

**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)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE :** August 10, 2020    **(BOT) Date:** August 20, 2020

**SUBJECT:** ZBA 20-03, 324 S. Grace Street

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

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. 407(F)(1)(b) of the Lombard Code of Ordinances to provide for a front yard setback of twenty-seven feet (27') for an addition, where a minimum of 30 feet is required in the R2 Single-Family Residence District.

The Zoning Board of Appeals made the recommendation of approval by a 4-1 vote. Please place this petition on the August 20, 2020 Board of Trustees agenda with a waiver of first reading.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ 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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** August 20, 2020

**SUBJECT:** ZBA 20-03, 324 S. Grace Street

Please find the following items for Village Board consideration as part of the August 20, 2020 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 20-03; and
3. An Ordinance granting approval of the requested variation.

The Zoning Board of Appeals made the recommendation of approval by a 4-1 vote. Please place this petition on the August 20, 2020 Board of Trustees agenda with a waiver of first reading.



## VILLAGE OF LOMBARD

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Lombard, Illinois 60148-3926  
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www.villageoflombard.org

August 20, 2020

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

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

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

Mr. Keith Giagnorio  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 20-03, 324 S. Grace Street**

Dear President and Trustees:

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. 407(F)(1)(b) of the Lombard Code of Ordinances to provide for a front yard setback of twenty-seven feet (27') for an addition, where a minimum of 30 feet is required in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on July 22, 2020.

Ms. Erin Mugnaini, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Ms. Mugnaini stated that the variance for her porch is being sought because a contractor hired in April for the work said that a permit would be required only for the stairs to the porch and not for enclosing the porch. The reason they enclosed the porch was for privacy as the open porch was in close proximity to Grace Street and the Illinois Prairie Path's traffic and noise. People park on Grace and South Broadway to access the Illinois Prairie Path. Cars' headlights shining into their house at the T intersection on South Broadway and Grace, people sleeping on benches located at the Illinois Prairie are additional nuisances.

Ms. Mugnaini referenced the photo in the staff report illustrating the setbacks of the houses stating that the setback of their house is not changing. She takes issue with the viewshed impacting other neighbors' properties as nothing is changing. Having windows is not that much of a difference than having an open porch. The kneel walls were installed for protection during the winter. The landing and stairs could not be approved for a permit until a decision is made if the enclosed porch is approved for a variance or is not and has to be restored to an open porch She referenced a discrepancy of a landing is required during the permit process where 36 inches was noted and then 4 feet was required.

Chairperson DeFalco stated that staff was contacted by an individual who would like to speak about the case. Michelle Fodrey was sworn in by Chairperson DeFalco to offer testimony. Ms. Fodrey offered that the traffic on Grace Street is noisy and the new porch adds value to the property.

Chairperson DeFalco asked if anyone else from the public wanted to address the petitioner. Hearing none asked for the staff report

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. The property owner enclosed an existing unenclosed porch without obtaining a permit. When the permit was submitted for the project, the property owner was informed that enclosing the porch resulted in a room addition that did not meet the minimum front yard setback of 30 feet as the existing porch was located 27 feet from the property line. Porches are permitted obstructions up to 25 feet from the front property line. The property owner decided to seek a variance instead of restoring the open porch.

As noted in the staff report the average front yard setback of the homes along the west side of Grace Street of the block the subject property is located is 33 feet so the variance does impact the character of the neighborhood. Staff finds that the subject property does not have unique physical limitations for an addition to meet Code, nor is there a demonstrated hardship. Also setting a precedent of a 27-foot front yard setback does not benefit the Village as a whole as the agreed upon 30-foot front yard setback has been enforced since the inception of the zoning code in 1960. Staff does not support the variance for 324 S Grace Street.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Bartels asked if the petitioner knew that an open porch is an allowed encroachment into the front yard unlike an enclosed porch. Ms. Mugnaini responded that she did not find that out until she applied for a permit. The contractor she hired said if they were not changing the footprint of the house a permit would not be needed.

Mr. Bartels asked staff if the addition were to be allowed would it still meet the green space requirement. Ms. Urish responded that it does.

Chairperson DeFalco stated that the house was built in 1920 with an ordinance that specified a front yard setback of 30 feet with an open front porch that can go up to 25 feet as the house did previously meet. A few years ago the Village introduced an average for new houses. With the properties on either side being 28 feet and 30 feet does that mean a new house could be built at 29 feet. Ms. Urish responded that a new house has a minimum setback of 30 feet and averaging setback occurs with house setback further than 30 feet.

Chairperson DeFalco referred to an open porch would include a floor, roof, corners and a half wall which would not be totally enclosed. Ms. Urish stated that an unenclosed porch is considered 75% open.

Ms. Johnson asked staff if just the windows and doors were removed would it be considered open. Ms. Urish responded that the current porch has walls and there would need to be railings or solid at railing height to be considered open.

Mr. Bartels asked staff if the area where a railing would be could be fully enclosed. Ms. Urish responded that yes, a solid railing has been approved as an open porch.

Chairperson DeFalco asked the petitioner if the lighting fixture in the photo was previously part of the porch and was there any electrical work done as part of the project. Ms. Mugnaini responded that the light fixture was there before the porch was enclosed and no electrical work was done by the contractor. Ms. Mugnaini stated that everything above the railing height is windows in regard to the 75% open however without the windows the porch is less private and that is the reason for the variance request.

Chairperson DeFalco referenced the earlier mention of the 36 inches versus 48 inches discrepancy by the petitioner. It was noted the Americans with Disabilities Act was updated in 2018 and the 48 inches for a wheelchair is the standard requirement for a landing. Ms. Mugnaini responded that 36 inches was indicated in April when a permit was submitted. The drawings were provided by a new contractor hired after the contractor that enclosed the porch stopped returning their calls. Chairperson DeFalco suggested the stairs run parallel to the house as oppose to further encroaching into the front yard. Ms. Mugnaini agreed to that option and they had previously discussed turning the stairs toward the driveway. Chairperson DeFalco stated that the Zoning Board of Appeals can a recommendation of approval or denial or approval with a modification of the stairs and asked the members for anymore questions regarding the petition.

Mr. Bartels made a motion for denial of the petition associated with ZBA 20-03. Without a second, the motion failed.

On a motion by Ms. Johnson, and a second by Ms. Newman, the Zoning Board of Appeals voted 4-1 that the Village Board approve the petition associated with ZBA 20-03 with the added condition of the landing coming out 48 inches and the orientation of the stairs parallel to the house and the 50% destroyed provision in the staff report.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson, Zoning Board of Appeals

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

**AN ORDINANCE APPROVING A VARIATION FROM TITLE XV, CHAPTER  
155, SECTION 155.407(F)(1)(b) OF THE LOMBARD VILLAGE CODE IN  
REGARD TO FRONT YARD SETBACK**

**(ZBA 20-03; 324 S. Grace Street)**

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

WHEREAS, the property, as described in Section 4 below (the “Subject Property”), is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village requesting approval of a variation from Section 155.407(F)(1)(b) of the Lombard Code of Ordinances to provide for a front yard setback of twenty-seven feet (27’) for an addition, where a minimum of 30 feet is required in the R2 Single-Family Residence District pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code), and;

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on July 22, 2020, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Village Board 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 Section 155.407(F)(1)(b) of the Lombard Code of Ordinances to provide for a front yard setback of twenty-seven feet (27’) for an addition, where a minimum of 30 feet is required in the R2 Single-Family Residence District.

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

1. The orientation of the proposed stairs shall be rotated 90 degrees south so the stairs are directly parallel to the addition of the house toward the existing driveway as shown in Exhibit A.

2. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

**SECTION 3:** This Ordinance is limited and restricted to the property located at 324 S. Grace Street, Lombard, Illinois, and legally described as follows:

LOT 7 (AND THE EAST HALF OF VACATED ALLEYLYING WEST AND ADJOINING) IN BLOCK 9 IN TOWER PARK SUBDIVISION AT LOMBARD, BEING A SUBDIVISION IN SECTION EIGHT, TOWNSHIP THIRTY-NINE NORTH, RANGE ELEVEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1892 AS DOCUMENT NO. 49334, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-08-305-011

**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 \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

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

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

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Ordinance No. \_\_\_\_\_  
Re: ZBA 20-03  
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\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Sharon Kuderna, Village Clerk



