


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Timothy Sexton, Acting Village Manager
DATE: January 7, 2014 (B of T) Date: January 16, 2014
TITLE: ZBA 13-08; 353 N. Grace Street
SUBMITTED BY: Department 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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard, located within the R2 Single-Family Residence District. (DISTRICT #4)

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions.

Staff requests a waiver of first reading of the Ordinance.

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: Timothy Sexton, Acting Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: January 16, 2014

SUBJECT: ZBA 13-08; 353 N. Grace Street

Please find the following items for Village Board consideration as part of the January 16, 2014 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 13-08;
3. An Ordinance granting approval of a requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the January 16, 2014 Board of Trustees consent agenda. Staff requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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

January 16, 2014

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Acting Village Manager
Timothy Sexton

"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 13-08; 353 N. 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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard, located within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on December 18, 2013.

Mr. Seth Broweleit presented the petition by stating his home is approximately 113 years old and he has owned the house for six years. The current conditions of the existing porch is unsafe and falling down. At one time the porch was enclosed and he has taken down the sides of the porch. Mr. Broweleit stated that he has hired a carpenter to remove and replace the original porch with a new porch that would be the same size including railings.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. There was no response from the audience.

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two (22) feet from the front property line. The Lombard 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.

Ms. Urish stated that staff recommends approval of the requested variation, subject to the conditions outlined in the staff report based on the pre-existing size of the original porch and the homeowner's desire to preserve the historic value of the house.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members. No comments were offered.

On a motion by Mr. Bedard and a second by Mr. Bartels, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board **approve** the variation associated with ZBA 13-08, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans prepared by Caleb Baer dated November 5, 2013 and made a part of the petition.
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.
5. The roofed-over porch shall remain unenclosed.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

DECEMBER 18, 2013

Title

ZBA 13-08

Petitioner

Seth Broweleit
353 N. Grace Street
Lombard, IL 60148

Property Owner

Seth and Sarah Broweleit
353 N. Grace Street
Lombard, IL 60148

Property Location

353 N. Grace Street
(06-05-400-023)

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to construct a replacement unenclosed roofed-over porch attached to the front wall of the single family structure. The size of the proposed front porch is one hundred and forty-seven (147) square feet; twenty-one (21) feet by seven (7) feet.

APPROVAL(S) REQUIRED

Per Section 155.212, Permitted Obstructions in Required Yards of the Lombard Zoning Ordinance, roofed over porches which are unenclosed, constructed on footings or piers, and projecting not more than seven (7) feet from the front wall of the principal structure, provided that a minimum twenty-five (25) foot front yard setback is maintained is a permitted obstruction. Therefore, a variation is needed to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard within the R-2 Residential Single Family Zoning District is required.

EXISTING CONDITIONS

The property contains a two-story frame single family residence with an existing one hundred and forty-seven (147) square foot front porch. The property also has a detached garage and associated driveway.

PROJECT STATS

Lot & Bulk

Parcel Size:	12,294 sq. ft.
Building Size:	1352 sq. ft.
Tenant Space:	N/A
Lot Coverage:	Approx. 31%

Setbacks

Front (West)	29 feet
Side (North)	29 feet
Side (South)	10.5 feet
Rear (East)	101 feet

Parking Spaces

Not applicable

Surrounding Zoning & Land Use Compatibility

North, East, South and West:
R-2; Single Family Residential

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Proof of Ownership
4. Plat of Survey
5. Plan and West Elevation; submitted by petitioner on 11/6/2013.
6. Existing conditions photo submitted by petitioner on 10/25/13.

INTER-DEPARTMENTAL REVIEW

Building Division:

A full review will be conducted during the building permit review process.

Fire Department:

The Fire Department has no issues/concerns regarding the project.

Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

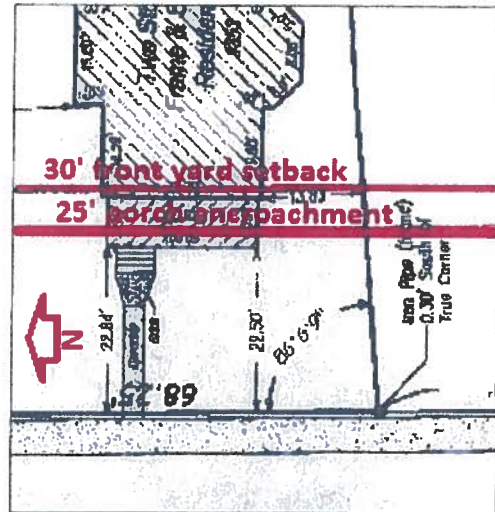
The Zoning Ordinance allows roofed-over porches, which are unenclosed and projecting not more than seven (7) feet, as a permitted encroachment in the front yard, provided that a minimum of twenty-five (25) foot front setback is maintained. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately five feet (5') from the principal structure as a matter of right. The petitioner is proposing to replace an existing unenclosed roofed-over porch with that will extend (westward) seven (7) feet from the principal structure's closest point. This would result in a setback deficiency of three feet (3') as the structure would only be set back a distance of twenty-two feet (22') from the western property line, where twenty-five feet (25') is required. The existing principal structure is nonconforming as it is situated twenty nine feet (29') from the western property line of the southern majority of the structure at its closest point and gradually increasing to thirty feet (30') from the western property line on the northern corner of the structure. The existing porch is in significant disrepair due to age and requires replacement. The proposed new porch will duplicate the existing porch's dimensions. The degree of encroachment will remain identical.

Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the western property line. Although this setback deficiency is minimal, it does reduce the property owner's ability to reconstruct an existing unenclosed roofed-over front porch that has been a historic feature to the house since it was built circa-1900.

To be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation" outlined in Section 155.103 (C) (7). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner's lot does not have unique physical limitations, however the placement of the existing structure on the property does limit the owner from meeting the intent of the ordinance. The principal structure and porch were constructed prior to front yard setback provisions.



- b. *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.*

Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard and the surrounding neighborhood with the exception that it is legal nonconforming in relation to the front yard setback only.

- c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

This standard is affirmed.

- d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference to historically preserve the streetscape of the home. Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to reconstruct the existing unenclosed roofed-over front porch.

- e. *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.*

Staff finds that granting the request would not be injurious to neighboring properties.

- f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed.

- g. 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*

This standard is affirmed.

Staff does not find a hardship in this case that would justify the requested setback variation based on the functionality of the use defined as egress and ingress purposes only. However, the desire to maintain and preserve the existing exterior appearance of the home is reasonable. According to records on file with the Historical Society, the house is known as the Schramm Farmhouse of Schramm Orchards without a precise year it was built. The museum's historic researcher has dated the farmhouse as circa-1900s. Although the house is not a local landmark or a recognized historic site, maintaining the original appearance of the house has significant merit.

In recent years there have been seven other ZBA petitions requesting relief for unenclosed, roofed-over front porches. Three cases within this current year have been similar in scope to the variation requested for 353 N. Grace Street. All of the below ZBA cases are related to the construction of front porches. The seven variations were ultimately granted.

Case No.	Address	Front Yard Relief Requested	ZBA Vote	BOT Action
ZBA 13-07	330 W. Potomac	Encroachment reduced from 25' to 22'	Approval	Approval
ZBA 13-04	616 E. Madison	Encroachment reduced from 25' to 23'	Approval	Approval
ZBA 13-02	225 W. Potomac	Encroachment reduced from 25' to 23'	Approval	Approval
ZBA 10-12	544 S. Highland	Encroachment reduced from 25' to 22.5'	Approval	Approval
ZBA 07-05	208 S. Elizabeth	Encroachment reduced from 25' 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	Encroachment reduced from 25' to 23.5'	Approval	Approval

The proposed addition of a front porch would not alter the essential character of the neighborhood. On the contrary, the house pre-dates the neighborhood and a few new homes across the street appear to have emulated the style of this original farmhouse. Staff is able to support the requested variation based upon established precedence for unenclosed roofed-over porches allowed to encroach within the required setbacks in addition to preserving the streetscape of the neighborhood.

FINDINGS & RECOMMENDATIONS

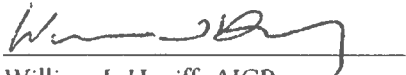
The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion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

Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 13-08; subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans prepared by Caleb Baer dated November 5, 2013 and made a part of the petition.
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.
5. The roofed-over porch shall remain unenclosed.

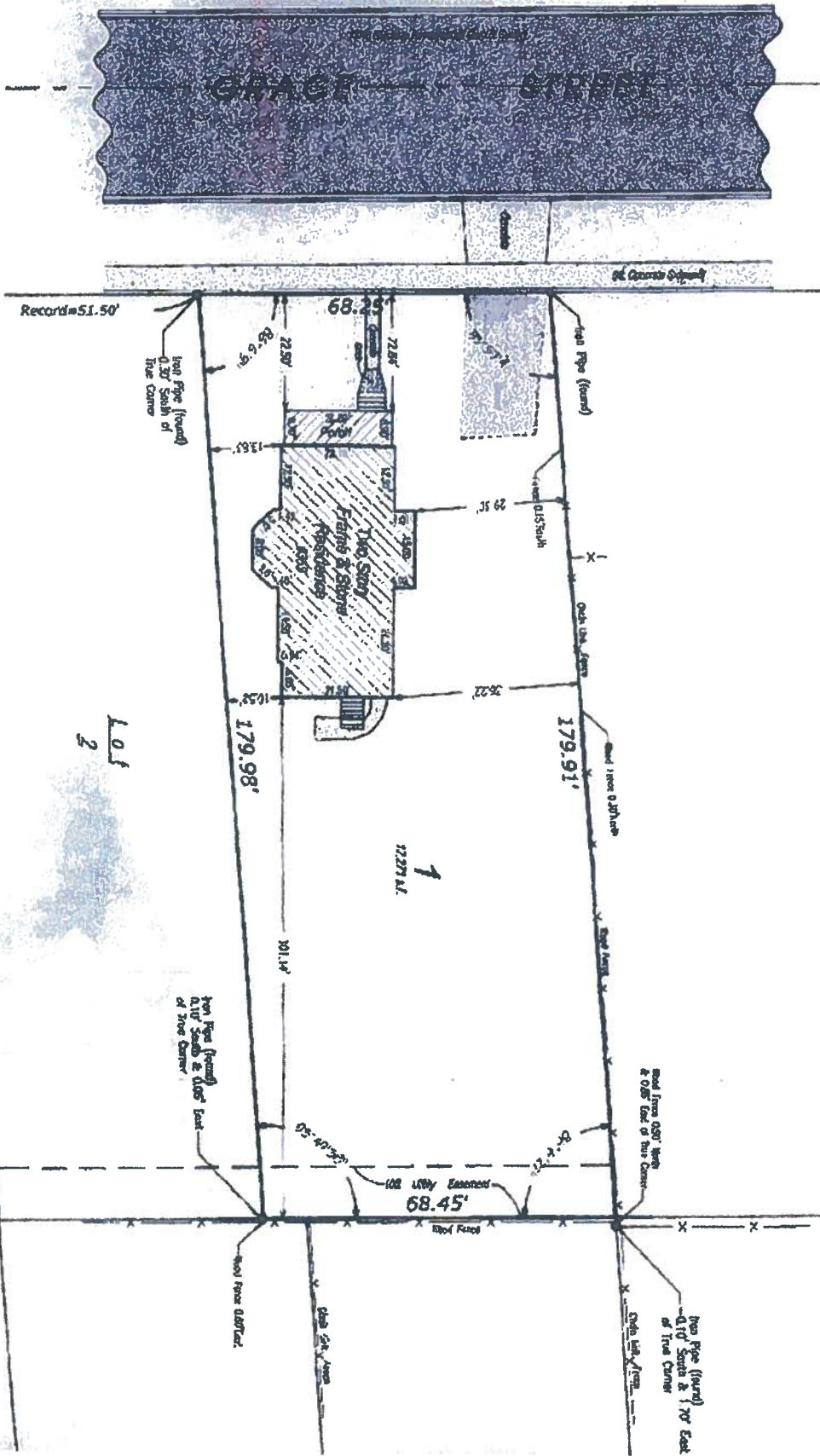
Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A – PLAT OF SURVEY

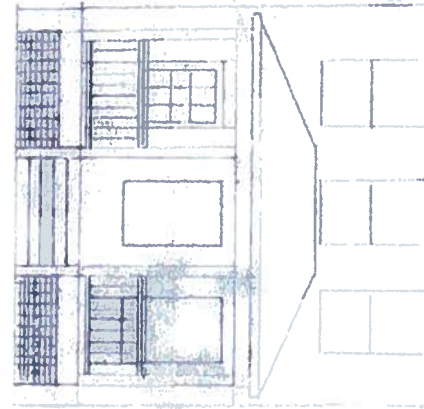


LOT 1 BLENKINS GRACE STREET RESUBDIVISION BEING A SUBDIVISION OF LOT 11 IN WARD 10 REVISION 1, SUBDIVISION IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUNDEE COUNTY, ALABAMA

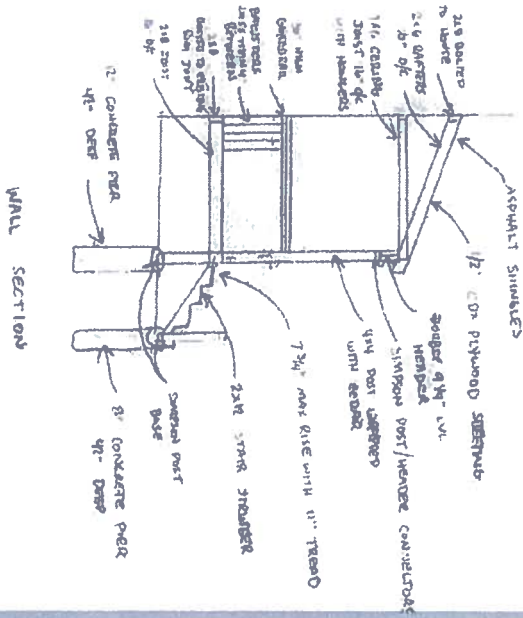
PLAT OF SURVEY

- of -

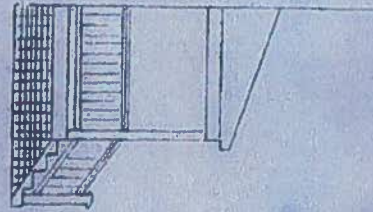
EXHIBIT B - 353 N. GRACE STREET, SUBMITTED PLANS



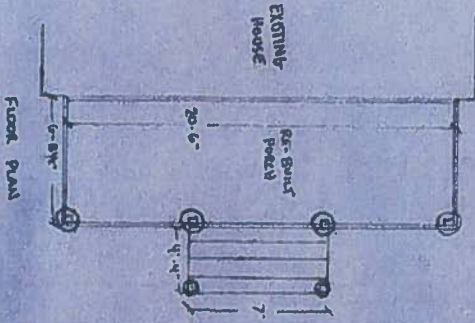
WEST ELEVATION



WALL SECTION



NORTH ELEVATION

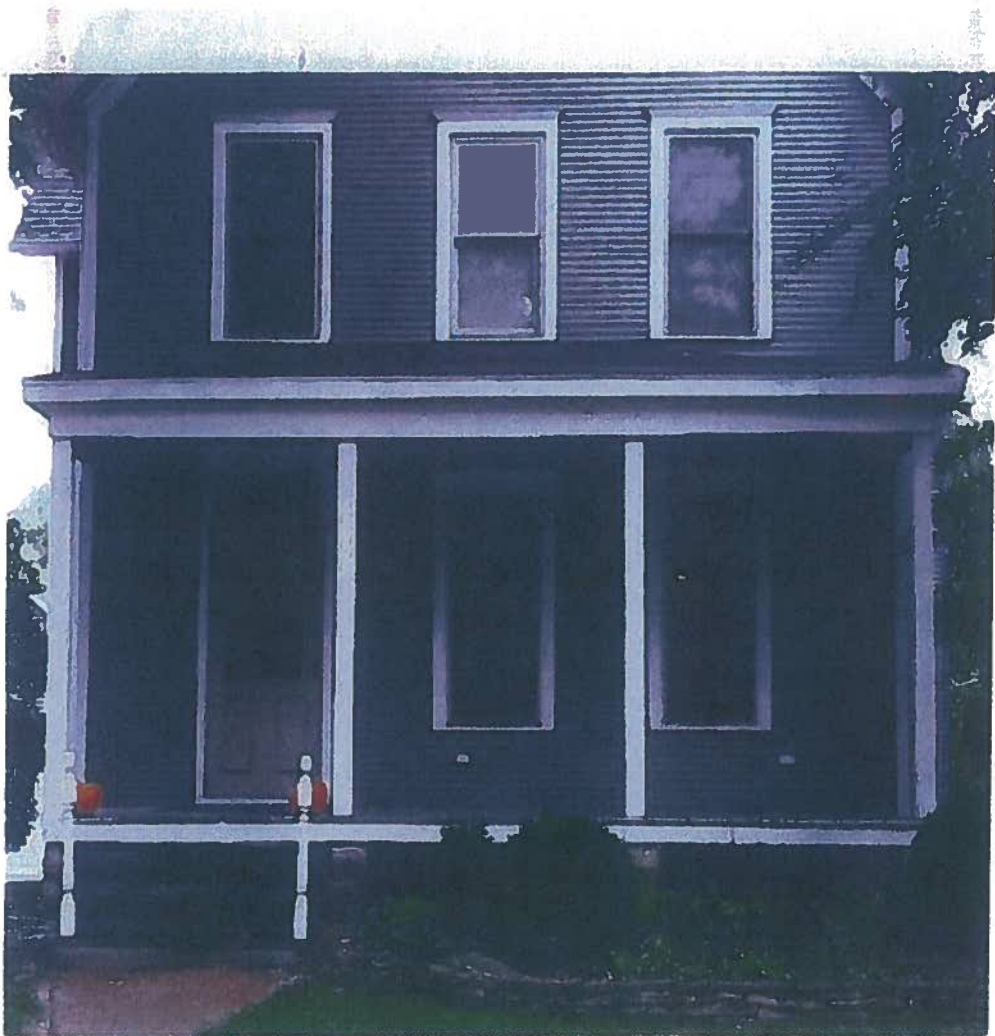


FLOOR PLAN

- Scale:
- Remove existing porch
 - Dig and pour new concrete steps
 - Repair new porch (same size as existing)
 - Install and maintain suspension hardware and foot block
 - Install 1x4 (1x6 porch) railing
 - Install 2x thick board gable detail
 - Install 2x2 crown brackets
 - Install repair spindles
 - Install lattice screen

THE BROADLEAF RESIDENCE	
353 N. GRACE ST.	LOMBARD, IL.
DATE: 11/13	SCALE: AS SHOWN
DRAWN BY: [Signature]	CHECKED BY: [Signature]

EXHIBIT C –353 N. GRACE STREET, EXISTING CONDITIONS



ORDINANCE NO. _____

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

(ZBA 13-08; 353 N. Grace Street)

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 front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard, all located within in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 18, 2013 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation of approval to the Board of Trustees 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 front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required.

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

1. The porch shall be developed in accordance with the submitted plans, prepared by Caleb Baer dated November 5, 2013.
2. The petitioner shall apply for and receive a building permit for the proposed plans.

Ordinance No. _____

Re: ZBA 13-08

Page 2

- 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.
- 5. The roofed-over porch shall remain unenclosed.

SECTION 3: This ordinance is limited and restricted to the property generally located at 353 N. Grace Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN LEVITAN'S GRACE STREET RESUBDIVISION, BEING A SUBDIVISION OF LOT 11 IN HAROLD PEDERSON Jr. SUBDIVISION, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LEVIAN'S GRACE ST. RESUBDIVISION RECORDED MARCH 7, 1979 AS DOCUMENT R1979-018818, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-400-023

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 _____, 2014.

First reading waived by action of the Board of Trustees this _____ day of _____, 2014.

Passed on second reading this _____ day of _____, 2014.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2014

Ordinance No. _____

Re: ZBA 13-08

Page 3

Keith Giagnorio, Village President

ATTEST:

Janet Downer, Deputy Village Clerk

Published by me this _____ day of _____, 2014

Janet Downer, Deputy Village Clerk

H:\CD\WORDUSER\ZBA Cases\2013\ZBA 13-08\ZBA 13-08_Ordinance.doc