

August 17, 2006

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

Subject: PC 06-19: Text Amendments to the Lombard Zoning Ordinance (Permitted Encroachments in Required Yards)

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing amendments to Table 2.1 within Section 155.212 and Section 155.802 of the Lombard Zoning Ordinance as it pertains to bay window and window well encroachments into required yards. The amendments also include alterations to Table 2.1 for clarity purposes. After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 19, 2006.

Michelle Kulikowski, Planner I, presented the petition. She gave an overview of the text amendments and the proposed changes to Table 2.1. She noted that the purpose of setbacks is to establish yards, ensure that yards remain free and open of visual obstructions, and minimize impacts to adjacent properties. She referenced an illustration of required yards in residential districts. She stated that Table 2.1 supplements the Zoning Ordinance by providing exceptions to the setback provisions. She noted that encroachments were permitted for practical and aesthetic purposes and help promote compliance with the intent of the Building and Development Codes.

Ms. Kulikowski reviewed the current regulations for bay windows. She stated that bay windows are listed as permitted encroachments in front, corner side, and rear yards provided that they are one story high and project no more than three feet (3') into the required yard. She noted that bay windows are not permitted encroachments in interior side yards. She stated that the proposed text amendments would list bay windows as permitted encroachments in interior side yards with provisions limiting overall size and bulk. She mentioned that the bay window encroachments could not be supported by a foundation, would be limited to ten feet (10') in width and a two foot (2') projection into the yard, and could

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not encroach into any easement area. She also noted that a definition for bay window would be added to the Rules and Definitions Section. Ms. Kulikowski explained the rationale for the bay window text amendment. She noted other permitted encroachments in interior side yards such as chimneys, eaves and gutters, as well as awnings and canopies. She stated that bay windows and chimneys do not differ as far as overall bulk and intensity. She also mentioned that the text amendment would allow flexibility to incorporate bay windows as an architectural feature on exterior side walls. She noted other architectural elements such as eaves are permitted encroachments and that bay windows could help break up monotony of side exterior walls to avoid a "box like" appearance. Ms. Kulikowski referenced pictures showing examples of bay windows on side exterior walls.

Ms. Kulikowski explained the text amendment pertaining to window wells. She stated that the Zoning Ordinance currently does not address window wells, and therefore they are not a permitted encroachment in any yard. She noted that window wells are required to meet Building Code requirements for light and ventilation in basements and for means of egress from the basement level. She mentioned that technically the Zoning Ordinance would require exterior walls to be setback further in order for window wells to comply with the minimum setback requirements. She stated that the proposed amendment will provide consistency between the Building Code and the Zoning Ordinance and codify staff policy not to include window wells in setback measurements. Ms. Kulikowski outlined the limitations only allowing window wells to project three feet (3') or less into the yard and prohibiting window wells from into any easement area.

Ms. Kulikowski reviewed the text amendment pertaining to open porches. She noted that breezeways and open porches are listed as permitted encroachments in rear yards, but the Zoning Ordinance is not clear as to what constitutes an open porch. She stated that porches are inherently open as enclosed porches would be considered a sun room or three season room. She mentioned that the roof cover is the defining characteristic of a porch, as porches without roofs would be considered a deck. She stated that the limitations for deck encroachments could be circumvented by considering a structure to be an open porch rather than a deck. She noted that the proposed text amendment would clarify the terminology used for porches by eliminating open porches from Table 2.1 and just referencing roofed-over porches.

Ms. Kulikowski discussed the final text amendment clarifying the limitations for roofed-over porches as permitted encroachments. She noted that these encroachments are limited to porches that project no more than seven feet (7') from the front wall of the principal structure and maintain at least a twenty-five foot (25') front yard setback. She stated that the proposed text amendment would refer to front wall(s) in order to clarify that the front wall is not necessarily the wall closest to the front property line. There may be more than one front wall if one portion of the building is closer to the front property line. She noted that this particularly makes a difference in how the seven foot projection is measured. Ms. Kulikowski referenced an illustration demonstrating a difference between a seven foot (7') projection from the wall closest to the front property line and from the front walls of a building.

Chairperson Ryan asked if there was anyone in the audience who was in favor or against the petition. Hearing none, the meeting was opened to the Plan Commissioners.

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Commissioner Burke asked whether an eave could encroach an additional three feet (3') on a bay window already encroaching into the setback.

William Heniff, Senior Planner, stated that Footnote D in Table 2.1 limits the bay window itself to a two foot (2') projection in the side yard. He noted that an eave on a bay window would be limited to the net difference of the three foot (3') maximum allowed projection into the yard and the projection of the bay window. A bay window projecting the maximum two feet (2') into an interior side yard would only be permitted to have eaves projecting one foot (1') from the bay window.

Commissioner Burke asked why bay window encroachments were limited to one story in height. He noted that some of the pictures included in the presentation showed two story bay windows.

Ms. Kulikowski noted that some of the pictures included properties that are not within the Village of Lombard.

Mr. Heniff explained that Footnote C, which includes the one story limitation, is already part of the current regulations. He noted that the text amendment just modifies how it appears in the Ordinance. He mentioned that the intent was to minimize the additional living space created by the cantilever and that it mainly relates to a bulk issue. He noted that an argument can be made to allow two story bay windows because there is no height limitation for chimneys that encroach into an interior side yard. He stated that the Plan Commission can choose to strike the one story provision if they feel it is appropriate.

Chairperson Ryan stated that the one story provision should be removed.

Mr. Heniff asked the Commissioners if they wanted staff to clarify the definition of eaves. The Commissioners indicated that they did.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments do comply with the standards of the Lombard Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, approval of PC 06-19.

Respectfully,

VILLAGE OF LOMBARD

Donald F. Ryan
Chairperson
Lombard Plan Commission

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