




## MEMORANDUM

**TO:** LOMBARD PLAN COMMISSION  
Donald Ryan, Chairperson

**FROM:** Chris Stilling, Assistant Director of Community Development 

**DATE:** May 21, 2012

**SUBJECT:** PC 12-09; 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue

At the April 12, 2012 Village Board meeting, the Village Board remanded PC 12-09 back to the Plan Commission for further consideration and discussion related to certain specific issues. The petition is scheduled to be heard at the May 21, 2012 Plan Commission meeting. This memorandum outlines the process associated with this action and provides direction to the Commissioners relative to this petition.

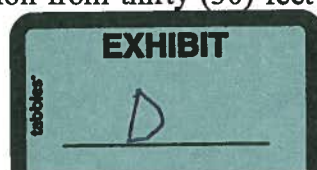
### BACKGROUND

On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to this property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, the property owner petitioned to amend the planned development for the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition (PC 12-09). Staff recommended denial of the request based upon the petition's inability to meet the applicable standards. The Plan Commission concurred with staff, forwarding a recommendation for denial to the Village Board based on the fact that the proposed planned development amendment did not comply with the standards required by the Lombard Zoning and that granting the associated relief did not enhance the overall planned development and is not in the best interest of the Village.

At the April 12, 2012 Village Board Meeting, it was suggested that the rear yard setback amendments associated with PC 12-09 may not be appropriate for the entire Providence Glen Subdivision. However, it was offered that there may be alternative modifications that may be appropriate. In the Village Board's remand back to the Plan Commission, the Board specifically directed the Plan Commissioners to review only the following items:

1. Should only those properties along the east side of N. Charlotte St. (11 lots) have the right to a rear yard setback reduction from thirty (30) feet to fifteen (15) feet for purposes of



constructing a screen porch addition. An alternate draft ordinance was introduced at the Village Board meeting for consideration (attached). Also, as part of the Village Board's discussion, it was noted that the adjacent lots to the east along Garfield Street have larger rear lots.

2. Should the area of the screened porch additions be capped, not to exceed 300 square feet in area?

The Plan Commissioners are asked to review this information and offer a recommendation back to the Village Board accordingly.

### **REFERENCE MATERIALS**

For the Commissioner's reference, staff is providing a copy of the following information:

1. Copies of the IDRC staff report as previously presented to the Commissioners (Exhibit A);
2. Minutes and notes of the April Plan Commission meeting (Exhibit B);
3. Minutes of the April 12, 2012 Village Board Meeting (Exhibit C);
4. Draft ordinance for approval considered at the April 12, 2012 Village Board meeting (Exhibit D).

### **MEETING FORMAT**

The format of the Plan Commission meeting will be as follows:

1. Staff will outline the actions to be considered as part of the remand. Staff will provide a very brief history of the petition and will summarize the zoning actions associated with the petition.
2. The petitioner will be given an opportunity to present the petition as it specifically relates to the Village Board remand. Once completed, the public may cross-examine the petitioner related specifically to the petitioner's presentation and the items set forth by the Village Board.
3. The public will then be given an opportunity to speak. Petitioner shall be given an opportunity to cross-examine such persons or, upon completion of such testimony, address any comments or questions that were presented, as they specifically to the items set forth by the Village Board.

4. Staff will present the remand memorandum. Once completed, the petitioner and public shall be given an opportunity to cross-examine or ask questions of staff.
5. After completion of the cross-examination or question period, the public participation period will be closed. The Plan Commissioners shall then be given an opportunity to discuss the petition. Questions may be asked to staff, the public or the petitioner. The Plan Commission should provide a response to any issues raised in the public hearing.
6. The Plan Commissioners shall then vote to either uphold their original recommendation or amend their recommendation as deemed necessary. The Commissioners could amend the language as they deem appropriate, provided that the reasons for denial or approval are based upon the standards for conditional uses, variations and planned developments. If the Commissioners intend to recommend approval, they may condition their recommendation upon such conditions as are necessary for the protection of the public interest and to secure compliance with the zoning standards.
7. The recommendation will be forwarded to the Village Board for consideration at its June 7, 2012 meeting.

#### **STAFF REVIEW**

The proposed planned development amendment and variation, as part of PC 12-09, would allow all properties within the Providence Glen Subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The Board has now asked staff and the Plan Commission to determine whether or not it would be in the best interest of the Village and Providence Glen Subdivision to allow only those properties along the east side of N. Charlotte St. the right to a rear yard setback reduction from thirty (30) feet to fifteen (15) feet for purposes of constructing a screen porch addition, capped at 300 square feet in area. Staff has reviewed each of the items identified by the Village Board and offers the following corresponding comments in **bold**:

1. The Plan Commission is asked to make a recommendation regarding whether or not the Village Board should allow only those properties along the east side of N. Charlotte St. the right to a rear yard setback reduction from thirty (30) feet to fifteen (15) feet for purposes of constructing a screen porch addition.

**At the April 12, 2012 Village meeting, the concept of allowing only those eleven (11) lots along the east side of N. Charlotte Street the right to a setback reduction for a screened porch was discussed. Some of the discussion for this option noted that the adjacent lots to the east along Garfield Street have larger rear lots. Staff still upholds its original recommendation from the March 19, 2012 IDRC report which**

**found that those properties should not be held accountable for the additional fifteen feet of encroachment imposed by the proposed amendments. However, should the Plan Commission support the relief for the eleven (11) lots along the east side of N. Charlotte Street, they should make a finding that the relief enhances the Providence Glen planned development and granting the planned development amendment and variations is in the public interest. The Plan Commission should also adopt the responses to standards, which staff has prepared and attached to the staff report, or revise those responses as deemed appropriate.**

2. If the relief is supported, should the area of the screened porch additions be capped, not to exceed 300 square feet in area? **The 300 square foot cap is the size of the petitioner's addition at 661 N. Charlotte.**

Another option for the Plan Commission and ultimately the Village Board to consider is amending the planned development to allow the owners of the eleven (11) properties on the east side of N. Charlotte the opportunity to file a petition for a public hearing for a conditional use to allow for the rear yard encroachment on their respective properties. With the establishment of the conditional use, further standards can be created, in addition to the traditional seven (7) standards in the Zoning Ordinance. This will also allow each petition to be reviewed on a case by case basis, through the public hearing process, to ensure that impacts to adjacent properties are minimized. It is important to note that should this process be approved, the petitioner for the property at 661 N. Charlotte Avenue would have to file an application for a conditional use, which would require a separate public hearing. The standards staff has proposed for the Plan Commission to consider are consistent with the petitioner's plans. However, if this option is advanced, further discussion should include what conditions should be considered to approve or deny a petition.

#### **ACTION TO BE TAKEN**

At such time that the Plan Commission is ready to make a motion, the Commissioners have the following options:

1. ***If the motion is to approve the petition as outlined by the Village Board remand so as to allow for the relief to apply to the eleven (11) lots on the east side of N. Charlotte, the Commissioners can adopt the responses to the standards attached as Exhibit A or amend them as they deem appropriate. Its motion may also include such conditions as the Plan Commission deems appropriate.***

Based on the submitted petition and the testimony presented, I move that the proposed amendments to a conditional use for a planned development and variation are in the public interest, enhance the Providence Glen planned development and comply with the standards required by the Lombard Zoning, as described in the Response to Standards attached to the staff report as Exhibit A, and, therefore, that the Plan Commission

recommend to the Corporate Authorities approval of the amendments to a conditional use for a planned development and variation associated with PC 12-09, subject to the following conditions:

1. The proposed amendments and variation shall only apply to 641, 645, 649, 653, 657, 661, 665, 669, 673, 677, and 681 N. Charlotte Street within the Providence Glen Planned Development.
  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.
2. ***If the motion is to approve the petition to allow the relief as part of a separate conditional use process, the Commissioners can adopt the responses to the standards attached to the staff report as Exhibit B or amend them as they deem appropriate. Its motion may also include such conditions as they deem appropriate.***

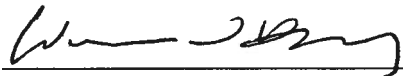
Based on the submitted petition and the testimony presented, I move that the proposed amendments to a conditional use for a planned development and variation are in the public interest, enhance the Providence Glen planned development and comply with the standards required by the Lombard Zoning, as described in the Response to Standards attached to the staff report as Exhibit A, and, therefore, that the Plan Commission recommend to the Corporate Authorities approval of the amendments to a conditional use for a planned development and variation associated with PC 12-09, subject to the following conditions:

1. The properties located at 641, 645, 649, 653, 657, 661, 665, 669, 673, 677, and 681 N. Charlotte Street within the Providence Glen Planned Development may be permitted to encroach into the required rear yard provided that they receive conditional use approval through the public hearing process, subject to the following standards:

- i. The proposed addition 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.
  - ii. The proposed addition shall not exceed 300 square feet in area.
  - iii. The proposed addition shall maintain a minimum setback of fifteen (15) feet.
  - iv. The proposed addition shall meet all other Village Codes and Ordinances.
  - v. All standards for a conditional use shall apply.
2. The petitioner for the property at 661 N. Charlotte Avenue shall apply for conditional use approval no later than July 17, 2012.
3. ***If the motion is for denial, the Commissioners can uphold their original language below or amend it as they deem appropriate. The Commissioners can also amend the language as they deem appropriate, provided that the reasons for denial are tied to the standards for conditional uses, variations and planned developments.***

Based on the submitted petition and the testimony presented, I move that the proposed amendments to a conditional use for a planned development and variation are not in the public interest, do not enhance the Providence Glen planned development and do not comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission adopt staff's findings as set forth in the staff report, dated March 19, 2012, and recommend to the Corporate Authorities denial of the amendments to a conditional use for a planned development and variation associated with PC 12-09.

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP  
Director of Community Development

**Exhibit A**  
*Providence Glen Rear Yard Setback Amendment*

**Standards for Planned Developments**

*Providence Glen Rear Yard Setback Amendment*

*(A) General Standards*

- 1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks.

- 2) *Community sanitary sewage and potable water facilities connected to a central system are provided.*

The necessary infrastructure already exists and no additional infrastructure would be required as part of the proposed amendment.

- 3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

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.

- 4) *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

The development and subsequent relief included within this petition is intended allow each of the 11 properties located along the eastern boundary of the planned development

the ability to construct a one-story screen porch addition not to exceed three hundred (300) square feet.

5) *That the streets have been designed to avoid:*

*(a) Inconvenient or unsafe access to the planned development;*

The subdivision layout provides two major points of egress to/from the development for adequate circulation.

*(b) Traffic congestion in the streets which adjoin the planned development;*

The proposed amendment would have no impact on congestion on streets within the subdivision or any adjacent properties.

*(c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The planned development was originally developed to include residential uses and was improved accordingly; as such, it will not create an excessive burden on any public parks, recreation areas, schools, and other public facilities.

## **Standards for Conditional Uses**

### *Providence Glen Rear Yard Setback Amendment*

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. The Plan Commission finds that the following Standards for Conditional Uses have all been affirmed relative to the planned development amendment (conditional use):

*(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 eleven properties located along the eastern boundary of the planned development the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen



feet (15'), for purposes of constructing a one-story screen porch addition not exceeding three hundred (300) square feet in area. The Village finds that allowing such additions 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. The adjacent lots to the east along Garfield Street have greater lot depths.

- (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. 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

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 stormwater, 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 eleven properties located along the eastern boundary of the planned development the right to a further reduced rear yard setback to construct a three season room. The relief pertains only to one-story screen porch additions not exceeding three hundred (300) square feet as the petitioner constructed a similar structure. 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/or three hundred square feet in area which could contribute to additional bulk on a property. 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.

- (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;*
- (d) Of the thirty-two (32) properties within the Providence Glen Subdivision, there are a total of eleven (11) lots that are located adjacent to residential properties outside of the*

development. Those properties are bound by a wood privacy fence that could reduce the impact of any additional improvements made to those properties. Also, the adjacent lots to the east along Garfield Street have greater lot depths. 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;

- (e) 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.

- (f) 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

- (g) 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.

- (h) 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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief

pertains only to one-story screen porch additions not exceeding three hundred (300) square feet as the petitioner constructed a similar structure. 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/or three hundred square feet in area which could contribute to additional bulk on a property. Furthermore, the adjacent lots to the east along Garfield Street have greater lot depths. *The conditional use, in all other respects, conforms 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*

**Responses to the standards for a variation from Section 155.508(C)(6)(a) (Planned Development Standards) to provide for a reduction in the required yards on the perimeter of the planned development to be less than that required in the abutting zoning district:**

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. Given the lack of depth of the lots, there is no other location for the addition to be constructed.**

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. Given the lack of depth of the lots, there is no other location for the addition to be constructed.**

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

**There is no financial gain as the variation would be applicable to eleven properties within the planned development.**

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

**The variation is not due to any reason beyond the requirements of the zoning ordinance.**

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**The proposed variation will not impair the public interest. The variation would be applicable to the eleven properties located along the eastern boundary of the planned development.**

6. The granting of the variation will not alter the essential character of the neighborhood; and,

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.** The granting of the variation will not alter the essential character of the neighborhood

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**The relief pertains only to one-story screen porch additions not exceeding of three hundred (300) square feet located for the eleven properties located along the eastern boundary of the planned development. The petitioner constructed a similar structure – an attached one-story structure that maintains a minimum 40 percent ‘open’ area that is three hundred (300) square feet in area. Any other type of addition on those 11 properties 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.**

**Exhibit B**

*Providence Glen Amendment to allow rear yard setback reductions as conditional uses*

**Standards for Planned Developments**

*Providence Glen Rear Yard Setback Amendment*

*(A) General Standards*

- 1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks.

- 2) *Community sanitary sewage and potable water facilities connected to a central system are provided.*

The necessary infrastructure already exists and no additional infrastructure would be required as part of the proposed amendment.

- 3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

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.

- 4) *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

The development and subsequent relief included within this petition is intended allow each of the 11 properties located along the eastern boundary of the planned development the ability to construct a one-story screen porch addition not to exceed three hundred

(300) square feet, provided that they meet the standards for conditional use as established by this amendment.

5) *That the streets have been designed to avoid:*

*(a) Inconvenient or unsafe access to the planned development;*

The subdivision layout provides two major points of egress to/from the development for adequate circulation.

*(b) Traffic congestion in the streets which adjoin the planned development;*

The proposed amendment would have no impact on congestion on streets within the subdivision or any adjacent properties.

*(c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The planned development was originally developed to include residential uses and was improved accordingly; as such, it will not create an excessive burden on any public parks, recreation areas, schools, and other public facilities.

## **Standards for Conditional Uses**

### *Providence Glen Rear Yard Setback Amendment*

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. The Plan Commission finds that the following Standards for Conditional Uses have all been affirmed relative to the planned development amendment (conditional use):

*(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 eleven properties located along the eastern boundary of the planned development the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen

feet (15'), for purposes of constructing a one-story screen porch addition not exceeding three hundred (300) square feet in area, provided that they meet the standards for conditional use as established by this amendment. Furthermore, the adjacent lots to the east along Garfield Street have greater lot depths. 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.

- (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 stormwater, 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 eleven properties located along the eastern boundary of the planned development the right to a further reduced rear yard setback to construct a three season room. The relief pertains only to one-story screen porch additions not exceeding three hundred (300) square feet as the petitioner constructed a similar structure. 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/or three hundred square feet in area which could contribute to additional bulk on a property. *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*

- (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 eleven (11) lots that are located adjacent to residential properties outside of the development. Those properties are bound by a wood privacy fence that could reduce the impact of any additional improvements made to those properties. Furthermore, the adjacent lots to the east along Garfield Street have greater lot depths. The conditional use process also 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

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

- (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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief pertains only to one-story screen porch additions not exceeding three hundred (300) square feet as the petitioner constructed a similar structure. 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/or three hundred square feet in area which could contribute to additional bulk on a property. The conditional use,, in all other respects, conforms 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

**Responses to the standards for a variation from Section 155.508(C)(6)(a) (Planned Development Standards) to provide for a reduction in the required yards on the perimeter of the planned development to be less than that required in the abutting zoning district:**

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. Given the lack of depth of the lots, there is no other location for the addition to be constructed.**

2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. Given the lack of depth of the lots, there is no other location for the addition to be constructed.**

3. The purpose of the variation is not based primarily upon a desire to increase financial gain.

**There is no financial gain as the variation would be applicable to eleven properties within the planned development.**

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

**The variation is not due to any reason beyond the requirements of the zoning ordinance.**

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**The proposed variation will not impair the public interest. The variation would be applicable to the eleven properties located along the eastern boundary of the planned development.**

6. The granting of the variation will not alter the essential character of the neighborhood; and,

**Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.** The granting of the variation will not alter the essential character of the neighborhood

7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

**The relief pertains only to one-story screen porch additions not exceeding of three hundred (300) square feet located for the eleven properties located along the eastern boundary of the planned development, provided that they meet the standards for conditional use as established by this amendment. The petitioner constructed a similar structure – an attached one-story structure that maintains a minimum 40 percent ‘open’ area that is three hundred (300) square feet in area. Any other type of addition on those 11 properties 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.**



**Surrounding Zoning and Land Use:**

- North: B3 – Community Shopping District, developed as a gas station, known as Philips 66; and, an unimproved with vacant land; and, I Limited Industrial District; unimproved vacant land.
- South: R2 - Single-Family Residence District, developed as Single-Family Residences.
- East: R2 - Single-Family Residence District, developed as Single-Family Residences.
- West: R2 - Single-Family Residence District, developed as Single-Family Residences; and, developed as a financial institution, known as West Suburban Bank; and developed as a distributor/warehouse, known as Sid Harvey.

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documentation, which was filed with the Department of Community Development on February 13, 2012:

1. Petition for Public Hearing.
2. Standards to Planned Developments

For reference purposes, documentation from ZBA 11-06 is also included, which contains the following information:

1. Petition for Public Hearing.
2. Response to Standards for Variations.
3. Plat of Survey, dated June 28, 2000.
4. Site plan prepared by petitioner.

**DESCRIPTION**

On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to his property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, and to ensure that all properties in the neighborhood would be regulated equally, the property owner is now availing himself of another process which would change the setback regulations for all properties within the Providence Glen Subdivision. The property owner is now petitioning the Village to amend the planned development governing the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The proposed changes would not affect the minimum 50% open space requirement.

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

#### **PRIVATE ENGINEERING SERVICES**

The PES Division of Community Development has the following comments on the above captioned petition:

1. The proposed improvements will fall under §151.54 which will mean that each addition will be reviewed on a case-by-case basis for drainage issues either on the parcel where the work is proposed or downstream. Any addition that is found to contribute additional stormwater to a known drainage problem will need to provide a drainage improvement for the proposed addition project. Note that current records do not show any drainage problems in this subdivision at this time.
2. No construction will be permitted in the drainage and utility easements.
3. No grade changes will be permitted with the additions - any excavated material will be required to be removed from the site.

#### **PUBLIC WORKS**

Public Works Engineering has no comments.

#### **FIRE DEPARTMENT**

The Fire Department has no issues or concerns with the proposed amendments.

#### **BUILDING DIVISION**

The Building Division has the following comments:

1. The definition of any proposed ordinance to allow the reduction in existing required setbacks should include open one story rooms to include covered porches without screens or glass, screened one story rooms to include screened in porches/screen rooms, and glazed rooms to included sun rooms/three season rooms with glass. Each should be required to have 40% open, screened, or glazed area to be consistent with the 2009 International Residential Code.

2. Since this case derived from a room constructed without a permit, any such relief would need to include projects already completed. Also, language will need to be included to indicate the owner of the property of said structure already completed will be responsible for exposing necessary construction for the purposes of required inspections under the 2009 International Residential Code (Foundation, framing, etc.) to make sure the minimum safety standard set by the code has been met.

## PLANNING

### Zoning History

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property was later sold to Concord Homes and renamed as Providence Glen.

Concord Homes had difficulty fitting their standard model homes on some of the lots 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 stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. In 2000 (PC 00-06: Ord. 4772), the Providence Glen subdivision received approval for additional exceptions to the minimum setback requirements. As part of PC 00-06, the petitioner proposed a number of setback exceptions to the front, rear and corner side setbacks of a number of lots. More specifically, a reduction to the rear setback of lots 12 & 13 were proposed at twenty feet (20') and lot 18 was proposed at twenty-five (25) feet. Staff recommended against the reduction of lots 12 & 13 to a reduction of twenty feet (20') because the lots are located on a cul-de-sac and a reduction in depth was an issue because the lots already have narrow front yards.

### Proposed Amendments

When presented with a petition to vary a Zoning Ordinance provision (in this case a rear yard setback), the impact of such a proposal is almost exclusively examined through the variation process, on a case-by-case basis. Staff policy is not to first examine the validity of the actual Zoning Ordinance provision, unless deemed appropriate. As the subject properties are governed by a planned development agreement, the option to amend the rear yard setbacks, without amending the Zoning Ordinance, also becomes an option. Furthermore, there are two actions being requested as part of this petition, which would allow for the amendment to the planned development agreement:

1. **An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further**

**deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).**

The proposed planned development amendment would allow all properties within the Providence Glen Subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The 2009 International Residential Code defines Sunroom as, *a one-story structure attached to a dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.*



As Illustration 1 depicts, the 32 residential lots within the Providence Glen Subdivision differ in size and shape. As such, 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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. Staff notes that the relief pertains only to screen porch additions 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.

**Illustration 1 – Proposed Setback Amendment**

2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.



**Illustration 2 – Adjacent Land Uses**

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a) *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

As Illustration 2 depicts, there are a total of twenty (19) lots within the Providence Glen Subdivision that directly abut properties outside of the development. Furthermore, these lots represent 63% of the 32 total residential lots in the development. The following is a breakdown of those twenty (19) lots according to adjacent land usage:

- a) Eleven (11) lots (or 34% of the 32 total lots) directly abut single-family residential properties, which are located to the east of the subject properties.
- b) Eight (8) of the lots (or 25% of the 32 total lots) abut the commercial property adjacent to the southwest portion of the development (641 N. Main St.). Staff notes that the Comprehensive Plan designates the property located at 641 N. Main St. (Sid Harvey site) as Low Density Residential; as such, there is the possibility that this property could be redeveloped in the future to accommodate residential uses.



As previously noted, 34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback.

Neighborhood Survey

In order to solicit the opinion of all properties within the Providence Glen Subdivision and to help determine the initial level of support or objection to the planned development amendment, which would affect all properties within the development, Village staff sent a brief survey (Appendix A) and map illustrating the proposed amendments to the rear yard setbacks was sent to each respective property owner in the Providence Glen Subdivision on February 24, 2012. The neighborhood survey posed one question; *would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)?* For reference purposes, the following is a summation on how the property owners responded to the survey question (as of 3/14/12):

Total Surveys Sent	# of Responses	Response Rate	Responded 'Yes'	Responded 'No'	Responded 'Unsure'	Responded 'No Opinion'
32	25	78%	13 (52%)	5 (20%)	2 (8%)	5 (20%)

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. The proposed use conforms to the recommendations of the Comprehensive Plan.

Findings

As previously stated, the Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. The Providence Glen subdivision received approval to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. As reductions to the rear yard have already been reduced below that of the abutting R2 – Single-Family District properties, staff believes that a further reduction could drastically impact the characteristics of the Providence Glen Subdivision as well as the surrounding properties.

In order to be granted a planned development amendment (conditional use) or variation, the petitioner must demonstrate that they have affirmed the applicable standards. The following responses to standards, which have been prepared by staff, are not only intended to provide justification for staff's recommendation, but also validate which standards have not been affirmed by the petition.

*Conditional Use Standards*

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. Staff finds that the following Standards for Conditional Uses have not been affirmed relative to the planned development amendment:

- 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;*

34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback. Staff believes that the proposed amendment could especially have a detrimental effect on the adjacent single-family neighborhood, located directly east of the Providence Glen Subdivision. Reference has been made regarding the distance of those structures on adjacent residential properties to that of the properties along the perimeter of the Providence Glen Subdivision, more specifically those residential properties located along the eastern boundary of the planned development. While staff recognizes that the single-family residences located directly to the east of the Providence Glen development are located on larger lots, staff believes that those properties should not be held accountable for the additional fifteen feet of encroachment imposed by the proposed amendments.

- 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.*

The proposed planned development amendment would allow for screen porch additions (as previously defined) to be located within an area of the property which would have once been prohibited by Code. As such, a result of the amendment would be additional structural bulk on a property. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the subdivision and surrounding neighborhoods.

- 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 Providence Glen subdivision received approval in 2000 to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less

than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property owner is now petitioning the Village to amend the planned development governing the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), which would be a twenty (20) deficiency to that of the underlying R2 Single-Family Residence District.

*Variation Standards*

**A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.**

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- b) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

The petitioner did provide a response to the Standards for Planned Developments, which have also been made a part of this petition; however, staff finds that the following Standards for Variations have not been affirmed relative to the aforementioned variation from said Planned Development Standards:

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that there are no physical conditions related to the Providence Glen Subdivision (as a collective whole) that prevent compliance with the rear yard setback regulations. The subdivision does not have physical surroundings, shape, or topographical features that differ substantially from any other neighborhood located within the Village as to be demonstrative of a hardship. The subdivision is relatively flat and the existing topography does not impact the ability of the property owners from meeting the setback provisions, which have already been reduced from thirty-five (35) feet to thirty (30) feet.

- b. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

Staff finds that there are no conditions unique to the Providence Glen Subdivision that would differentiate it from the many other neighborhoods with a similar layout and design that have been able to meet the established rear yard setback regulations.

- d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The Village Board denied variation requests (ZBA 11-06 & ZBA 02-21) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to his property and that the requested relief was not consistent with the existing neighborhood. In light of the proposed amendments, there have been no other property owners within the Providence Glen Subdivision who have requested to build a screened porch addition in the required thirty (30) foot rear yard setback.

- e. The granting of the variation will not alter the essential character of the neighborhood.*

The Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. Initially they were faced with issues fitting their standard model homes on some of the lots 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 stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots.

The Providence Glen subdivision previously received approval to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. As reductions to the rear yard have already been reduced below that of the abutting R2 – Single-Family District properties, staff believes that a further reduction could drastically alter the essential character of the Providence Glen Subdivision, by further increasing structural bulk within the subdivision.

- g. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

A further rear yard setback reduction could drastically impact the amount of structural bulk on the properties within the Providence Glen Subdivision. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire,

impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the neighborhood.

#### **FINDINGS AND RECOMMENDATIONS FOR DENIAL**

Based on the submitted petition and the testimony presented, the proposed planned development amendment **does not comply** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission finds that granting the associated relief does not enhance the overall planned development and is not in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **denial** of the request to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition.

#### **Alternate Recommendation**

If the Plan Commission does determine that proposed amendments are desirable, staff offers a separate finding of fact. The Commissioners may want to consider attaching certain conditions to the amendment. This would help to avoid any situations that were not intended to be a part of such amendments, which could be undesirable.

#### **FINDINGS AND RECOMMENDATIONS FOR APPROVAL**

Based on the submitted petition and the testimony presented, the proposed planned development amendment **complies** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission finds that granting the associated relief enhances the overall planned development and is in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **approval** of the request to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition, subject to the following conditions:

1. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet, for all properties within the Providence Glen Planned Development, 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.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. The petitioner will 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.

Plan Commission  
Re: PC 12-09  
Page 12

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP  
Director of Community Development

WJH:MST:jd

c. Petitioner



**VILLAGE OF LOMBARD**

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February 23, 2012

**Village President**  
William J. Mueller

**Village Clerk**  
Brigitte O'Brien

**Trustees**  
Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
David A. Hulseberg

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

**Re: Providence Glen - Rear Yard Setback Survey**

**Dear Property Owner:**

On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required to allow for the construction of a screened porch addition. However, during the public hearing process, the Village was made aware of individuals who did support such a reduction.

The property owner is now petitioning the Village to amend the planned development agreement, governing the entire Providence Glen Subdivision, to allow all properties within the planned development the right to a further reduction from the required thirty feet (30') to fifteen feet (15') for purposes of constructing an attached one-story screened porch addition (three season room). Please keep in mind that the proposed changes would not affect the minimum 50% open space requirement.

Village staff is conducting a survey to solicit the opinion of all properties within the Providence Glen Subdivision to help determine the initial level of support or objection to the planned development amendment. A brief survey and a map illustrating the proposed amendments to the rear yard setbacks have been included with this correspondence for your reference. We respectfully ask that you please complete the survey and return it using the provided stamped envelope, fax or email (below) by no later than **Friday, March 2<sup>nd</sup>, 2012**. Regardless of this survey, you will be receiving a separate notice of public hearing regarding this request.

If you have any questions, please contact me at (630) 620-5758.

Respectfully,

**VILLAGE OF LOMBARD**  
**Department of Community Development**

Michael S. Toth  
Planner I  
Fax: (630) 629-2374  
Email: tothm@villageoflombard.org



«TITLE»

**PROVIDENCE GLEN SUBDIVISION - REAR YARD SETBACK SURVEY**

**Would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)?**

- Yes**
- No**
- Unsure**

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**PROVIDENCE GLEN  
SUBDIVISION**



 Proposed Buildable Area



# PC 12-09: Providence Glen Subdivision



194 ft

## **Petitioner's Response to Standards**

### **C. Standards for Planned Developments with Other Exceptions**

**1. Any reduction in the requirements of this Ordinance is in the public interest**

Response: This is not a reduction in the requirements, but an enhancement to the requirements and most definitely benefits the public interest by allowing for further enjoyment of property by being able to better use the space within the boundaries, without harming the surroundings and while adding value to the property and surrounding properties.

**2. The proposed exceptions would not adversely impact the value or use of any other property**

Response: This exception would not adversely impact the value or use of any other property due to the fact that to the east of the neighborhood the adjacent properties all have significant cushion (setbacks) that provide considerable distance and the existence of a required screening (privacy fence). To the north is North Avenue and the cushion between that and the property are two required retention/detention ponds and a commercial gas station. To the west is a commercial property with significant open space and to the south is Goebel Ave. The characteristics and surroundings of the neighborhood with this exception will have little to no impact on the use of any other property.

**3. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding areas.**

Response: The requested exception will only promote better development by providing guidelines with which to better develop the property both currently and in the future as well as provide guidance from governing bodies to allow for safer more suitable development.

**4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district**

Response: N/A This has been interpreted to prevent construction of a multi-story structure such as an apartment building and therefore is not relevant.

**5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district**

Response: The requested exception will not allow for an increase in dwelling units and therefore this standard is met.

**6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:**

- a. The front, side and rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning districts or the zoning district underlying the subject site, whichever is greater.**

Response: This is in fact a request for a deviation from this standard and would allow for a reduction in the rear yard setback for conditional use, but not in the sides or front. This would have no impact on the adjacent properties for the following reasons: East of the neighborhood the adjacent properties all have significant cushion (setbacks), I believe at least 60 feet, that provide considerable distance and the existence of a required screening (privacy fence). To the north is North Avenue and the cushion between that and the property are two required retention/detention ponds and a commercial gas station. To the west is a commercial property with significant open space and to the south is Goebel Ave.

- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.**

Response: This standard is and will remain met as the request is not asking for a change to the requirements of transitional yards and transitional landscapes. This requirement will not allow for a change to the current requirement.

- c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:**

- i. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses**

Response: This standard was addressed in the original planned unit development requiring a perimeter fence made of board on board cedar with significant screening capabilities as to provide adequate privacy and amenity to the adjacent properties. This is a requirement of the Home Owners Association as well and is constantly monitored by the Board of the association for maintenance issues. The Board walks the property no less than 3-4 times per year, more often in the event of a storm, to

monitor the structure and appearance of the privacy fence and works quickly and decisively to make repairs/replacements. Additionally, the only part of the perimeter where there are residential properties is to the east and those properties have rear yard setbacks in most cases of at least 60 feet.

- ii. **All structures located along the entire perimeter of the planned development must be permanently screened with sight proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.**

Response: This standard was addressed in the original planned unit development requiring a perimeter fence made of board on board cedar with significant screening capabilities as to provide adequate privacy and amenity to the adjacent properties. This is a requirement of the Home Owners Association as well and is constantly monitored by the Board of the association for maintenance issues. The Board walks the property no less than 3-4 times per year, more often in the event of a storm, to monitor the structure and appearance of the privacy fence and works quickly and decisively to make repairs/replacements. Additionally, the only part of the perimeter where there are residential properties is to the east and those properties have rear yard setbacks in most cases of at least 60 feet.

7. **That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.**

The approval of this exception would cause the current open space requirement to be unchanged therefore no impact and this standard is and would be met.

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

**Absent:** 1 - Donald F. Ryan

**120140**

**PC 12-10: 300 W. Roosevelt Road**

Requests that the Village grant a conditional use, pursuant to Section 155.417 (G) (2) of the Lombard Zoning Ordinance, to allow outside service areas for outdoor dining for the subject property located within the B4A Roosevelt Road Corridor District. (DISTRICT #2)

*Vice Chairperson Flint stated that the petitioner has requested a continuance to the April 16, 2012 Plan Commission meeting.*

**A motion was made by Martin Burke, seconded by Andrea Cooper, to continue the matter to the April 16, 2012 meeting. The motion carried by the following vote:**

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

**Absent:** 1 - Donald F. Ryan

*Christopher Stilling read the Rules of Procedure as written in the Plan Commission By-Laws.*

**120139**

**PC 12-09: 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyné Avenue**

Requests that the Village take the following actions for the subject properties located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties. (DISTRICT #4)

*Matt Berberich, 661 N. Charlotte St., Lombard presented the petition. He stated that he is here tonight to request an amendment to the planned development known as Providence Glen. He stated that he has read the staff report, has met with staff multiple times and complemented staff on the report. He added that he believed*



*that this was one of the first times staff had to deal with a planned development amendment of this nature and he thinks they did an excellent job. He mentioned that staff conducted a survey of the people in the neighborhood, which is reflected in the report. He added that better than 50% support the amendment to the planned development. He stated that there are some 'unsures' and 'maybes', but anyone who's familiar with statistics realizes that those people probably don't understand the nature of the item at hand and chose to make a decision on lack of information. He added that the statistics show overwhelming support. Previous hearings indicate there has been support for a rear yard setback from people within his neighborhood as well as within the community.*

*Referring to the staff report, Mr. Berberich wanted to emphasize that the setback within his neighborhood is not thirty five feet, but thirty feet as previously amended when the builder originally placed the homes on the lots. He added that the front and side yard setbacks as well as the 50% open space requirement would not be altered. The staff report includes a recommendation for approval and denial and he would like this hearing to result in a recommendation of approval. He then mentioned the conditions in the staff report noting how important they are as he is in favor of limiting it to a three season room which would not require a foundation. Mr. Berberich then referenced a past variance case in the planned development involving a deck that was granted an exception due to the slope of the property. He stated that the deck is above the three foot average height and the deck abuts a retention pond.*

*Mr. Berberich stated that the survey was a good idea. He then discussed the neighborhood layout. He stated that the staff report states that there are residential lots to the east. In previous hearings it has been noted that those people signed a petition and sent emails to the Village in support of the variation. He then described the surrounding commercial land uses to the north and west and mentioned the adjacent retention ponds. He then added that there is a residential neighborhood to the south, but Goebel Drive clearly defines the two separate residential areas, which would reduce the impact of the proposal.*

*Mr. Berberich then referred to the standards to variations listed in the staff report, specifically the statements referring to additional bulk on the property. He believed these statements are untrue based upon the conditions listed in the staff report that would only*

*allow for three season rooms.*

*Vice Chairperson Flint asked if anyone was present to speak in favor or against the petition. No one in the audience spoke in favor or against the petition.*

*Vice Chairperson Flint then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to his property and that the requested relief was not consistent with the existing neighborhood.*

*In response to the denial, and to ensure that all properties in the neighborhood would be regulated equally, the property owner is now availing himself of another process which would change the setback regulations for all properties within the Providence Glen Subdivision. As such, the property owner is now petitioning, with the Village as a co-petitioner, to amend the planned development for the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The proposed changes would not affect the minimum 50% open space requirement.*

*The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property was later sold to Concord Homes and renamed as Providence Glen.*

*Concord Homes had difficulty fitting their standard model homes on some of the lots 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 stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. In 2000 (PC 00-06: Ord. 4772), the Providence Glen subdivision received approval for additional exceptions to the minimum setback requirements. As part of PC 00-06, the petitioner proposed a number of setback exceptions to the front, rear and corner side setbacks of a number of lots. More specifically, a reduction to the rear setback of lots 12 & 13 were proposed at twenty feet (20') and lot 18 was proposed at twenty-five (25) feet. Staff recommended against the reduction of lots 12 & 13 to a reduction of twenty feet (20') because the lots are located on a cul-de-sac and a reduction in depth was an issue because the lots already have narrow front yards.*

*When presented with a petition to vary a Zoning Ordinance provision (in this case a rear yard setback), the impact of such a proposal is almost exclusively examined through the variation process, on a case-by-case basis. Staff policy is not to first examine the validity of the actual Zoning Ordinance provision, unless deemed appropriate. As the subject properties are governed by a planned development agreement, the option to amend the rear yard setbacks, without amending the Zoning Ordinance, also becomes an option. Furthermore, there are two actions being requested as part of this petition, which would allow for the amendment to the planned development agreement:*

- 1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F) (4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).*

*The proposed planned development amendment would allow all properties within the Providence Glen Subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The 2009 International Residential Code defines Sunroom as, a one-story structure attached to a dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior*

walls and roof.

The 32 residential lots within the Providence Glen Subdivision differ in size and shape. As such, 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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. Staff notes that the relief pertains only to screen porch additions 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.

2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

Section 155.508(C)(6)(a) (Planned Development Standards) states, That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:

- a) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.

There are a total of nineteen (19) lots within the Providence Glen Subdivision that directly abut properties outside of the development. Furthermore, these lots represent 63% of the 32 total residential lots in the development. The following is a breakdown of those nineteen (19) lots according to adjacent land usage:

- a) Eleven (11) lots (or 34% of the 32 total lots) directly abut single-family residential properties, which are located to

*the east of the subject properties.*

- b) *Eight (8) of the lots (or 25% of the 32 total lots) abut the commercial property adjacent to the southwest portion of the development (641 N. Main St.). Staff notes that the Comprehensive Plan designates the property located at 641 N. Main St. (Sid Harvey site) as Low Density Residential; as such, there is the possibility that this property could be redeveloped in the future to accommodate residential uses.*

*As previously noted, 34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 - Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback.*

*In order to solicit the opinion of all properties within the Providence Glen Subdivision and to help determine the initial level of support or objection to the planned development amendment, which would affect all properties within the development, Village staff sent a brief survey and map, attached to the staff report as Appendix A, illustrating the proposed amendments to the rear yard setbacks was sent to each respective property owner in the Providence Glen Subdivision on February 24, 2012. The neighborhood survey posed one question; would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)? The responses, as of March 14, 2012, were as follows:*

*32 surveys were sent  
25 responses were received for a response rate of 78%  
13 or 53% responded "yes" while 5 or 20% responded "no"  
2 or 8% responded "unsure" while 5 or 20% responded "no opinion"*

*The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. The proposed use conforms to the recommendations of the Comprehensive Plan.*

*As previously stated, the Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. The Providence Glen subdivision received approval to provide for thirty (30) foot rear yards on each*

*of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. As reductions to the rear yard have already been reduced below that of the abutting R2 - Single-Family District properties, staff believes that a further reduction could drastically impact the characteristics of the Providence Glen Subdivision as well as the surrounding properties.*

*In order to be granted a planned development amendment (conditional use) or variation, the petitioner must demonstrate that they have affirmed the applicable standards. The following responses to standards, which have been prepared by staff, are not only intended to provide justification for staff's recommendation, but also validate which standards have not been affirmed by the petition.*

*As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. Staff finds that the following Standards for Conditional Uses have not been affirmed relative to the planned development amendment:*

- 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;*

*34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 - Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback. Staff believes that the proposed amendment could especially have a detrimental effect on the adjacent single-family neighborhood, located directly east of the Providence Glen Subdivision. Reference has been made regarding the distance of those structures on adjacent residential properties to that of the properties along the perimeter of the Providence Glen Subdivision, more specifically those residential properties located along the eastern boundary of the planned development. While staff recognizes that the single-family residences located directly to the east of the Providence Glen development are located on larger lots, staff believes that those properties should not be held accountable*

*for the additional fifteen feet of encroachment imposed by the proposed amendments.*

- 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.*

*The proposed planned development amendment would allow for screen porch additions (as previously defined) to be located within an area of the property which would have once been prohibited by Code. As such, a result of the amendment would be additional structural bulk on a property. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the subdivision and surrounding neighborhoods.*

- 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 Providence Glen subdivision received approval in 2000 to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property owner is now petitioning the Village to amend the planned development governing the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), which would be a twenty (20) deficiency to that of the underlying R2 Single-Family Residence District.*

#### *Variation Standards*

*A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.*

*Section 155.508(C)(6)(a) (Planned Development Standards) states, That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- b) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

*The petitioner did provide a response to the Standards for Planned Developments, which have also been made a part of this petition; however, staff finds that the following Standards for Variations have not been affirmed relative to the aforementioned variation from said Planned Development Standards:*

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

*Staff finds that there are no physical conditions related to the Providence Glen Subdivision (as a collective whole) that prevent compliance with the rear yard setback regulations. The subdivision does not have physical surroundings, shape, or topographical features that differ substantially from any other neighborhood located within the Village as to be demonstrative of a hardship. The subdivision is relatively flat and the existing topography does not impact the ability of the property owners from meeting the setback provisions, which have already been reduced from thirty-five (35) feet to thirty (30) feet.*

- b. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

*Staff finds that there are no conditions unique to the Providence Glen Subdivision that would differentiate it from the many other neighborhoods with a similar layout and design that have been able to meet the established rear yard*

*setback regulations.*

- d. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

*The Village Board denied variation requests (ZBA 11-06 & ZBA 02-21) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to his property and that the requested relief was not consistent with the existing neighborhood. In light of the proposed amendments, there have been no other property owners within the Providence Glen Subdivision who have requested to build a screened porch addition in the required thirty (30) foot rear yard setback.*

- e. *The granting of the variation will not alter the essential character of the neighborhood.*

*The Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. Initially they were faced with issues fitting their standard model homes on some of the lots 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 stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots.*

*The Providence Glen subdivision previously received approval to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. As reductions to the rear yard have already been reduced below that of the abutting R2 - Single-Family District properties, staff believes that a further reduction could drastically alter the essential character of the Providence Glen Subdivision, by further increasing structural bulk within the subdivision.*

- g. *The proposed variation will not impair an adequate supply of*

*light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

*A further rear yard setback reduction could drastically impact the amount of structural bulk on the properties within the Providence Glen Subdivision. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the neighborhood.*

*In conclusion, staff is recommending denial of the petition. Staff did provide the Plan Commission with an alternate recommendation in the event that they were to recommend approval. Mr. Toth stated that revised findings were also distributed to each Plan Commissioner.*

*Vice Chairperson Flint then opened the meeting for comments on the staff report.*

*Mr. Berberich stated how the original zoning variation was denied by the Board of Trustees based on his recommendation. Mr. Berberich explained how Trustee Breen came to him with a better option. He then decided that because Trustee Breen could support the Planned Development amendment, he felt it was best to let the zoning variance run its course and ask for a denial. He then stated that Trustee Breen is supportive of his petition but unfortunately could not attend tonight's meeting due to prior commitments.*

*Referring to the standards, Mr. Berberich stated that his layperson's interpretation of the standards mean that this is a unique situation only to Providence Glen. He disagreed and exampled another Concord development (off of 22nd Street) built within the Village with similar circumstances. He stated that there is one house within that development that was granted a variance for a similar setback based upon the fact that it was unique.*

*Vice Chairperson Flint then opened the meeting for comments among the Commissioners.*



*Referring to the map on page five, Commissioner Cooper stated that it appears that there could be stormwater drainage impacts if there was to be a build out on every house wanting to take advantage of this proposed opportunity. She then asked what would happen to the stormwater runoff.*

*Christopher Stilling, Assistant Community Development Director, stated that we would have to review stormwater management on a case-by-case basis. He added that there would be ways to keep control or reduce the stormwater runoff. If all of the property owners jumped on board, there could be some issues even though the chances of everyone doing that are slim so it still concerns staff that we could be giving additional development rights to properties that could possibly have an impact and present a problem.*

*Commissioner Mrofcza asked if all of the residences within the subdivision are at the thirty-foot rear yard setback right now. Mr. Toth answered that not all of the residences in the Providence Glen Subdivision are set back to the minimum thirty feet.*

*Commissioner Mrofcza confirmed that there is some room for some of these folks but not all of them. Mr. Toth referred to the red areas shown on the photo on page 5 of the staff report and explained that there are some properties that could do a screen porch addition by right. He added that the properties on the east side of the development have a smaller area of opportunity while the properties along the west side provide larger rear yards for potential improvements.*

*Commissioner Mrofcza asked what the shaded areas represent. Mr. Toth answered that the shaded red areas represent the potential buildable area in consideration of the proposed fifteen foot setback line.*

*Commissioner Mrofcza asked if the property located at 661 N. Charlotte is setback to the thirty-foot rear yard. Mr. Toth answered, yes, the petitioner's property is currently setback right to the thirty-foot building line and the screen porch addition extends to the proposed fifteen-foot line.*

*Commissioner Sweetser stated that survey attachment included in the staff report really shows the density of the building in comparison to the surrounding area. She added that by granting a concession at that time, the builder wanted thirty feet instead of thirty five feet, which enabled even more density. She thought it is*

*more than fair on how much bulk can already potentially be put into this area.*

*Commissioner Olbrysh stated that he has mixed feelings about the petition. He stated that this petition came to mind when reviewing the recent Comprehensive Plan update. He stated that Vision #1 of the Comprehensive Plan update talks about developing a strong and positive physical community image through public and private improvements which enhance various physical features of the community and contribute to Lombard's sense of place. He added that the Plan update also talks about quality development. He then stated that this is going to bulk up the neighborhood and he is unsure of whether to permit the screened-in porches. He stated that this is a concern.*

**A motion was made by Martin Burke, seconded by Ronald Olbrysh, that this matter be recommended to the Corporate Authorities for denial. The motion carried by the following vote:**

**Aye:** 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, Stephen Flint, and John Mrofcza

**Absent:** 1 - Donald F. Ryan

## **Business Meeting**

*The business meeting convened at 8:08 p.m.*

## **Approval of Minutes**

*On a motion by Andrea Cooper and seconded by Martin Burke the minutes of the February 20, 2012 meeting were unanimously approved by the members present with minor corrections as noted by Village Counsel.*

## **Public Participation**

*There was no public participation.*

## **DuPage County Hearings**

*There were no DuPage County hearings.*

## **Chairperson's Report**

*The Vice Chairperson deferred to the Assistant Director of Community Development.*

- \*AA. 120180 Lombard Lions Club White Can Days Event Signage**  
Request to place temporary banners on Village owned properties for the promotion of the Lions Club White Can Days event from April 9, 2012 through April 23, 2012. (DISTRICT #6)  
**This Request was approved on the Consent Agenda**

### Approval of the Consent Agenda

A motion was made by Trustee Zachary Wilson, seconded by Trustee Peter Breen, to Approve the Consent Agenda The motion carried by the following vote

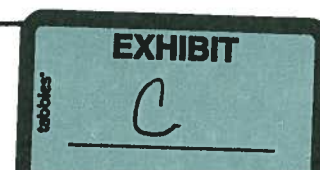
Aye: 6 - Greg Gron, Keith Giagnorio, Zachary Wilson, Peter Breen, Laura Fitzpatrick, and Bill Ware

## IX. Items for Separate Action

### Ordinances on First Reading (Waiver of First Requested)

#### Other Ordinances on First Reading

- \*A. 120139 PC 12-09: 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyné Avenue**  
Requests that the Village take the following actions for the subject properties located in the R2PD Single-Family Residence District, Planned Development:
1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
  2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties. (DISTRICT #4)
- Director of Community Development Bill Heniff indicated the petitioner had constructed a three-season room in 2011. Subsequently, the petitioner went before the Zoning Board of Appeals to request a variation and the petition was denied. The petitioner then came to the Village Board and it was suggested that he work with staff to explore some alternatives and/or look at relaxing standards in the development. The Plan Commission reviewed this matter and concerns were raised. The matter was then forwarded to the Village



Board with a recommendation for denial. He spoke of a draft ordinance for the Board's consideration that would affect the fifteen properties to the east side of the development.

James Donovan, 700 N. Garfield, indicated his home is behind the subject property and felt the homes were close enough as it is. He talked about how the code was amended years ago for the development and was opposed to this request and felt this would effect his property value.

Matt Berberich, 661 N. Charlotte, asked for the support of the Village Board with his request. He apologized for not following the correct process and spoke of his son's medical condition as the reason for building the three season room. He spoke of working from his heart and not his mind.

Kim Berberich, 661 N. Charlotte, echoed her husband's sentiments and spoke of how difficult it is when your child has a medical condition and you feel helpless.

Trustee Breen indicated he had received more feedback on this item than any other item since he had been on the Village Board. He spoke of the lots in the development being smaller than the standard Lombard lots. He talked about the tall trees and 6-foot fence to the rear of the property and that the homes on those lots are set closer to the street. He felt that people should be able to use their property as they see fit and about enhancements to the neighborhood. He stated initially he had urged the Village Board to reject the request for a variation to allow the three-season room. He felt that the Trustee in the district can be of assistance in getting an issue approved. The board recommended the homeowner work with staff and see what changes can be made to the code. He spoke of the construction occurring before receiving a permit. He stated that he had noted previously if you do not like a law, that you try and change it. He talked about the petitioner paying double fees, about inspections needing to be done and about stronger penalties. He asked for the Board's support of the targeted amendment. He stated there was only one person who had objected to the request. He spoke of taking legal action against the petitioner, and about this incident sending a strong message to the residents. He moved passage of an ordinance granting a Planned Development Amendment to Ordinance 4566 and Ordinance 4722 with companion variations and deviations for PC 12-09, Providence Glen Planned Development.

Trustee Wilson indicated he was troubled by this request and although he felt homeowners should be able to do what they want to their property, it should be within the code and the proper process be followed. He stated he had a hard time supporting this at this time.

Trustee Giagnorio asked the petitioner if he was the President of the Homeowner's Association.

Matt Berberich indicated he was and had been since the development was built.

Trustee Giagnorio asked if this addition was against the rules of the development and if he had met with building department staff prior to building the addition.

Matt Berberich stated the addition was not against the homeowners rules, and he did not meet with Village staff prior to building the addition.

Trustee Giagnorio questioned the petitioner with regard to not meeting with the building division, and not obtaining a permit prior to construction.

Matt Berberich indicated he would never do this again, and now realizes the importance of meeting with staff and your local trustee. He stated he would be an advocate for the Village with regard to the process to follow. He spoke of the expense involved with additional fees.

Trustee Wilson questioned if the homeowners rules did not say you need to be in compliance with local codes.

Matt Berberich indicated he did not know.

Trustee Gron questioned the setback from 35 down to 15 feet and the open space.

Director Heniff indicated the property is still in compliance with the open space requirements.

Trustee Gron indicated he had an issue with the request. He felt the change in the code should be good for everyone and not just for a few select homes. He said he was an advocate for the environment, and that is why he moved to Lombard so his neighbor was not three feet away. He stated he does not care for high density. He spoke of over-building on lots and spoke about flooding. He talked about the neighbor seeing a massive house with a screen porch for a view. He spoke of compromise. He talked about a front porch on his home and the amount of people who sit in a small area and enjoy the porch. He talked about going through the permit process.

Director Heniff thought the original deck was 400 square feet.

Matt Berberich stated the deck was 300 square feet.

Trustee Ware indicated he had issues with the request, but that he did sympathize with the petitioner. He spoke of a bandaid approach to the situation and changing the code. He felt the code change should apply to everyone and not just a few homes. He stated he could not support the request.

Trustee Fitzpatrick indicated the lot still had 50% permeable ground, and should not be an issue with regard to flooding

Trustee Breen stated he has seen the photos, the Board has spoken of the set-back, they have talked about the houses on the east side of Charlotte being set forward on their lots, and that those residents can barely see the addition. He noted he had heard his colleagues' opinions. He indicated the Plan Commission had not seen this proposed amendment, and suggested having the Plan Commission review it.

Trustee Breen withdrew his first motion.

Trustee Breen moved that the proposed amendment be forwarded to the Plan Commission for review and consideration, and that the Plan Commission recommendation be brought back to the Village Board, seconded by Trustee Fitzpatrick.

President Mueller spoke of the Plan Commission meeting of May 21st for this to be considered.

President Mueller introduced former Village Clerk Lorraine G. Gerhardt who was in the audience and had attended the Woman of the Year event earlier in the evening. He noted that the Community Room had been named in her honor.

**moved passage of an ordinance granting a Planned Development Amendment to Ordinance 4566 and Ordinance 4722 with companion variations and deviations for PC 12-09, Providence Glen Planned Development.**

**referred to the Plan Commission**

**Aye:** 5 - Keith Giagnorio, Zachary Wilson, Peter Breen, Laura Fitzpatrick, and Bill Ware

**Nay:** 1 - Greg Gron

## **Ordinances on Second Reading**

## **Resolutions**

## **Other Matters**

# **X. Agenda Items for Discussion**

## **A. 120175**

### **1S601 Finley Road - Ken Loch Golf Course**

Request to discuss and give direction on a redevelopment proposal and companion Comprehensive Plan amendment for multiple family development in lieu of open space. (UNINCORPORATED)

President Mueller advised that this item had not gone to the Plan Commission and was being brought to the Village Board for discussion purposes. He stated no action would be taken at this time. Trustee Wilson spoke of this being private property and felt the owner could sell the property and proceed with development. He stated the



## MEMORANDUM

**TO:** David A. Hulseberg, AICP, ICMA-CM, Village Manager

**FROM:** William Heniff, AICP, Director of Community Development

**DATE:** April 12, 2012

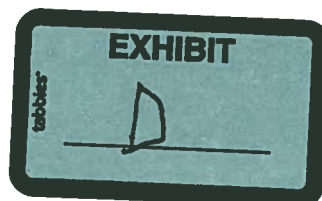
**SUBJECT:** PC 12-09; Providence Glen Planned Development (640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue)

In the previously transmitted Village Board packet for the April 12, 2012 meeting are the materials associated with PC 12-09. Staff has been informed by the trustee of the district that he would like to have this matter placed on the agenda for separate action and consideration.

In review of the request, he will be asking for favorable consideration of an amended approval of the petitioner's request to grant relief to allow for three-season room encroachments within the required rear yard (from 30' to 15'). However, he is supportive of the action for only those eleven lots located along the east side of Charlotte Street within the planned development, noting that they are similar to the petitioner's lot in size, area, and physical relationship to other abutting properties within and outside of the planned development.

Attached is a draft ordinance for Village Board consideration that incorporates alternate findings of fact and conditions of approval should the Village Board ultimately desire to approve the petition.

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**ORDINANCE NO. \_\_\_\_\_**

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

**(PC 12-09; Providence Glen Planned Development)**

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 properties are 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 Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms) and variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on March 19, 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,



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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, but only for those single family residences located along the eastern most portion of the planned development; and 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 amendments and for variations, based upon the findings 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 Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

**SECTION 2:** Said relief noted in Section 1 above is limited and restricted to the selected properties located at 641, 645, 649, 653, 657, 661, 665, 669, 673, 677, and 681 N. Charlotte Street (within the Providence Glen Planned Development), Lombard, Illinois; legally described as follows:

LOTS 1 THROUGH 11 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.

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

1. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet, for the properties legally described within Section 2 above within the Providence Glen Planned Development, 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.
2. 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.
3. 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2012, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

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Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

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

Published by me in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

**Exhibit A**

**Standards for Planned Developments**

*Providence Glen Rear Yard Setback Amendment*

*(A) General Standards*

- 1) *Except as modified by and approved in the final development plan, the proposed development complies with the regulations of the district or districts in which it is to be located.*

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks.

- 2) *Community sanitary sewage and potable water facilities connected to a central system are provided.*

The necessary infrastructure already exists and no additional infrastructure would be required as part of the proposed amendment.

- 3) *The dominant use in the proposed planned development is consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the subject site.*

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.

- 4) *That the proposed planned development is in the public interest and is consistent with the purposes of this Zoning Ordinance.*

The development and subsequent relief included within this petition is intended allow each of the respective property owner within the subdivision the ability to construct a screen porch addition.

5) *That the streets have been designed to avoid:*

*(a) Inconvenient or unsafe access to the planned development;*

The subdivision layout provides two major points of egress to/from the development for adequate circulation.

*(b) Traffic congestion in the streets which adjoin the planned development;*

The proposed amendment would have no impact on congestion on streets within the subdivision or any adjacent properties.

*(c) An excessive burden on public parks, recreation areas, schools, and other public facilities which serve or are proposed to serve the planned development.*

The planned development was originally developed to include residential uses and was improved accordingly; as such, it will not create an excessive burden on any public parks, recreation areas, schools, and other public facilities.

## **Standards for Conditional Uses**

### *Providence Glen Rear Yard Setback Amendment*

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. The Plan Commission finds that the following Standards for Conditional Uses have all been affirmed relative to the planned development amendment (conditional use):

*(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 all properties within the Providence Glen Subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The Village finds that allowing screen porch additions, 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.

- (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 stormwater, 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 each property owner within the Providence Glen Subdivision the right to a further reduced rear yard setback to construct a three season room. The relief pertains only to screen porch additions 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.

- (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 could reduce the impact of any additional improvements made to the properties within the Providence Glen Subdivision.

- (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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief

pertains only to screen porch additions 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.

**Responses to the standards for a variation from Section 155.508(C)(6)(a) (Planned Development Standards) to provide for a reduction in the required yards on the perimeter of the planned development to be less than that required in the abutting zoning district:**

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

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

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

Any improvements that are a result of the proposed variation would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood. While the lots within the planned development meet the minimum widths and area as required by Village Code, the average depth of the lots on the east side of Charlotte Street are generally 112 feet in depth, which is less than most other single family residential lots in the area. Owners of the abutting lots, which are 185 feet in depth, would be able to construct such a three season room without requiring additional zoning relief. Favorable consideration of this action would allow the Providence Glen property owners the same ability to attach a three season room to their principal residence as the properties abutting the planned development.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*



There is no financial gain as the variation is applicable to all properties within the planned development.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The variation is not due to any reason beyond the requirements of the zoning ordinance.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The proposed variation will not impair the public interest. The variation is applicable to all properties within the planned development.

6. *The granting of the variation will not alter the essential character of the neighborhood; and,*

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

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The relief pertains only to screen porch additions 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.