

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_  
Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

\_\_\_\_\_  
X  
\_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: February 28, 2008 (B of T) Date: March 6, 2008

TITLE: ZBA 08-01: 322 E. Elm Street

SUBMITTED BY: Department of Community Development *John*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition.

2. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033. (DISTRICT #4)

The ZBA recommended approval of both variations with one condition.  
Please place this item on the March 6, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

Date \_\_\_\_\_  
Date \_\_\_\_\_  
Date \_\_\_\_\_  
2/28/08

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.





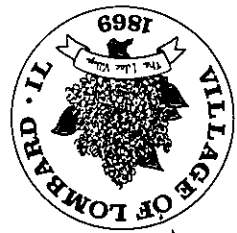
**MEMORANDUM**

**TO:** William T. Lichter, Village Manager  
**FROM:** David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development  
**DATE:** March 6, 2008  
**SUBJECT:** ZBA 08-01: 322 E. Elm Street

Please find the following items for Village Board consideration as part of the March 6, 2008 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 08-01;
3. An Ordinance granting approval of the requested corner side yard setback for a second story addition and approval of the corner side yard setback relief for the porch enclosure; and,
3. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



**VILLAGE OF LOMBARD**  
 255 E. Wilson Avenue  
 Lombard, IL 60148-3931  
 (630) 620-5700 FAX: (630) 620-8222  
 TDD: (630) 620-5811  
 www.villageoflombard.org

Village President  
 William J. Mueller

Village Clerk  
 Brigitte O'Brien

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

Trustees  
 Greg Alan Cron, Dist. 1  
 Richard J. Tross, Dist. 2  
 John "Jack" T. O'Brien, Dist. 3  
 Dana L. Moreau, Dist. 4  
 Laura A. Fitzpatrick, Dist. 5  
 Rick Soderstrom, Dist. 6

**Subject: ZBA 08-01; 322 E. Elm Street**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition. The petitioner also requests approval of a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033.

The Zoning Board of Appeals conducted a public hearing on February 27, 2008. Mr. Keith Tap was introduced as a new member of the Zoning Board of Appeals. Jennifer Backensto read the oath, pausing for Mr. Tap to repeat the words. Mr. Tap was congratulated by the board members.

Chairperson Defalco then opened the meeting for public comment. The petitioners, Larry and Jodi Covey, were present. Mr. Covey asked the board if they had received the elevations and other materials he had submitted.

Chairperson Defalco said that they had. Mr. Covey approached the board with photographs of 322 E. Elm Street which were passed among the board members. Mr. Covey also mentioned that they had submitted a letter from one of their neighbors requesting that the variances be approved. He began describing the house, stating that it was built in 1924 and that due to the current conditions the side entrance had to be used as the primary entrance.

Mrs. Covey stated that she believed that the small landing outside of the side entrance, a small step due to the configuration of the stairs, and the stairs leading to the basement were all safety issues. She said that this was especially true for

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

guests that would not be familiar with the entrance. She stated that the additional space they were requesting to be built would be constructed in such a way as to maintain the original architecture form of the home. She indicated that the same rooflines and other architectural features would be consistent with the neighborhood. She further stated that the second story addition would allow them to go up rather than adding bulk to the footprint.

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

Gregory Parks, a neighbor living on Stewart Ave., stated that he and his family were good friends with the petitioners. He stated that he supports the petition because the Coveny family has been good neighbors and property owners. He stated that they had made improvements to 322 E. Elm Street and that he was happy they were willing to further improve their property. Mr. Parks said that these variations would allow the Covenys to remain in their current home which would promote stability in the neighborhood.

Chairperson Defalco then requested the staff report. Jennifer Backensto, Planner II, stated petitioner's request has been separated into two separate approvals as each poses its own unique land use issues. The first action requiring relief is to erect a second story addition above the existing structure that will hold the same setback that the house currently maintains. The second action is to enclose an existing covered side stoop/porch, also located within the required corner side yard. As the house is legal non-conforming due to the insufficient corner side yard setback, a variation is required for both proposals. All other setback requirements relating to the principal structure are presently conforming.

Mrs. Backensto stated that setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

Mrs. Backensto stated that there were two related past approvals for the subject property. The first, ZBA 01-17, allowed a corner setback variation for roofed-over side porch. The second, ZBA 05-02, allowed a fence height variation for corner side yard.

Mrs. Backensto also indicated that there were three prior cases that provided precedence for the variation in which a second story addition would be in the required corner side yard but holds the current setback of the residence:

1) ZBA 05-03. The property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18').

2) ZBA 03-26. The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition.  
3) ZBA 06-26. The property at 117 S. Stewart received a corner side yard reduction to construct an addition that would maintain a 14'8" corner side yard setback.

As related to the variation for an enclosed porch, Ms. Backensto stated the property also contains a concrete stoop and steps to a side entrance on the east side of the property off Stewart Avenue. The side stoop is approximately four feet wide, seven feet long and less than 36 inches in height. The Zoning Ordinance requires a 20-foot side yard setback. As the porch was built with the house in 1924 it is also legal non-conforming. The property owner received Board approval in 2001 in ZBA 01-17 to cover the aforementioned porch with a roof. Approval to enclose the porch was never granted through ZBA 01-17. The petitioners wish to enclose the porch, which is not allowed by code, as the porch intrudes in the corner side yard setback. Based on the standards to variations, the petitioner noted that the enclosed porch would essentially be used as an extension to a staircase landing, which is currently only nine (9) square feet.

Ms. Backensto continued by stating that in June of 2002, PC 02-23 introduced text amendments, which changed the Code to allow covered porches to encroach into the front yard setback so long as a twenty-five (25) foot setback was maintained and the porch did not extend out more than seven (7) feet from the principal structure. Those parameters were established so that the size of a front porch would be wide enough so that it is a useful space but not wide enough that it can be readily converted into a room addition, thus resulting in excessive visual bulk. Although the subject porch is not located within the front yard setback, the same principal exists as the porch fronts public right of way, Stewart Avenue.

Ms. Backensto said that staff is not supportive of the porch enclosure because enclosing the porch would increase the visual bulk on the east side of the property. Also, the hardship presented is of a personal nature not one based on the physical attributes of the property. The lot is similar to many R2 single family lots in Lombard. The petitioners desire to enclose the porch is a convenience, rather than a hardship associated with the property. Most of the lots on both sides of the street are 50 feet in width, 10 feet narrower than the minimum width in the R2 district. This means that the area is more likely to have an appearance of overcrowding.

Ms. Backensto read the following findings from the staff report:

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance.

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.*

Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of many R2 Single Family Residential lots in the Village. Although somewhat unique in its non-conformity the property itself is not.

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

Staff finds that the ordinance has not caused the hardship.

4. *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.*

Staff finds that granting the request could be injurious to neighboring properties because it contributes to loss of suburban character of the neighborhood and is not consistent with the overall characteristics of the area. Staff finds that increasing the non-conformity will change the characteristics of the area, as it would present the visual appearance as a house addition.

5. *The granting of the variation will alter the essential character of the neighborhood.*

Staff finds that the requested relief would create visual bulk and alter the aesthetic character of the neighborhood.

Ms. Backensto stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the proposed second story addition while recommending **denial** of the setback variation relative to the proposed porch enclosure.

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

Mr. Bedard asked the petitioners how far they intended to extend the stoop. Mr. Coveny stated that the stoop would not be extended.

Mr. Tap asked the petitioners if the enclosed porch would be a pass-through area or if furniture would be kept there. Mr. Coveny stated that at four feet in depth he did not intend to keep furniture in the room.

Chairperson Defalco stated that when the previous variation was granted the board stipulated that the porch could be roofed over but that there be no enclosure. Staff pointed out at the time that a covered porch would be a code violation. Ms. Warren previously stated that the unenclosed porch would create less visual bulk. Typically, the Zoning Board of Appeals does not allow enclosed porches of this kind. Chairperson Defalco corrected himself that the stipulation that there be no enclosure was not specifically stated. He also stated that typically the board does allow second story additions over an existing footprint.

Ms. Backensto suggested that if a motion were to be made that the board make the condition that if fifty (50) percent of the home were to be destroyed that the variation would no longer apply. Chairperson Defalco agreed and asked if anyone would like to make a motion pertaining to the first variation.

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended that the Village Board approve the first variation related to the second story addition by a roll call vote of 5 to 0, subject to the following condition:

1. If fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

Chairperson Defalco suggested that the board now address the second variation.

Mr. Tap indicated that he wanted to raise three points. First, he indicated that there was a similar construction of a porch addition at nearby 117 S. Stewart Ave. Second, he indicated that staff had discussed bulk issues and that 310 and 320 E. Elm Street have similar additions. Third, he indicated that the change would fit in aesthetically with the neighborhood.

Mrs. Coveny stated that on the side of the street of the subject property from Parkside to Elm Street, the petitioners' home, an alley, and another house take up the whole block. There is not a house directly on either side. Additionally, the added bulk would only be a small percentage of the house. Mrs. Coveny continued stating that on the inside that they could not reasonably change the configuration where the steps go down to the basement because of how the door opens. Therefore, they were unable to address the safety issues in that manner. Chairperson Defalco asked if there was also a door facing Elm Street that is covered and has a concrete walk in front.



Mrs. Coveny responded that there is no concrete walkway.

Mr. Bedard stated that he would be in favor of the variation because of the small percentage of additional bulk and that the enclosure would not encroach on other houses.

Mr. Tap asked the petitioners if they had intentions of changing their fence.

The petitioners indicated that they had no such intention.

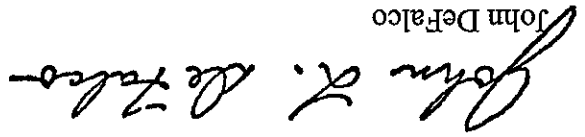
Mr. Tap stated that he believed there would be a visual blend between the structure and the fence.

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended that the Village Board approve the second variation related to the roofed over and enclosed porch by a roll call vote of 4 to 1, subject to the following condition:

1. If fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco

Chairperson

Zoning Board of Appeals

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Zoning Board of Appeals  
**FROM:** Department of Community Development  
**PREPARED BY:** Michael S. Toth  
Planner I

**HEARING DATE:** February 27, 2008

**TITLE**

**ZBA 08-01: 322 E. Elm Street:** The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition.

2) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033.

**GENERAL INFORMATION**

**Petitioner/Property Owner:** Larry and Jodi Coveny  
322 E. Elm Street  
Lombard, IL 60148

**PROPERTY INFORMATION**

**Existing Zoning:** R2 Single-Family Residence District  
**Existing Land Use:** Single-Family Residence  
**Size of Property:** Approximately 10,000 square feet

**Surrounding Zoning and Land Use:**

**North:** R2 Single-Family Residence District; Single-Family Residences  
**South:** R2 Single Family Residence District; Single Family Residences

East: R2 Single-Family Residence District; Single-Family Residences  
West: R2 Single-Family Residence District; Single-Family Residences

### ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on January 24, 2008.

1. Petition for Public Hearing.

2. Response to Applicable Standards.

3. Plat of Survey, prepared by Lambert & Associates, dated January 23, 2008.

4. Building elevations, prepared by Stratton Architects, dated February 1, 2008.

### DESCRIPTION

The property contains a one-story single family residence built approximately 17.7 feet from the side property line along Stewart Avenue. The petitioner's request has been separated into two separate approvals as each poses its own unique land use issues. The first action requiring relief is to erect a second story addition above the existing structure that will hold the same setback that the house currently maintains. The second action is to enclose an existing covered side stoop/porch, also located within the required corner side yard. As the house is legal non-conforming due to the insufficient corner sideyard setback, a variation is required for both proposals. All other setback requirements relating to the principal structure are presently conforming.

### INTER-DEPARTMENTAL REVIEW COMMENTS

### ENGINEERING

#### Private Engineering Services

The Private Engineering Services Division has no comments regarding the request.

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

**FIRE AND BUILDING**

The Bureau of Inspectional Services has no comments regarding the request at this time.

**PLANNING**

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

Past Approvals for Subject Property

Case No.	Request Type	Staff Recommendation	ZBA Recommendation	BOT Action	Approval Date
ZBA 01-17	Corner Setback variation for side porch.	Denial	Approval	Approval	1/22/02
ZBA 05-02	Fence Height variation for corner side yard.	Denial	Approval	Approval	4/21/05

Second Story Addition

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') (ZBA 05-03).
- 2) The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26).
- 3) The property at 117 S. Stewart (ZBA 06-26) received a corner side yard reduction to construct an addition that would maintain a 14'8" corner sideyard setback.

These examples of at-grade additions within the required twenty (20') foot corner side yard. The proposed addition would be a second story addition and would not increase the lot area coverage.

#### Porch Enclosure

The property also contains a concrete stoop and steps to a side entrance on the east side of the property off Stewart Avenue. The side stoop is approximately four feet wide, seven feet long and less than 36 inches in height. The Zoning Ordinance requires a 20-foot side yard setback. As the porch was built with the house in 1924 it is also legal non-conforming. The property owner received Board approval in 2001 (ZBA 01-17) to cover the aforementioned porch with a roof. Approval to enclose the porch was never granted through ZBA 01-17. The petitioners wish to enclose the porch, which is not allowed by code, as the porch intrudes in the corner side yard setback. Based on the standards to variations, the petitioner noted that the enclosed porch would essentially be used as an extension to a staircase landing, which is currently only nine (9) square feet.

In June of 2002, PC 02-23 introduced text amendments, which changed the Code to allow covered porches to encroach into the front yard setback so long as a twenty-five (25) foot setback was maintained and the porch did not extend out more than seven (7) feet from the principal structure. Those parameters were established so that the size of a front porch would be wide enough so that it is a useful space but not wide enough that it can be readily converted into a room addition, thus resulting in excessive visual bulk. Although the subject porch is not located within the front yard setback, the same principal exists as the porch fronts public right of way (Stewart Avenue).

Staff is not supportive of the porch enclosure because enclosing the porch would increase the visual bulk on the east side of the property. Also, the hardship presented is of a personal nature not one based on the physical attributes of the property. The lot is similar to many R2 single family lots in Lombard. The petitioners desire to enclose the porch is a convenience, rather than a hardship associated with the property. Most of the lots on both sides of the street are 50 feet in width, 10 feet narrower than the minimum width in the R2 district. This means that the area is more likely to have an appearance of overcrowding.

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

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

Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance.

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.*

Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of many R2 Single Family Residential lots in the Village. Although somewhat unique in its non-conformity the property itself is not.

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

Staff finds that the ordinance has not caused the hardship.

4. *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.*

Staff finds that granting the request could be injurious to neighboring properties because it contributes to loss of suburban character of the neighborhood and is not consistent with the overall characteristics of the area. Staff finds that increasing the non-conformity will change the characteristics of the area, as it would present the visual appearance as a house addition.

5. *The granting of the variation will alter the essential character of the neighborhood.*

Staff finds that the requested relief would create visual bulk and alter the aesthetic character of the neighborhood.

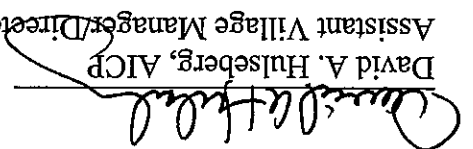
## FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has partially affirmed the Standards for Variations for the requested setback variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the proposed second story addition while recommending **denial** of the setback variation relative to the proposed porch enclosure:

Based on the submitted petition and the testimony presented, the requested setback variation pertaining to the second story addition does comply with the Standards required for a variation while the variation relative to the porch enclosure does not comply with the Standard for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accepts the findings of the Inter-departmental Review Report as the finding of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of the second story addition while recommending **denial** of the porch enclosure associated with ZBA 08-01.

Zoning Board of Appeals  
Re: ZBA 08-01  
Page 6

Inter-Departmental Review Group Report Approved By:

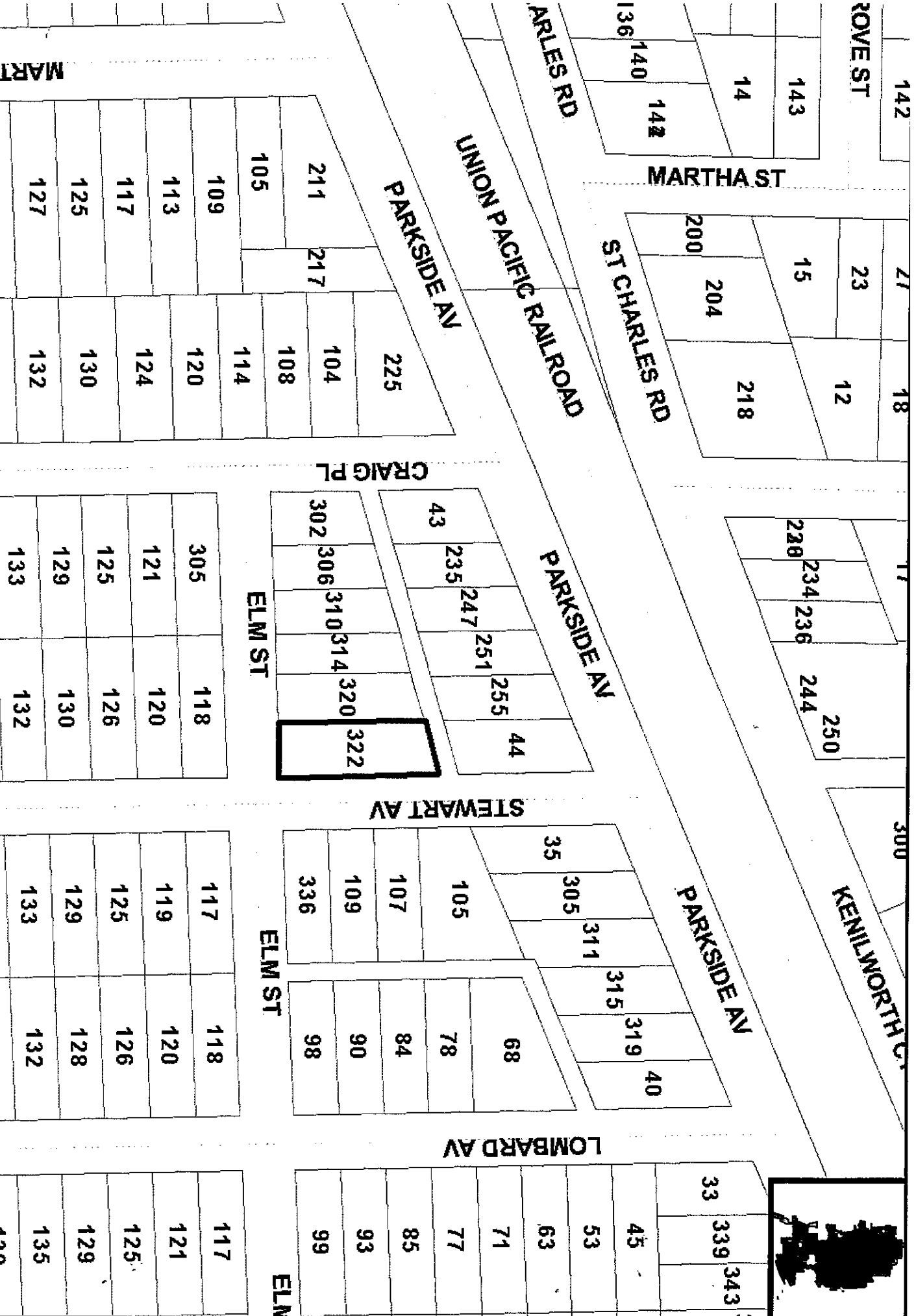


David A. Hulseberg, AICP  
Assistant Village Manager/Director of Community Development

DAH:MT:jd

att-  
c: Petitioner

H:\CD\WORDUSER\ZBA Cases\2008\ZBA 08-01\Report 08-01.doc



ZBA 08-01: 322 E. Elm

1 in. = 139.7 feet







**PETITION TO VILLAGE OF LOMBARD ZONING BOARD OF APPEALS**

**FOR 322 E. ELM STREET (Corner of Stewart and Elm)**

**DESCRIPTION OF REQUEST:**

Two (2) foot variance at new second floor (addition) from required twenty (20) foot side yard setback and variance for enclosing existing side porch.

**RESPONSE TO STANDARDS FOR VARIATION:**

1. The existing home was built in 1924 with a corner side yard of 17.67' and an interior side yard of 10.28'. Current required side yard is 20' and interior side yard is 9', resulting in a non-conforming existing home at the corner side yard. Currently the home is 1.5 stories with an unfinished attic. Proposed design is to finish the attic by dormering the roof to create a headroom for 2 bedrooms, 2 bathrooms, and a loft. Adhering to the 20' corner side yard setback creates a hardship due to the location of the existing staircase which will not have the required headroom. The staircase will have to be relocated, creating major reconstruction of the first floor and finished basement. The proposed design sets the east wall of the second floor 18' from the property line and does not increase the non-conformity.

2. The application is unique to this property because of the placement of the house on the lot.

3. The purpose of the variation is to allow the owner to take advantage of unused attic space, moving the bedrooms to the attic and thereby creating more living space on the main floor of the existing structure, without increasing the footprint of the building (thereby increasing density) or the non-conformity, and maintaining the architectural integrity of the original home.

4. The hardship was created because the zoning code that was changed or created after the home was built would be applied to the upper level of the existing structure.

5. The requested variation does not increase the non-conformity and does not increase the building's footprint, therefore, drainage and storm water runoff to adjacent properties will not change. The proposed design will not affect traffic site line at the corner of East Elm Street and South Stewart Avenue.

6. Granting the variation will not alter the essential character of the neighborhood because the home will remain 1.5 stories tall, and the proposed addition is in keeping with the existing home's architecture.

7. The variance will not impair the supply of light and air to neighboring properties because the request is for the east side of the property which is a corner side yard, the footprint will not change, and the current setback will be increased at the second floor to 18',



**PETITION TO VILLAGE OF LOMBARD ZONING BOARD OF APPEALS**

**FOR 322 E. ELM STREET (Corner of Stewart and Elm)**

**DESCRIPTION OF REQUEST:**

Variance to required twenty (20) foot side yard setback (east side of lot on Stewart Avenue), allowing the existing side entrance to be enclosed.

**RESPONSE TO STANDARDS FOR VARIATION:**

1. The existing home was built in 1924 with a corner side yard of 17.67'. Current required side yard is 20', resulting in a non-conforming existing home at the corner side yard. Currently the home has an entrance on the east side with a 6.6' wide x 4' deep cement stoop. The entrance was covered by a wooden roof structure built under permit #01-2047 after the homeowners were granted a request for variation (first reading October 24, 2001, agenda item 010754 ZBA 01-17: 322 E. Elm Street.). Because the detached garage is at the rear of the property facing the alley, this side entrance is regularly used by the family to access the home, as well as by neighbors and visitors.

The proposed design is to enclose the stoop area to create a larger and safer entrance to the home. Currently, the landing inside the door is 3' by 3' with 3 steps on the left up to the existing main floor and a staircase directly ahead descending to the basement. The proposed design would move the exterior door to the outer edge of the stoop, incorporating the stoop into a more suitably sized, safer entryway. The hardship exists due to the location of the existing interior staircase and its proximity to the entry. The staircase will have to be relocated, creating major reconstruction of the first floor and finished basement.

2. The application is unique to this property because of the original placement of the house on the lot and the positioning of the east entrance between the first floor level of the home and at the head of the stairway, creating an awkward access to living space.

3. The purpose of the variation is to allow the owner to take advantage of the existing exterior stoop, incorporating it with the existing interior area to create a larger contiguous space and ensuring individuals a safer entry into the home. The proposed design does not increase the building's footprint and maintains the architectural integrity of the home.

4. The hardship was created because the zoning code that was changed or created after the home was built would be applied to the existing structure.

5. The requested variation does not increase the building's footprint, therefore, drainage and storm water runoff to adjacent properties will not change. The proposed design will not affect traffic site line at the corner of East Elm Street and South Stewart Avenue.

6. Granting the variation will not alter the essential character of the neighborhood because the entrance already exists and the proposed enclosure is in keeping with the existing home's architecture.
7. The variance will not impair the supply of light and air to neighboring properties because the request is for the east side of the property which is a corner side yard, the footprint will not change, and the current setback will be unchanged.

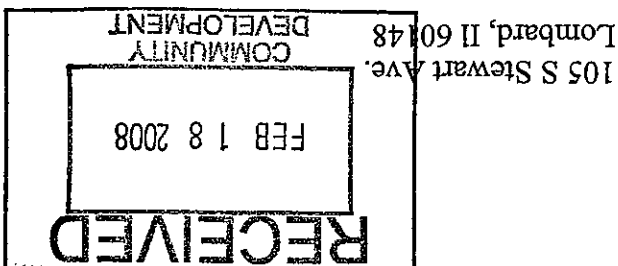
*James E. Hume*  
*James E. Hume*

Thank you.

We have received the notice about the request for variances for the property at 322 E. Elm Street. We would like to go on record for being in favor of granting these variances. The Coveny's have made a number of improvements to their home and yard and all of them have been tasteful and attractive. We are confident that these additions will add substantial value to their property and be an asset to the neighborhood. We are glad to have neighbors that would rather improve than move. We hope that the village will grant the variances they have requested.

To: Village of Lombard Zoning Board of Appeals  
From: Jim and Pam Horne  
RE: Petition ZBA 08-01

February 18, 2008





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

**AN ORDINANCE APPROVING A VARIATION  
OF THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 08-01: 322 E. Elm Street)

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

WHEREAS, the subject property is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 27, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested corner side yard setback for a second story addition and recommendation of approval of the corner side yard setback relief for the porch enclosure; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested lot width variation only.

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 a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition; and,

**SECTION 2:** That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033.

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

1. If fifty (50) percent or more of the home is destroyed, the variation will no longer be applicable to the property.

**SECTION 4:** This ordinance is limited and restricted to the property generally located at 322 E. Elm Street, Lombard, Illinois, and legally described as follows:

LOT 12 IN BLOCK 3 IN CAMBRIDGE MANOR, BEING A SUBDIVISION IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT 178816, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-115-012

**SECTION 5:** 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 \_\_\_\_\_, 2008.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Brigitte O'Brien, Village Clerk



# Village of Lombard Master Report

Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org

File Number: 080110

File Number: 080110  
File Type: Ordinance on Second Reading  
Status: On Consent  
Agenda  
Controlling Body: Village Board of Trustees  
Reference:  
Introduced: 02/19/2008  
Requester: Community Development Department  
Cost:  
Version: 0  
File Name: ZBA 08-01: 322 E. Elm Street  
Final Action:

**Title: ZBA 08-01: 322 E. Elm Street**  
Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:  
1. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition.  
2. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033. (DISTRICT #4)

Notes:  
Code Sections:  
Indexes:  
Sponsors:  
Attachments:  
Agenda Number:  
Agenda Date: 03/06/2008  
Enactment Date:  
Enactment Number:

## History of Legislative File

Ver-Action:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
-------------	--------------	-------	---------	----------	-----------	--------------	---------

0	Zoning Board of Appeals	02/27/2008	recommended to the Corporate Authorities for approval				Pass
0	Zoning Board of Appeals	02/27/2008	recommended to the Corporate Authorities for approval				Pass
0	Village Board of Trustees	03/06/2008	passed on first reading				Pass

## Text of Legislative File 080110

**ZBA 08-01: 322 E. Elm Street**  
Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:  
1. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard

[Enter body here.]

setback to (17.68) feet is required to allow for a second story addition.  
2. A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033. (DISTRICT #4)