



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 March 26 and April 4, 2013.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Kabal Surveying Company, dated July 13, 1989.  
Plat of Survey, prepared by American Survey Co., dated November 7, 2001.
4. Elevation & Site Plan, Exhibit of Current Streetscape of Potomac, prepared by Dean M. Pozarzycki R.A., Architect, dated April 3, 2013.

### **DESCRIPTION**

The property contains a one-story single family residence. The petitioner is proposing to construct a second story addition on an existing structure, twenty-six (26) feet from the northern property line, which is considered the front yard of the subject property. The Lombard Zoning Ordinance provides for a front yard setback at a minimum of thirty (30) feet. As the alteration of the principal structure is set back only twenty-six (26) feet, a variation is required. The petitioner is also proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-three (23) feet from the front property line. 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-three (23) feet, a companion 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.

### Engineering

Public Works Engineering does not have any comments.

## FIRE

The Fire Departments has no comments.

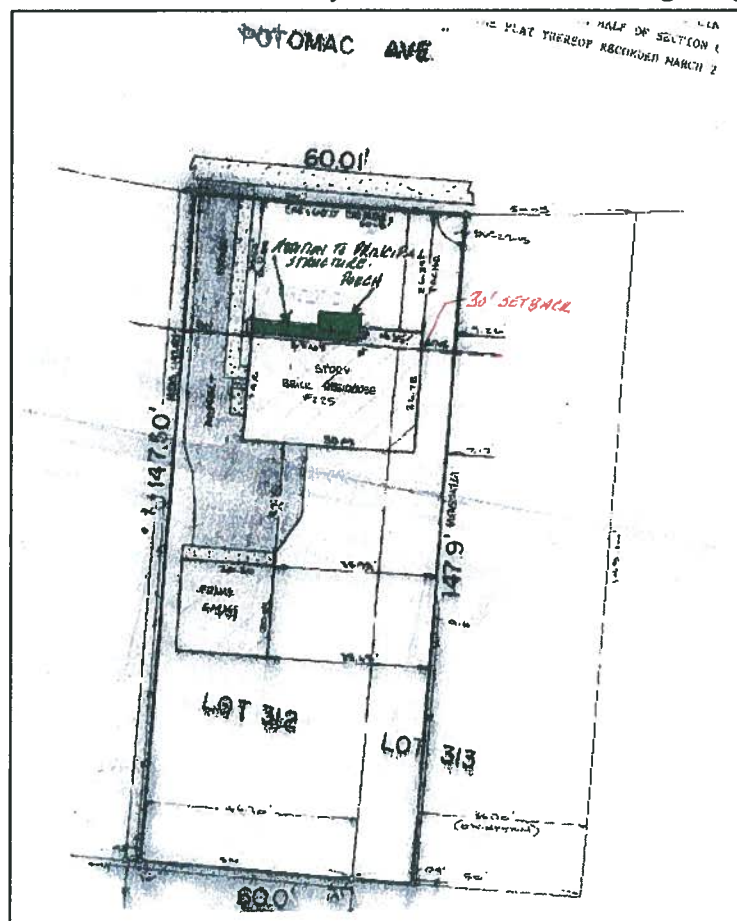
## BUILDING DIVISION

The Building Division has no comments.

## PLANNING

The Zoning Ordinance provides for minimum building setbacks of all principal buildings and structures. The front yard setback for existing single family dwellings constructed before

September 15, 2011 and additions to existing detached single-family dwellings constructed before September 15, 2011 is to be thirty (30) feet. New detached single family dwellings constructed after September 15, 2011 will be determined by taking the mean of the existing front yard setbacks of the single-family dwellings on the abutting lots with the minimum to be thirty (30) feet.



with a roof/overhang. The proposed second floor addition has been designed to not go further toward the street than the existing northernmost wall of the building. The new second floor

The existing principal structure is nonconforming as it is situated twenty six feet (26') from the northern property line of the eastern half of the structure at its closest point and twenty-nine feet nine inches (29'6") from the northern property line on the western half of the structure. The existing front stoop consists of a concrete landing with no roof or overhang over the landing. The proposed new porch would replace the existing front stoop while maintaining the same footprint

cantilever is to align with the existing northeast footprint of the structure. This would result in a setback deficiency of four feet (4') as the structure would only be set back a distance of twenty-six feet from the northern property line. The addition provides for symmetry in the architectural features of the house. In the response to standards, the petitioner indicates the existing house is small and no longer fulfills the spatial needs of the family. The purpose of the addition is brought by a desire to remain in the neighborhood. As illustrated by the Streetscape of Potomac Avenue, seven of the homes on the block have undergone similar alterations or were originally built as two story structures. The two homes (219 and 231 W. Potomac Ave.) abutting the subject property have two stories and the two homes (213 and 237 W. Potomac Ave.) abutting these homes also have two stories.

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. Under the permitted obstructions provision, an unenclosed

roofed-over porch could be constructed on the subject property approximately four feet six inches (4'6") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (northward) three feet from the principal structure's closest point. This would result in a setback deficiency of two feet (2') as the structure would only be set back a distance of twenty-three feet from the northern property line, where twenty-five feet (25') is required.



The red line illustrates the 30' front yard setback.

Staff finds that the hardship for this variation has more to do with the location of the principal structure in relation to the northern property line. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct a second story addition and an unenclosed roofed-over front porch to a usable standard.

Staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past eleven years there have been six other ZBA petitions requesting relief for principal buildings and roofed-over, unenclosed front porches. One of these

cases, ZBA 06-17, involved a request to reduce the setback to less than 50% of that required by the Zoning Ordinance. All six variations were ultimately granted.

Case No.	Address	Relief Requested	ZBA Vote	BOT Action
ZBA 10-12	544 S. Highland	Front yard reduced from 30' to 22.5'	Approval	Approval
ZBA 08-11	28 S. Highland	Front yard reduced from 30' to 21'	Approval	Approval
ZBA 07-05	208 S. Elizabeth	Front yard reduced from 30' to 14.5'	Approval	Approval
ZBA 06-17	197 S. Craig	Corner side yard reduced from 20' to 9'	Approval	Approval
ZBA 06-03	121 N. Lincoln	Front yard reduced from 30' to 23.5'	Approval	Approval
ZBA 02-15	532 S. Lombard	Front yard reduced from 30' to 26'	Approval	Approval

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.

The proposed addition to the principal structure and 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 similar projects. For example, the majority of the homes along the southern portion of the 200 block of W. Potomac have existing front yard setbacks less than thirty feet (30') therefore there is no observable difference in the existing setback line as viewed from either the street or from within the neighboring homes. Staff is 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 with the exception of the northwest corner and the porch itself is a replacement.

**FINDINGS AND RECOMMENDATIONS**

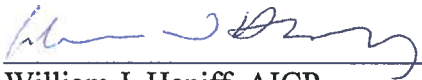
The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the front yard setback variation for a principal structure as well as a companion variation to allow an unenclosed roofed-over front porch:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of

the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 13-02; subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans, prepared by Dean M. Pozarzycki R.A., Architect, dated April 3, 2013.
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.

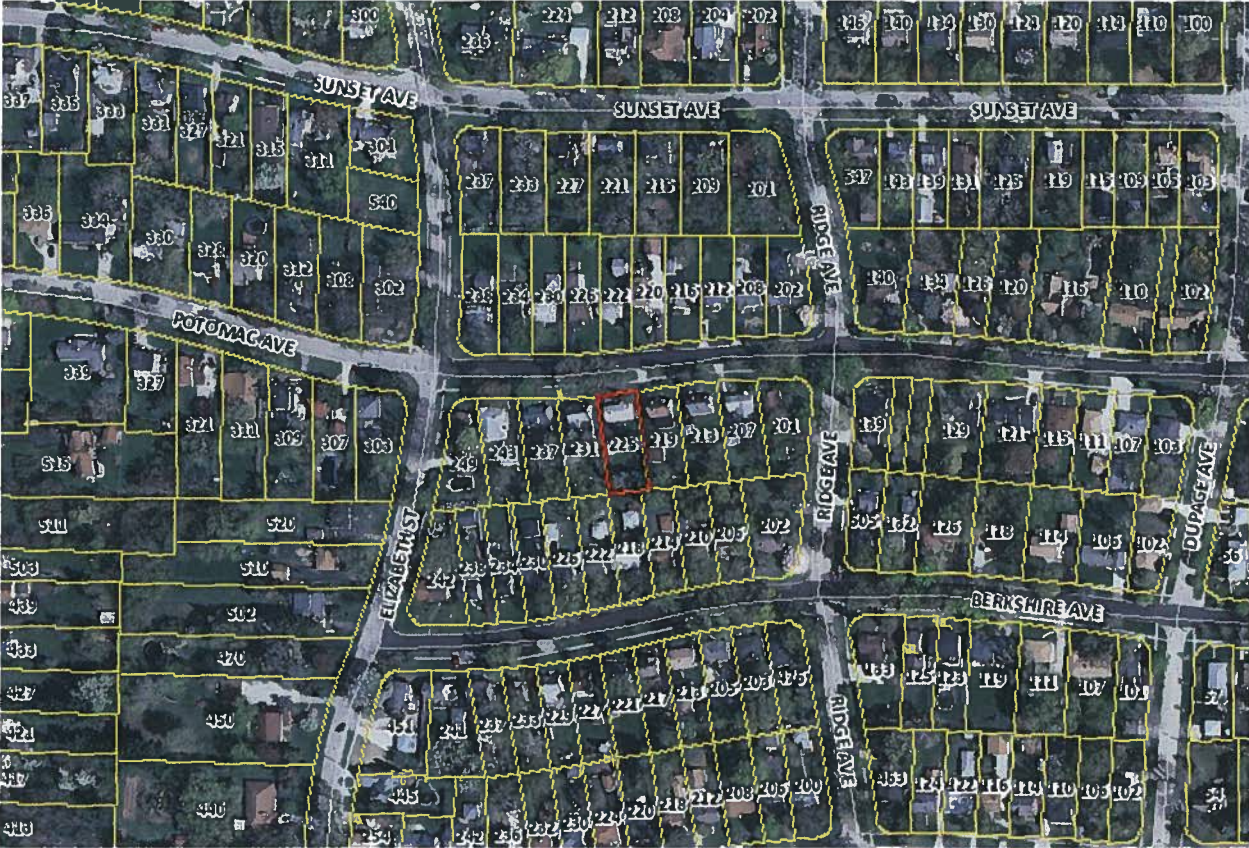
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP  
Director of Community Development

c: Petitioner

# ZBA 13-02: 225 W. POTOMAC



## WRITTEN RESPONSE TO THE *STANDARDS FOR A VARIATION*

Lombard Ordinance 155.103.C.1 states that the Board of Zoning Appeals may grant a variation to the Ordinance only where such Board makes a finding of fact that the regulations in the Ordinance will impose practical difficulties or particular hardships to a petitioner in the way of carrying out the strict letter of the Ordinance regulations.

The petitioners' believe that conditions upon their property not caused by them inhibits their ability to make property improvements consistent with the neighborhood if strict enforcement of the Ordinance is imposed upon their plans for a second story addition and proposed improvements to the front of their home, and they respectfully request a variance of such regulations. The petitioner's written response to the seven standards that must be met before the Board of Zoning Appeals may grant such request follows:

### SECTION 155.103.C.7 (Lombard Zoning Ordinance):

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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;

The petitioners' property is on a street that has been laid out with slight curved configurations for a very desirable softening of the street. Whether this configuration, or the age of the structures (which predates the current building setback in ordinance) were part of the cause of the existing non-conformity to both the petitioners' property as well as the properties to their immediate west, is unknown. What is known, however, is that there is an apparent inconsistency of the setback line on survey to what occurs with the buildings in the area of the proposed Project.

With apologies to the County Map service, the following images were taken from their web site to help illustrate. It shows the curvature of Potomac Ave. between Main Street and West Road. It shows the soft curvature of the street.

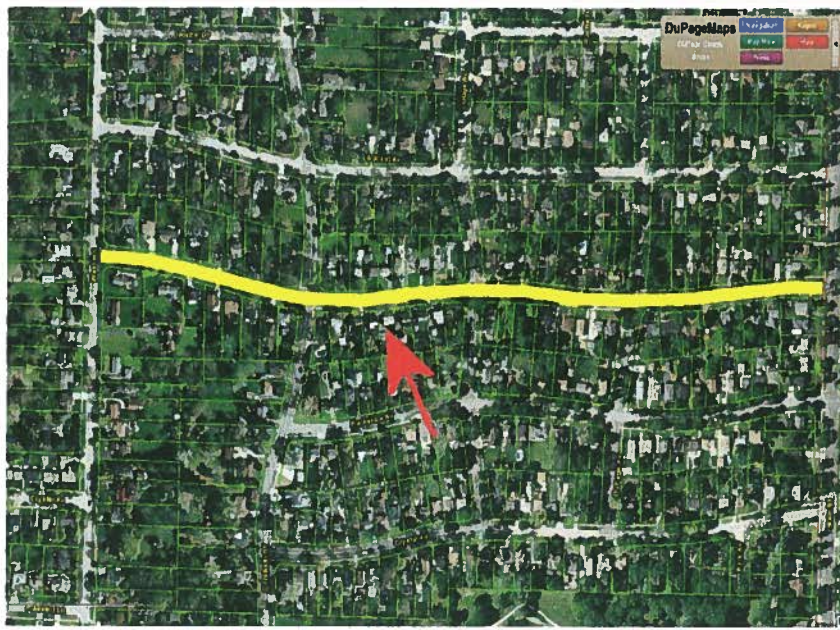


IMAGE #1

(The YELLOW line is Potomac Ave., and RED arrow is the petitioners' property.)



The following is a close up of the block at the petitioners' site:

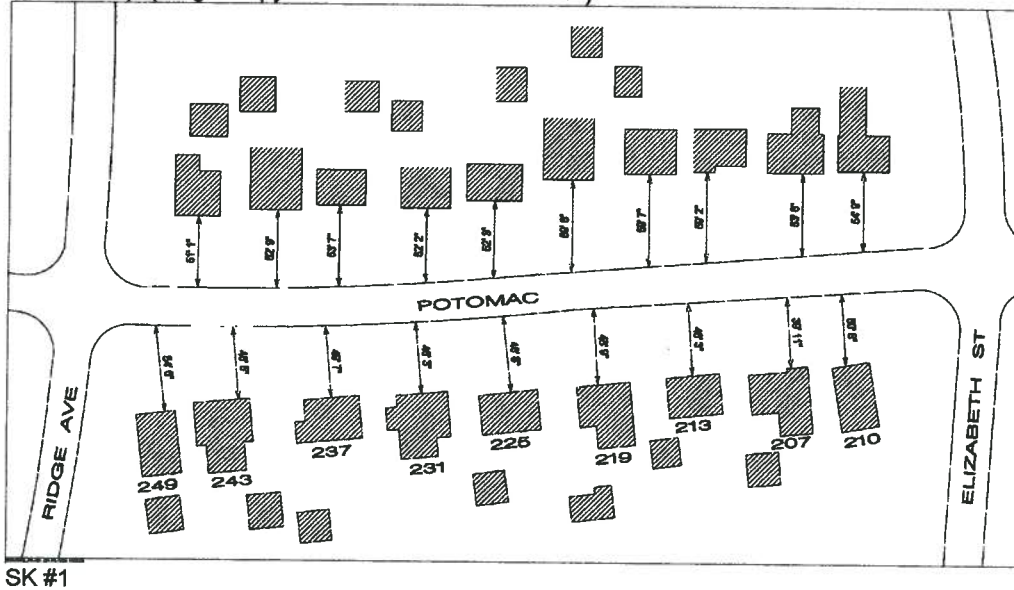


IMAGE #2

The County map cannot be used for specifics regarding the photo image and locations of property lines and Right of Way locations, however, it is usually fairly proportional. For this site, however, there appears to be a "disconnect" between the photograph of the street and the location of the Right of Way overlay image.

In the above image; It is important to see the distance between the RED arrows (curb to property line on north side of street) is substantially smaller than the distance between the YELLOW arrows at petitioners' property (curb to property line on the south side of the street). Part of the above image disparity can be attributed to misalignment of the composite overlay on the County Map. The disparity between RED arrow heads and YELLOW arrowheads, causes the petitioners' to believe that the centerline of the street in front of their property may not be in the center of the Right of Way.

Since the actual building to curb distance on both sides of the street are consistent on each respective side (see sketch SK #1 below), (Larger copy attached as APPENDIX "C")



Since there is no front yard setback encroachment to the contiguous property to the East (see survey for address 219 W. Potomac) , yet there is substantial encroachment of front yard setback to both petitioners' property and the contiguous property to the West (see surveys for address 225, and 231 W. Potomac) there exists a **particular physical surroundings, shape** hardship to practitioners' property due in part to the location of existing street and buildings built between 1949 and 1953 (dates are according to township records) as opposed to the survey location of where the northern property line of petitioners' property is.

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;

The request of the petitioners is for a variance specific to their property, and not to be generally applicable to other property within the same zoning classification.

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

The existing house is small, and no longer fulfills the spatial needs of the family. The purpose of the addition is brought by a desire to remain in the neighborhood. It is not brought by reason of increasing property value for resale.

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 surveys (APPENDIX "A" and "B" attached) indicate that the subdivision was established and Recorded in March of 1927. The houses on the south side of the subject block were constructed from 1949 through 1953. The petitioners believe the buildings were in conformance with zoning regulations when they were constructed, and further believe the building setback at time of first construction may have been 25' (twenty five feet) due to the building setback of the house to the contiguous west (231 Potomac), however, verification of this possibility has not been made. Most certainly, however, the subdivision was established prior to current R-2 setback regulations.

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 second floor addition has been designed to not go further toward the street than the existing northernmost wall of the building. Therefore, there will be no substantive change to the public nor other properties in the neighborhood. The use of the property remains unchanged.

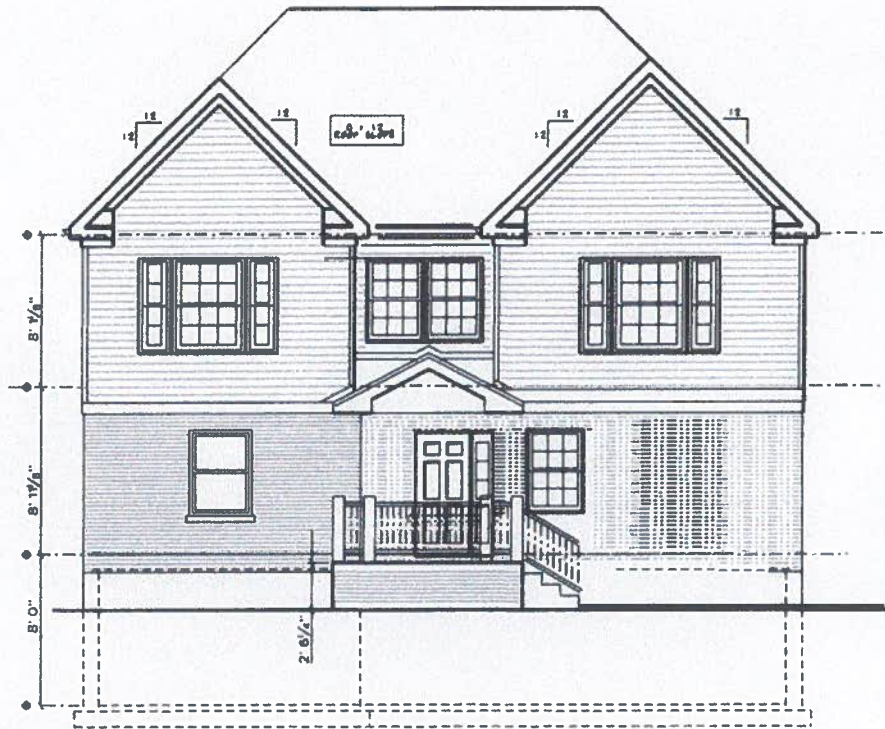
6. The granting of the variation will not alter the essential character of the neighborhood; and

The following is a photograph of the existing house. It is consistent with other post war (WWII) structures of the area.



Please see APPENDIX "D" attached for photographs of the residences on North and South facings of this block.

The following is the architect's front elevation of the proposed addition. It is in keeping with the more traditional residences that are in Lombard.



FRONT ELEVATION  
CONCEPT C

Having been residents of this neighborhood for many years, the petitioners feel that the proposed look of the home when completed will fit and be a positive improvement to 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.

Obviously when a one story home becomes a two story home, it will cast a longer shadow. The height, however, complies with the height restrictions of R-2 zoning, therefore is not an undue impairment to natural light nor ventilation of contiguous neighbors. The same use of the property (indeed same occupants to remain) means that traffic is unaffected by allowing the variance. A newer "quasi traditional" looking home among 1950's style residences will enhance the variability and visual street appeal at this part of the street.

Allowing the requested variance (allowing the home addition to be vertical) will allow the percentage of impervious surfaces to remain relatively as they currently exist. If the variance is not granted, the addition would not be as energy efficient, and it would at least double the existing building footprint if it were to be placed to the south (rear) of the existing home. Therefore, allowing the variance will be of lesser impact to the quantity of rain runoff, ergo, less of a rain runoff danger to properties "downstream" of the petitioners property.

Respectfully submitted:

*Erik Kraft*      4-4-13      *Nicole Kraft*      4-4-13  
 Mr. Erik Kraft, Owner, Petitioner      Date      Mrs. Nicole Kraft, Owner, Petitioner      Date

Attachments: Appendix A through D inclusive

# PLAT OF SURVEY

OF THE EAST 6.7 FEET OF LOT 310 (MEASURED ALONG THE SOUTHERLY LINE AND PARALLEL TO THE WEST LINE) ALL OF LOT 311 AND LOT 312 (EXCEPT THE EAST 46.7 FEET THEREOF) MEASURED ALONG THE SOUTHERLY LINE AND PARALLEL TO THE WEST LINE IN ELMORE'S NORTH VIEW, BEING A SUBDIVISION IN THE NORTH 1/2 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 1927, AS DOCUMENT 232326, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 231 W. POTOMAC AVENUE, LOMBARD, ILLINOIS.

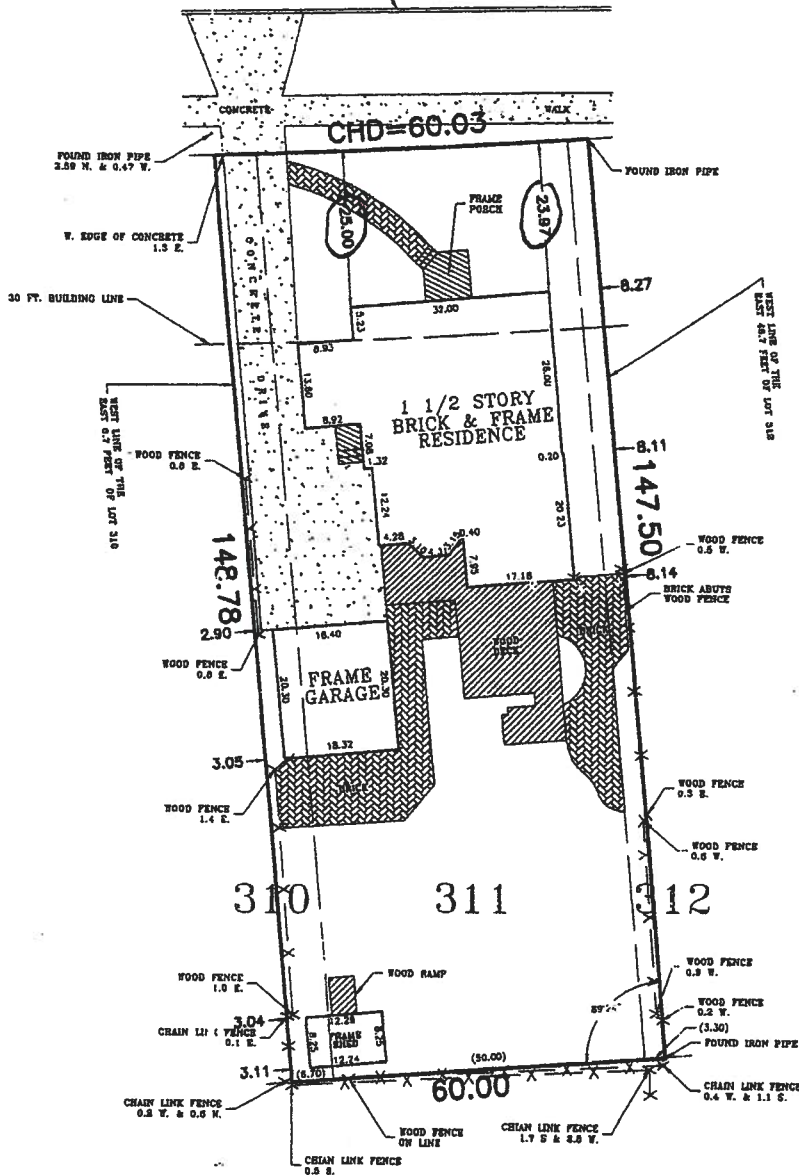
POTOMAC AVENUE

(60 FT. R.O.W.)

CURB



SCALE: 1"=20'



NOTE:  
NO RADIUS OR CURVE INFORMATION ON RECORDED PLAT OF SUBDIVISION.



TO: MICHAEL J. COZZI

THIS IS TO CERTIFY THAT WE, PREFERRED SURVEY, INC., ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION NO. 116 HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY, ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. MY LICENSE RENEWS ON NOVEMBER 30, 2004.

GIVEN UNDER OUR HAND AND SEAL AT GLEN ELLYN, ILLINOIS, THIS 26th DAY OF MARCH A.D. 2003

*Michael J. Lopez*  
ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION #116

P.S.I. NO. 0334949

APPENDIX "A"  
PLD DREN HHLT  
CAD J.F.E.



PREFERRED SURVEY, INC.

799 W. Roosevelt Road/Building #4, Suite 305/Glen Ellyn, IL 60137

Phone 630-790-8451 / Fax 630-868-6217



(assumed)

# KABAL SURVEYING COMPANY

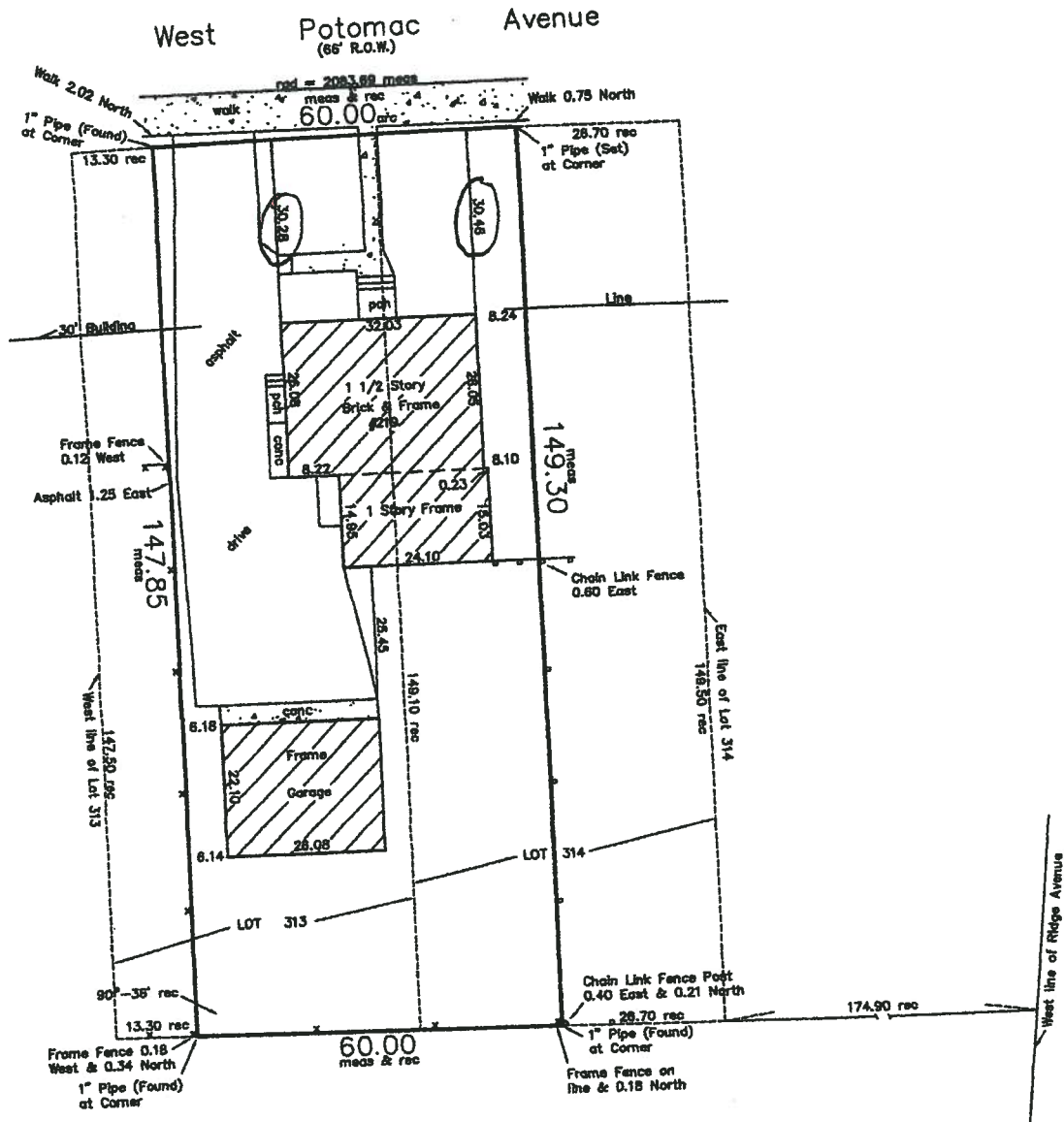
Land Surveying Services

2411 Hawthorne Avenue  
Westchester, Illinois 60154  
(708) 682-2652  
Fax (708) 682-7314  
Registration No. 184-003081

## Plat of Survey

The East 36.70 feet of Lot 313 (measured along the Southerly line and parallel to the West line) and Lot 314 (except the East 26.7 feet thereof) (measured along the Southerly line and parallel to the West line) of Elmore's North View, being a subdivision in the North half of Section 6, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded March 26, 1927 as Document 232326, in DuPage County, Illinois.

Address: 219 West Potomac Avenue, Lombard



### LEGEND

conc = concrete pc = point of curve  
R.O.W. = right-of-way  
rec = record, rad = radius  
meas = measured  
pch = porch, N = North

SURVEY UPDATED NOVEMBER 15, 2012

Area of property is approximately 8,932 square feet

"X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed July 13, 19 89

Building Located July 13, 19 89

Scale: 1 inch = 20 ft.
Order No. 890804
Ordered By: Rodriguez, Attorney

This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS }  
COUNTY OF COOK } ss.

I, STEPHEN J. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

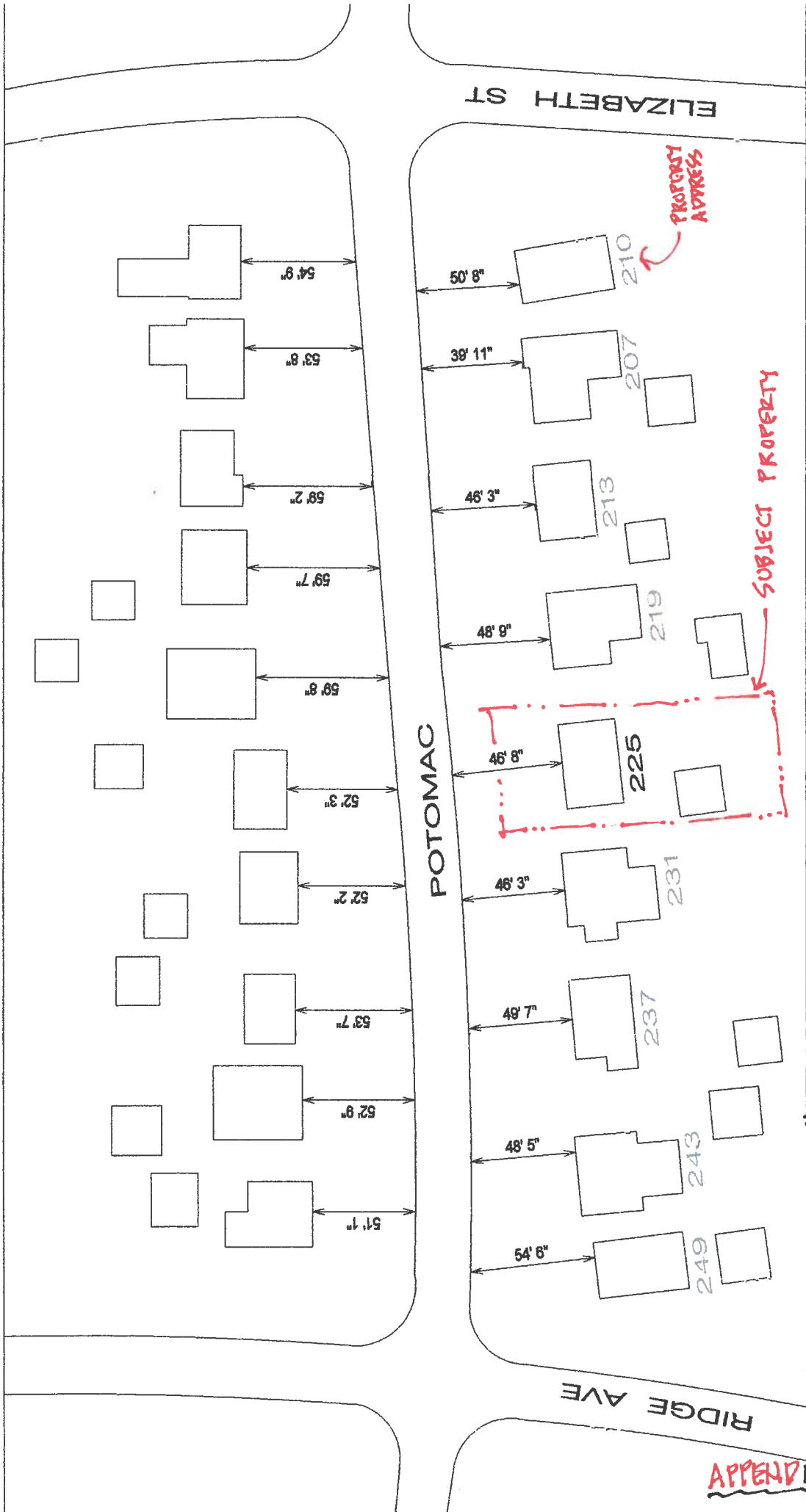
Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

*Stephen J. Balek*

Illinois Professional Land Surveyor No. 035-001712  
My license expires on November 30, 2012

ORIGINAL SEAL IN RED

APPENDIX "B"



APPROX. DIMENSIONS FROM STREET CURB TO FACE OF HOUSE. (TAKEN ON 3 APRIL 2013 BY A.O.R. USING A LASER DISTANCE METER.)



SITE VICINITY  
N.T.S.  
SKETCH SK-1

APPENDIX "C" X

ELIZABETH ST

POTOMAC

RIDGE AVE

PROPERTY ADDRESS

SUBJECT PROPERTY

- 54.9"
- 53.8"
- 58.2"
- 59.7"
- 59.8"
- 52.3"
- 52.2"
- 53.7"
- 52.9"
- 51.1"

- 50' 8"
- 39' 11"
- 46' 3"
- 48' 8"
- 46' 8"
- 46' 3"
- 49' 7"
- 48' 5"
- 54' 6"
- 210
- 207
- 213
- 219
- 225
- 231
- 237
- 243
- 249



NORTH SIDE OF POTOMAC (LOOKING NORTH)



SOUTH SIDE OF POTOMAC (LOOKING SOUTH)

← SUBJECT PROPERTY  
225 POTOMAC

201 207 213 219 225 231 237 243 249