

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: August 28, 2012 (B of T) Date: September 6, 2012

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

SUBMITTED BY: Department of Community Development *THA*

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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard.

The Zoning Board of Appeals recommended approval of this petition with conditions.

Please place this item on the September 6, 2012 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development 

DATE: September 6, 2012

SUBJECT: ZBA 12-03; 330 N. Park Ave.

Please find the following items for Village Board consideration as part of the September 6, 2012 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation to Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard.
3. IDRC report for ZBA 12-03; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the September 6, 2012 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

September 6, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Village President, and
Board of Trustees
Village of Lombard

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

Subject: ZBA 12-03; 330 N. Park Ave.

Dear President and Trustees:

Village Manager
David A. Hulseberg

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard.

"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 Zoning Board of Appeals conducted a public hearing on August 22, 2012.

Chairperson DeFalco opened the meeting for public comment.

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

Amanda Burke, 330 N. Park Ave., presented the petition. Ms. Burke stated that they plan to rebuild the existing front porch and add additional porch space on the west side of the house. The house doesn't meet all of the setback requirements, which is why the variation is being requested. There are no neighbors to the side or behind the house.

Mr. Bedard asked if the house was built prior to View Street being improved.

William Burke stated that the house was built before View Street was improved. The house was built in 1976.

Mr. Tap asked if the area to the west of the property was developable.

Mr. Burke stated that the area directly to the west of the property is Terrace View Park and is not usable.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was nobody to speak in favor or against the petition.

Michael Toth, Planner I, entered the staff report into the public record in its entirety and stated that staff is recommending approval of ZBA 12-03, subject to the four conditions outlined in the staff report.

Mr. Tap asked if the concrete on the existing porch is to be removed.

Mr. Burke stated that the concrete will be removed.

Mr. Tap asked if the concrete area will be the same size.

Mr. Burke stated that the concrete will actually come out a foot further to allow for better mobility around the porch. He then briefly discussed the gazebo addition.

Chairperson DeFalco asked if the gazebo would be enclosed.

William Burke stated that they discussed the enclosing of the porch, but decided not to do it now or in the future.

Chairperson DeFalco then asked staff what would be needed if a request to enclose the porch were to come in the future.

Mr. Toth stated that the nature of the variation would only cover what was requested and that would be for an unenclosed porch. If anyone intended on enclosing the porch, an additional variation would be needed to essentially allow a building addition in the corner side yard.

Mr. Young asked why the 50% provision was not included as a condition.

Mr. Toth stated the variation would be approved in perpetuity. The main porch area was included in the original construction of the house in 1976 and the rebuilding of such porch, in the event of damage or destruction, would not drastically alter the essential character of the neighborhood.

Mr. Tap asked if the gas meter would have to be moved.

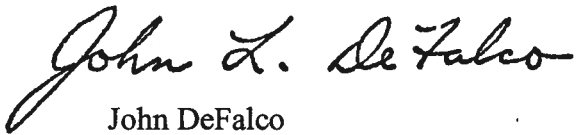
Mr. Burke stated that a majority of the lines would have to be moved in order to accommodate the gazebo addition.

On a motion by Tap and a second by Bedard, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 12-03, subject to the following conditions:

1. The porch shall be developed in accordance with the Proposed Site Plan, prepared by DESIGNfirst Builders, LLC, dated July 23, 2012 and the Proposed Elevation Plan, prepared by DESIGNfirst Builders, LLC, dated July 11, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive, flowing style.

John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	August 22, 2012
FROM:	Department of Community Development	PREPARED BY:	Michael S. Toth Planner I

TITLE

ZBA 12-03; 330 N. Park Ave.: 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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard.

GENERAL INFORMATION

Petitioner/Property Owner: William & Amanda Burke
330 N. Park Ave.
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 9,914 square feet

Surrounding Zoning and Land Use:

North:	CR Conservation/Recreation District; undeveloped land used as recreational open space, known as Terrace View Park.
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

ANALYSIS

SUBMITTALS

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

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

DESCRIPTION

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

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The PES Division of Community Development has no comments.

PUBLIC WORKS

Public Works Engineering has no comments on this petition.

FIRE

The Fire Departments has no comments.

BUILDING DIVISION

The Building Division has no comments.

PLANNING

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

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

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

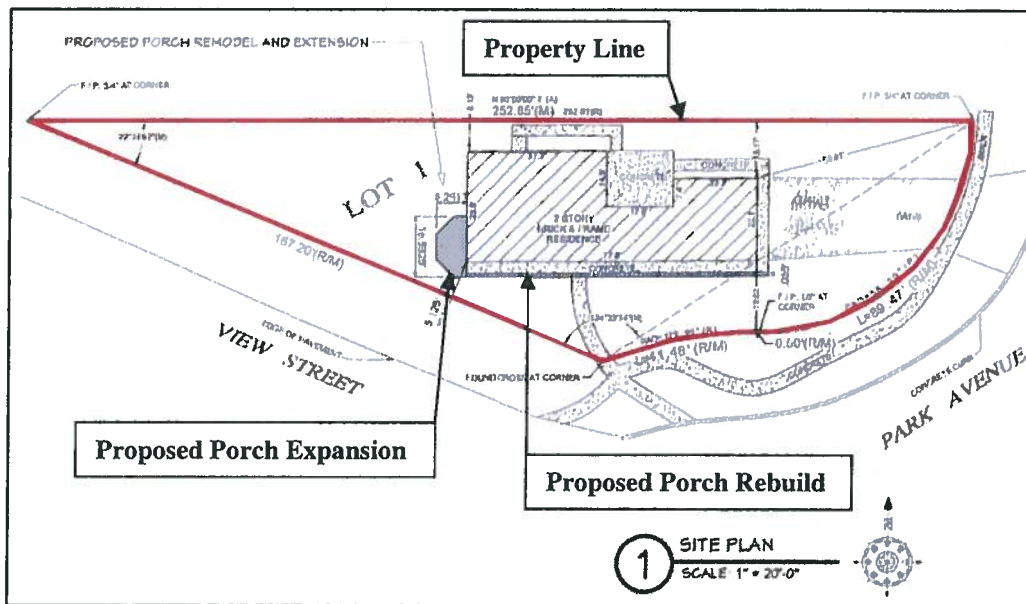


Illustration 1

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

There is precedent for setback variations to allow roofed-over porches in required yards. The property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a porch, which was located in the required corner side yard. As the porch was built with the house in 1924 it was also considered legal non-conforming. A variation was also granted in 2006 (ZBA 06-03) to allow a roof over an existing porch within the front yard. ZBA 06-03 (121 N. Lincoln Ave.) was similar in nature as the existing front yard setback of the principal structure was also considered legal non-conforming at approximately twenty-eight and one half feet (28.5') from the front property line. While these variations involved enclosed porches, staff believes that the relevance is similar in nature as they involve a reduction in the required yard for structures that are visible from the right of way.

Staff finds that the variation associated with the unenclosed roofed-over porch replacement and expansion is required due to the existing lot configuration. Staff is also supportive of the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with legal non-conforming setbacks. Furthermore, the proposed improvements will not increase the visual bulk on the subject property as both the replacement and expansion portions of the porch would remain unenclosed. In summary, staff recommends that this petition be approved as it has met the Standards for Variations as set forth in the petitioners' response to standards (attached) and is consistent with past approvals.

FINDINGS AND RECOMMENDATIONS

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

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

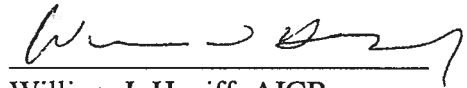
1. The porch shall be developed in accordance with the Proposed Site Plan, prepared by DESIGNfirst Builders, LLC, dated July 23, 2012 and the Proposed Elevation Plan, prepared by DESIGNfirst Builders, LLC, dated July 11, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Zoning Board of Appeals

Re: ZBA 12-03

Page 5

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "William J. Heniff", written over a horizontal line.

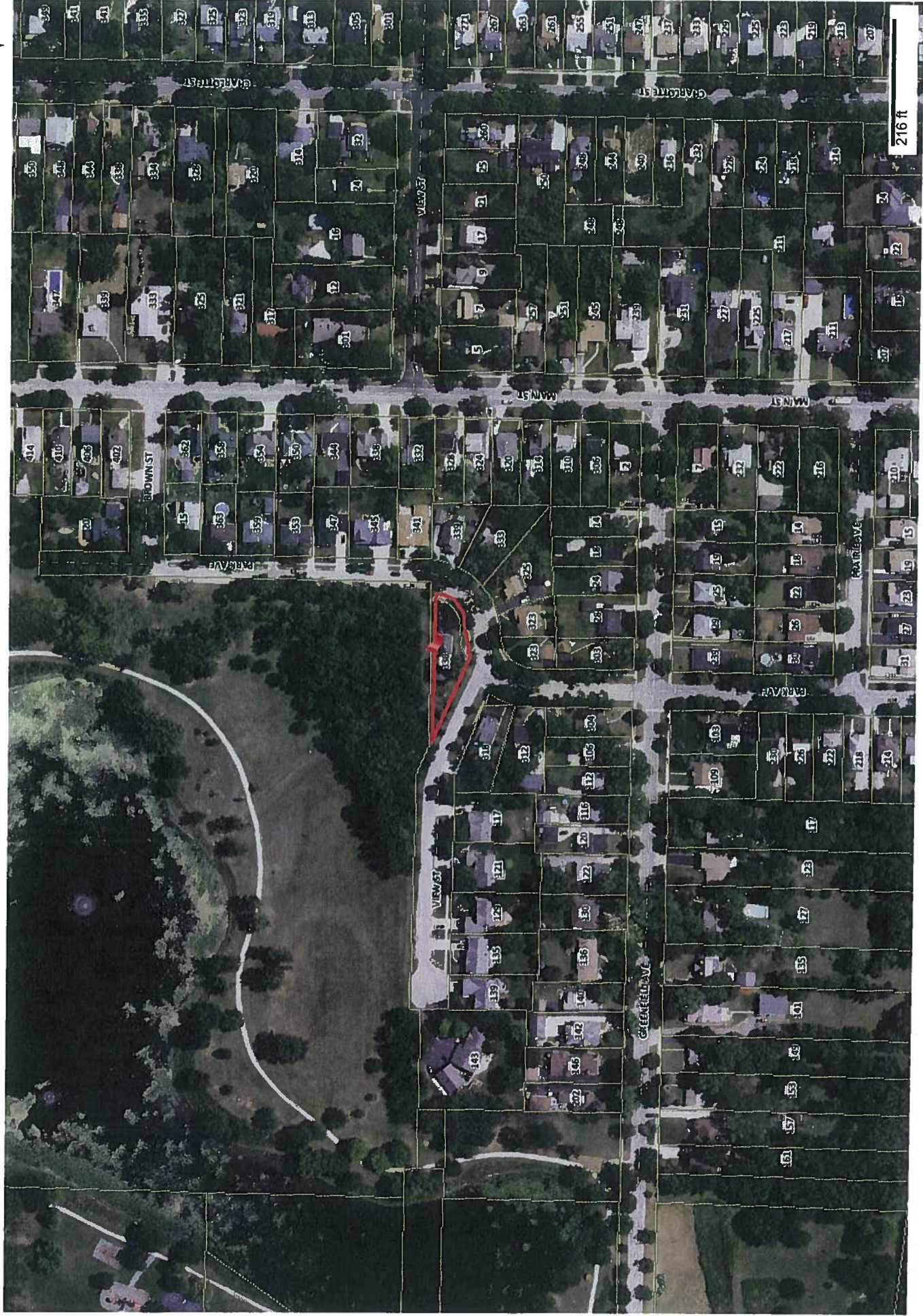
William J. Heniff, AICP

Director of Community Development

c: Petitioner

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ZBA 12-03: 330 N. Park Ave.





July 23, 2012

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

Re: 330 N. Park
Lombard, Illinois
60148

Standards for Variation

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

Thank you,

Preston C. Fawcett, architect



ORDINANCE NO. _____

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

(ZBA 12-03; 330 N. Park Ave.)

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 Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 22, 2012 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; 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 variation.

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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch as a permitted encroachment in the corner side yard.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The porch shall be developed in accordance with the Proposed Site Plan, prepared by DESIGNfirst Builders, LLC, dated July 23, 2012 and the Proposed Elevation Plan, prepared by DESIGNfirst Builders, LLC, dated July 11, 2012.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

- 3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
- 4. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 330 N. Park Ave., Lombard, Illinois, and legally described as follows:

LOT 1 IN PARK RESUBDIVISION OF LOT "A" IN L.O. FARNSWORTH'S SUBDIVISION OF LOT 1 OF E.W. ZANDER'S BROADVIEW ADDITION TO LOMBARD AND PART OF OUTLOT 1 OF THE TOWN OF LOMBARD, A SUBDIVISION IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, ALSO LOTS 1 AND 2 (EXCEPT THAT PART OF SAID LOTS TAKEN FOR STREET PURPOSES) IN TURTLE'S DIVISION OF PART OF LOT 2 IN E.W. ZANDERS BROADVIEW ADDITION TO LOMBARD, IN THE SOUTHEAST QUARTER OF SECTION 6, ALL IN TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PARK RESUBDIVISION RECORDED JULY 31, 1973 AS DOCUMENT R73-47586, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-414-006

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.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2012

Ordinance No. _____

Re: ZBA 12-03

Page 3

Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2012

Brigitte O'Brien, Village Clerk