

October 15, 2009

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

Subject: ZBA 09-08; 228 W. Willow Street

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 155.407(F)(1)(a)(1) of the Lombard Zoning Ordinance to reduce the front yard setback to thirty (30) feet where 33.93 feet is required to allow for an enclosed front porch within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on September 23, 2009.

Chairperson DeFalco opened the meeting for public comment. The petitioner, Brian Weltyk, presented the petition. Mr. Weltyk stated that he was requesting the variation to replace a previous front porch with one of the same size. This would be an improved and safer structure. The old porch was 85 years old with no insulation.

Chairperson DeFalco asked if anyone was present to speak for or against the petition.

Lucinda Arendt, 211 W. Willow St., read a letter and submitted it to the record. She stated that both the garage and the new addition on the property are intrusive to other properties in the neighborhood. She expressed her disappointment with the Village government in approving these structures. She stated her objection to the variation and any further construction.

David Ringgenberg, 209 W. Willow St., read a letter and submitted it to the record. He stated that he did not object to the original size of the porch but would object to it being any larger. He stated that he questions the vertical addition as the home now looks like a three-flat.

Thomas Zymali, 219 W. Willow St., stated that there is an intrusive theme on the subject property due to the height of the addition and size of the garage. He stated he would vote against the variation.

Chairperson DeFalco then requested the staff report. Stuart Moynihan, Associate Planner, read the staff report. Mr. Moynihan stated that the petitioner is requesting this variation to replace a previously existing legal non-conforming enclosed front porch with a new porch that will have almost identical dimensions. The previous front porch had a front yard setback of 29.78 feet where thirty (30) feet was previously required. This corresponds to a front yard setback encroachment of approximately 2.5 inches.

In October 2008, the Village Board approved text amendments to the Lombard Zoning Ordinance establishing average front yard setbacks for detached single-family dwellings on residentially zoned properties. For the subject property, these text amendments had the effect of increasing the required front yard setback from thirty (30) feet to 33.93 feet. This setback is formulated as the average of the front yard setbacks of the residence to the west, which is 37.78 feet, and the residence to the east, which is 30.07 feet.

As a result of the aforementioned text amendments, the existing enclosed porch became legal non-conforming as it then encroached 4.15 feet into the front yard setback. After the new code was adopted, the petitioner submitted a permit application to replace the porch at the same dimensions, along with adding a second story addition on the home.

The previously existing front porch had acted as the front entrance to the home. In order to meet the current setback requirement, the enclosed porch would have to project from the home no more than four (4) feet. The petitioner has stated that such a reduction in the porch's size would be a detriment to both its functionality and the home's character. He states that it would also restrict access at the front entrance of the residence.

The petitioner has also indicated that he is proposing to construct essentially the same structure, adding new construction elements that will allow for greater efficiency and safety. In order to address the previous .22 feet encroachment, the new enclosed porch would be reduced to a width of approximately seven (7) feet, eleven (11) inches.

Within the PC 08-21 staff report, several reasons were identified for establishing average front yard setbacks. Among these reasons was the protection of the viewshed of neighboring properties by preventing new homes and additions from being built too far in front of existing homes. This concern does not seem to be applicable in this case. The front yard setback for the principal structure to the west, 230 W. Willow Street, is 37.78 feet. However, projecting from this residence is an unenclosed front porch which has a setback of thirty (30) feet and steps which project still further from the porch. The front yard setback for the principal structure to the east, 220 W. Willow Street, is 30.07 feet. These homes effectively have the same setback as is

proposed as part of this variation and, therefore, are unlikely to experience a negative impact on their viewshed.

Staff also stated, "The intent of the proposed relative setback text is to maintain the character of existing neighborhoods and to establish status quo for any new developments."

It is staff's opinion that in this particular case, the variation would allow the petitioner to maintain the status quo and the character of existing neighborhood.

Staff notes that at least one neighbor has expressed concern over the height of the vertical addition being added to the residence. Though the height of the structure has no direct effect on this variation request, staff would like to address the resident's concern. Staff's review has shown that the submitted plans do meet the height requirements of the R2 zoning district:

No buildings or structures shall exceed two and one-half stories or 30 feet in height, whichever is less.

Mr. Moynihan stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending **approval** of the side yard setback variation subject to the conditions in the staff report.

Mr. Young asked if the garage had received any variations as part of its construction.

Mr. Moynihan stated that it had not.

Mr. Young asked if all construction on the property meets code.

Mr. Moynihan stated that to his knowledge it does.

Chairperson DeFalco stated that the porch would have been conforming as well if it was proposed before the recent text amendments. He stated that the reason for the text amendments was to prevent a home from being constructed too far in front of an existing home. Last year no variation would have been necessary.

Mr. Young asked if the porch would meet a 30 foot setback.

Mr. Moynihan stated that the porch would be reduced in size by a few inches to meet this setback.

Chairperson DeFalco addressed the concerned neighbors. He stated that the petitioner has the right to cover fifty percent of his lot per code and this is a large lot.

Mr. Young stated that the ZBA should only be concerned with the front yard setback.

Chairperson DeFalco stated that code used to allow for an unenclosed front porch in the front yard setback.

Mr. Moynihan stated that this is still the case.

Mr. Tap suggested that a statement regarding 50 percent of the value of the structure should be added to condition 2.

On a motion by Mr. Tap and a second by Dr. Corrado, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** a variation to reduce the front yard setback to thirty (30) feet where 33.93 feet is required to allow for an enclosed front porch within the R2 Single-Family Residence District, subject to the following conditions:

1. The variation shall be limited to the single-story enclosed front porch as depicted Plat of Survey, prepared by Lambert and Associates, dated June 23, 1994, with the stipulation that a front yard setback of thirty (30) feet be met.
2. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, any new structures shall meet the full provisions of the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals