



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards, dated July 23, 2012.
3. Plat of survey prepared by Morris Engineering, Inc., dated April 21, 2010.
4. Proposed Site Plan, prepared by DESIGNfirst Builders, LLC, dated July 23, 2012.
5. Proposed Elevation Plan, prepared by DESIGNfirst Builders, LLC, dated July 11, 2012.

### **DESCRIPTION**

The petitioner is requesting a variation to allow for the replacement of an existing non-conforming unenclosed roofed-over porch located in the corner side yard. As part of the proposed project, the petitioner is also seeking to expand the porch to the southwest corner of the existing residence. Unenclosed roofed-over porches are currently not listed as a permitted encroachment in the corner side yard; therefore, a variation is required.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **ENGINEERING**

The PES Division of Community Development has no comments.

#### **PUBLIC WORKS**

Public Works Engineering has no comments on this petition.

#### **FIRE**

The Fire Departments has no comments.

#### **BUILDING DIVISION**

The Building Division has no comments.

#### **PLANNING**

The principal structure on the subject property is oriented to face south and is located 19.62 feet from the southern property line at the southeast corner of the house and 10.11 feet from the southwest corner. This area is considered the corner side yard of the subject property and is where the existing unenclosed roofed-over porch is located. As the corner side yard setback in the R2 –

Single Family District is 20 feet; the principal structure is considered legal non-conforming with respect to such setback requirement. The petitioner is proposing to demolish, rebuild and expand upon the unenclosed roofed-over porch. The rebuild portion of the proposed project was originally constructed with the residence in 1976. The expansion portion would consist of a gazebo-type structure that would be contiguous to the porch (floor and roofline) and wrap around the southwest corner of the residence. As previously mentioned, unenclosed roofed-over porches are currently not listed as a permitted encroachment in the corner side yard.

As Illustration 1 depicts, the subject lot is not a uniform rectangle. The subject property is located on North Park Avenue where Park and View Street converge. According to the "Park Resubdivision" recorded with DuPage County (R73-47586), the subject lot was established prior to the improvement of View Street, which may attribute to the non-rectangular configuration of the subject property. Furthermore, such a lot layout is unique within the Village as there is no other lot of a similar configuration. Not only does the lot configuration make it difficult to determine the parameters of each required yard, but it also limits the buildable area of the property for any addition or detached accessory structure.

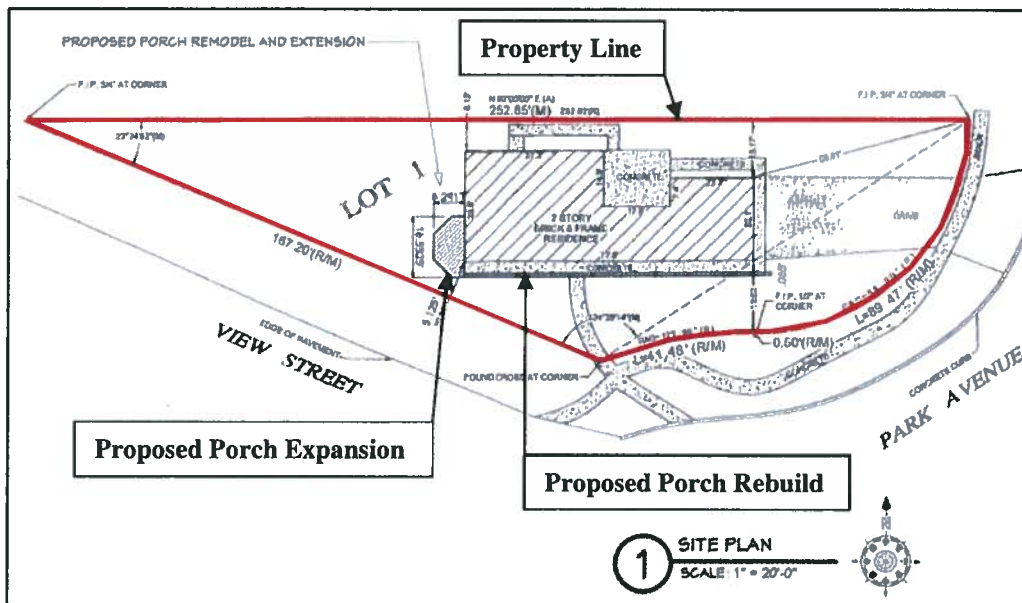


Illustration 1

The Standards to Variations are intended to be a means of gathering qualitative information in order to determine whether or not it is appropriate to deviate from a particular Zoning Ordinance requirement. The Standards require that a variation be based upon the physical surroundings, shape or topographical condition of the specific property and also considers the potential impact on adjacent properties and the surrounding neighborhood. The subject case involves improvements to a property that could not be done without a variation. The actual improvements would not have adverse impacts on the surrounding area and the variation is needed due to the unique shape of the subject property.

There is precedent for setback variations to allow roofed-over porches in required yards. The property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a porch, 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. A variation was also granted in 2006 (ZBA 06-03) to allow a roof over an existing porch 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. While these variations involved enclosed porches, staff believes that the relevance is similar in nature as they involve a reduction in the required yard for structures that are visible from the right of way.

Staff finds that the variation associated with the unenclosed roofed-over porch replacement and expansion is required due to the existing lot configuration. Staff is also supportive of 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 on the subject property as both the replacement and expansion portions of the porch would remain unenclosed. In summary, staff recommends that this petition be approved as it has met the Standards for Variations as set forth in the petitioners' response to standards (attached) and is consistent with past approvals.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the variation:

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 12-03, subject to the following conditions:

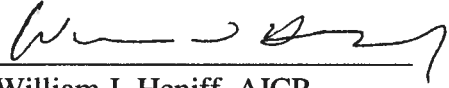
1. The porch shall be developed in accordance with the Proposed Site Plan, prepared by DESIGNfirst Builders, LLC, dated July 23, 2012 and the Proposed Elevation Plan, prepared by DESIGNfirst Builders, LLC, dated July 11, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed 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.
4. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Zoning Board of Appeals

Re: ZBA 12-03

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Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP

Director of Community Development

c: Petitioner

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# ZBA 12-03: 330 N. Park Ave.







July 23, 2012

Village of Lombard  
Zoning Board of Appeals  
255 E. Wilson Ave.  
Lombard, Illinois  
60148

Re: 330 N. Park  
Lombard, Illinois  
60148

### Standards for Variation

- a. The shape of this particular property is of such an unusual shape and dimension that this in itself is the condition for hardship. This request for variation is not a mere inconvenience due to the normal setback regulations but necessary if this property is to be improved.
- b. These conditions are unique to this property and do not occur on any other property.
- c. The purpose is only to improve the use and beauty of the property and is not for financial gain.
- d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
- e. The proposed improvement will not be detrimental to the public welfare, injurious to other property or any other property or improvements in the neighborhood which the property is located.
- f. The proposed improvement will not alter the essential character of the neighborhood.

Thank you,

Preston C. Fawcett, architect

