The existing deck extends off the rear of the house 15 feet, already establishing the setback. A petition in your packet, exhibit B shows the signatures of many of my neighbors including the neighbors to the east in support of the petition. More specifically, the neighbor who would be most impacted, Keith Kondrot has signed the petition in support of the setback.

- (b) That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

Any improvements that are a result of the proposed conditional use would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.

Concord Homes originally had difficulty fitting their standard model homes on some of the lots within the Providence Glen Subdivision as flooding conditions affected some of the properties, requiring substantial changes to the engineering, resulting in minor changes to the subdivision layout. In order to adequately handle storm water, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. The proposed conditional use would allow the property owner the right to a further reduced rear yard setback to construct a screen porch addition. The relief pertains only to screen porch additions similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a

minimum 40 percent 'open' area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.

The recommendation for approval of this amendment would allow for a screen porch consistent with screen porches in other areas of Lombard and additionally in the season of use, is in an extremely secluded location on the property. Because there was already a deck built extending 15 feet off the rear of the house, there is no impact on properties in the immediate vicinity. From the perspective of adding or increasing bulk, what was done was a roof was added to an existing deck thereby not adding bulk to the property. No more square footage was added than what was already approved with the construction of the deck several years ago.

Additionally, I would like to point out that the property values of the neighborhood would improve – which is a direct issue of this standard and thereby this standard is met. The issue of property values is not addressed by staff. A petition in your packet, exhibit B shows the signatures of many of my neighbors including the neighbors to the east in support of the rear yard setback.

- (c) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

Of the thirty-two (32) properties within the Providence Glen Subdivision, there are a total of nineteen (19) lots that directly abut properties outside of the development. The entire development is bound by a wood privacy fence that reduces the impact of any additional improvements made to the properties within the Providence Glen Subdivision. The subject property is further landscaped in such a fashion as to eliminate any visual impact on the surrounding properties. Picture located in your packets as Exhibit B provide factual images of the landscaping established and maintained to obscure the view and provide a buffer between properties.

- (d) *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to address public utilities, access roads, drainage and/or necessary facilities.

- (e) *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

- (f) That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. As the Providence Glen Subdivision has already been established with single-family residences, the existing uses conform to the recommendations of the Comprehensive Plan.

- (g) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The planned development amendment would have different impacts on the different properties. The proposed amendments would provide relief pertaining specifically to the rear yard setback for the purposes of constructing a screen porch addition only and only to the subject property, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to the subject property's screen porch addition, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief pertains only to the subject property's screen porch addition as the petitioner constructed a structure that is similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent 'open' area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.