

East: R2 Single-Family Residence District; developed as Single-Family Residences

West: R2 Single-Family Residence District; developed as Single-Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on September 23, 2010.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Schlaf-Sedig, dated September 10, 1986.
4. Elevation & Site Plan, prepared by T.R. Knapp Architects, dated September 9, 2010.

DESCRIPTION

The property contains a one-story single family residence. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two and a half (22.5) feet from the eastern property line, which is considered the front yard of the subject property. The Zoning Ordinance allows unenclosed roofed-over front porches as a permitted encroachment into the required front yard, provided that a minimum of twenty-five (25) feet is provided. As the proposed porch is set back only twenty-two and a half (22.5) feet, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services has no comments.

PUBLIC WORKS

Utilities

Utilities Division of Department of Public Works has no comments.

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Engineering

Public Works Engineering does not have any comments.

FIRE

The Fire Departments has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

The Zoning Ordinance allows roofed-over porches, which are unenclosed and projecting not more than seven (7) feet, as a permitted encroachment in the front yard, provided that a minimum of twenty-five (25) foot front setback is maintained. The principal structure on the subject property is situated twenty-nine feet nine inches (29'9") from the eastern property line at its closest point. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet three inches (4'3") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (eastward) six feet ten inches (6'10") from the principal structure. This would result in a setback deficiency of two feet one inch (2'1") as the structure would only be set back a distance of twenty-two feet eleven inches (22'11") from the eastern property line, where twenty-five feet (25') is required.

The existing porch consists of a concrete landing with no roof or overhang over the landing. In the response to standards, the petitioner indicates that the existing stoop is very small and when the door opens out, there is no room for anyone to stand. Moreover, constructing a wider porch would allow greater clearance around the door area, creating safer and easier access to/from the home. While staff recognizes this issue, staff believes that the hardship for the variation has more to do with the location of the principal structure in relation to the eastern property line.

As previously mentioned, the principal structure on the subject property is situated less than thirty (30) feet from the eastern property line at its closest point. Staff notes that this setback is considered legal non-conforming with respect to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard.

There is also precedent for setback variations to allow roofed-over porches within required yards. Recently, the property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a stoop, which was located in the required corner side yard. As the porch was built with the house in 1924 it was also considered legal non-conforming. Although this case involved a corner side yard, staff believes that the relevance is similar in nature as it involves a required yard that is visible from the right of way.

A variation was also granted in 2006 (ZBA 06-03) to allow a roof over an existing stoop within the front yard. ZBA 06-03 (121 N. Lincoln Ave.) was similar in nature as the existing front yard

setback of the principal structure was also considered legal non-conforming at approximately twenty-eight and one half feet (28.5') from the front property line. ZBA 06-03 received approval to construct an unenclosed roofed-over front porch that only maintained a twenty-three and one half foot (23.5') setback from the front property line.

Staff finds that the requested relief can be supported, as the proposed porch will be setback two feet one inch (2'1") less than what is allowed by code. Staff is also able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with legal non-conforming setbacks. Furthermore, the proposed improvements will not increase the visual bulk within the front yard as the setback of the house itself will remain the same and the porch itself would be unenclosed. Lastly, the proposed porch would not alter the essential character of the neighborhood as there are a number of homes in the immediate area with non-conforming front yard setbacks that have constructed either enclosed or unenclosed front porches.

FINDINGS AND RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation complies with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **approval** of ZBA 10-12, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans, prepared by T.R. Knapp Architects, dated September 9, 2010.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required front yard setback.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP

Director of Community Development

c: Petitioner

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