

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 *dah*
DATE: November 2, 2010 (B of T) Date: November 18, 2010
TITLE: ZBA 10-12: 544 S. Highland Avenue
SUBMITTED BY: Department of Community Development *WA*

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 grant a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required in the R2 Single-Family Residence District.

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

Please place this item on the November 18, 2010 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *dahulseberg* _____ Date 11/4/10

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 *WH*

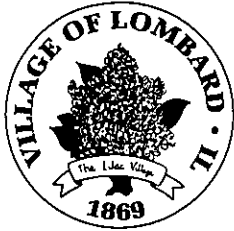
DATE: November 18, 2010

SUBJECT: **ZBA 10-12; 544 S. Highland Ave.**

Please find the following items for Village Board consideration as part of the November 18, 2010 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. An Ordinance granting approval of a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required;
3. IDRC report for ZBA 10-12;
4. E-mail from adjoining property owner at 545 S. Highland Ave.; and
5. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the November 18, 2010 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

Village President
William J. Mueller

November 18, 2010

Village Clerk
Brigitte O'Brien

Mr. William J. Mueller
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
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Subject: ZBA 10-12; 544 S. Highland 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 front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required in the R2 Single-Family Residence District.

"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 October 27, 2010.

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

Tom Mack, 544 S. Highland, presented the petition. Mr. Mack stated that they wanted to add the front porch to the house for a couple of reasons. First, Mr. Mack said that the existing porch is too small to accommodate wheelchair access for his mother-in-law. Second, you have to step off the porch in order to open the front door. He added that the mailman had fallen off his front porch at one time because of this. Lastly, Mr. Mack stated that they have been residents for 25 years and they plan to retire in their current residence. He stated that the front porch would allow them greater access and safety for the years to come.

Patty Mack, 544 S. Highland, stated that the front porch would provide wheelchair access for her mother and also mentioned the mailman incident. She then stated that they need the extra room on the porch.

Michael Toth, Planner I, presented the staff report. The property contains a one-story single family residence. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two and a half (22.5) feet from the eastern property line, which is considered the front yard of the subject property. 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-two and a half (22.5) feet, a variation is required.

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. The principal structure on the subject property is situated twenty-nine feet nine inches (29'9") from the eastern property line at its closest point. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet three inches (4'3") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (eastward) six feet ten inches (6'10") from the principal structure. This would result in a setback deficiency of two feet one inch (2'1") as the structure would only be set back a distance of twenty-two feet eleven inches (22'11") from the eastern property line, where twenty-five feet (25') is required.

The existing porch consists of a concrete landing with no roof or overhang over the landing. In the response to standards, the petitioner indicates that the existing stoop is very small and when the door opens out, there is no room for anyone to stand. Moreover, constructing a wider porch would allow greater clearance around the door area, creating safer and easier access to/from the home. While staff recognizes this issue, staff believes that the hardship for the variation has more to do with the location of the principal structure in relation to the eastern property line.

As previously mentioned, the principal structure on the subject property is situated less than thirty (30) feet from the eastern property line at its closest point. Staff notes that this setback is considered legal non-conforming with respect to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard.

There is also precedent for setback variations to allow roofed-over porches within required yards. Recently, the property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a stoop, 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. Although this case involved a corner side yard, staff believes that the relevance is similar in nature as it involves a required yard that is visible from the right of way.

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.

Staff finds that the requested relief can be supported, as the proposed porch will be setback two feet one inch (2'1") less than what is allowed by code. Staff is also 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 and the porch itself would be unenclosed. Lastly, the proposed 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 either enclosed or unenclosed front porches.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-12, subject to the four conditions outlined in the staff report.

Chairperson DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap asked if the front steps are included in the setback measurement.

Mr. Toth stated that the steps are actually a separate item; however, they are considered a permitted encroachment in the required front yard.

Chairperson DeFalco stated there are a number of homes in the neighborhood that have deficient front setbacks that have porches constructed on the front of the house. He then stated that a condition of approval would require the house to meet the current setback requirement. He then mentioned the new average setback provisions. He asked staff if there was a minimum setback.

Mr. Toth stated that the house would be required to be setback a minimum of thirty (30) feet.

On a motion by Bedard and a second by Tap, the Zoning Board of Appeals recommended by a vote of 6 to 0 that the Village Board **approve** the variation associated with ZBA 10-12, subject to the following conditions:

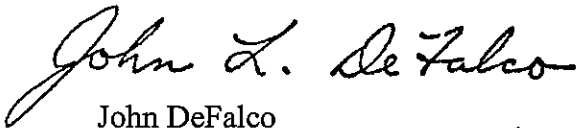
1. The porch shall be developed in accordance with the submitted plans, prepared by T.R. Knapp Architects, dated September 9, 2010.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially 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.

Re: ZBA 10-12
November 18, 2010
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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.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in cursive script that reads "John L. DeFalco".

John DeFalco
Chairperson
Zoning Board of Appeals

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 September 23, 2010.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Schlaf-Sedig, dated September 10, 1986.
4. Elevation & Site Plan, prepared by T.R. Knapp Architects, dated September 9, 2010.

DESCRIPTION

The property contains a one-story single family residence. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two and a half (22.5) feet from the eastern property line, which is considered the front yard of the subject property. 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-two and a half (22.5) feet, a 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 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. The principal structure on the subject property is situated twenty-nine feet nine inches (29'9") from the eastern property line at its closest point. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet three inches (4'3") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (eastward) six feet ten inches (6'10") from the principal structure. This would result in a setback deficiency of two feet one inch (2'1") as the structure would only be set back a distance of twenty-two feet eleven inches (22'11") from the eastern property line, where twenty-five feet (25') is required.

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As previously mentioned, the principal structure on the subject property is situated less than thirty (30) feet from the eastern property line at its closest point. Staff notes that this setback is considered legal non-conforming with respect to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard.

There is also precedent for setback variations to allow roofed-over porches within required yards. Recently, the property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a stoop, 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. Although this case involved a corner side yard, staff believes that the relevance is similar in nature as it involves a required yard that is visible from the right of way.

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.

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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 side yard setback 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 10-12, subject to the following conditions:


1. The porch shall be developed in accordance with the submitted plans, prepared by T.R. Knapp Architects, dated September 9, 2010.
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:

Zoning Board of Appeals

Re: ZBA 10-12

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 *cs Designee*

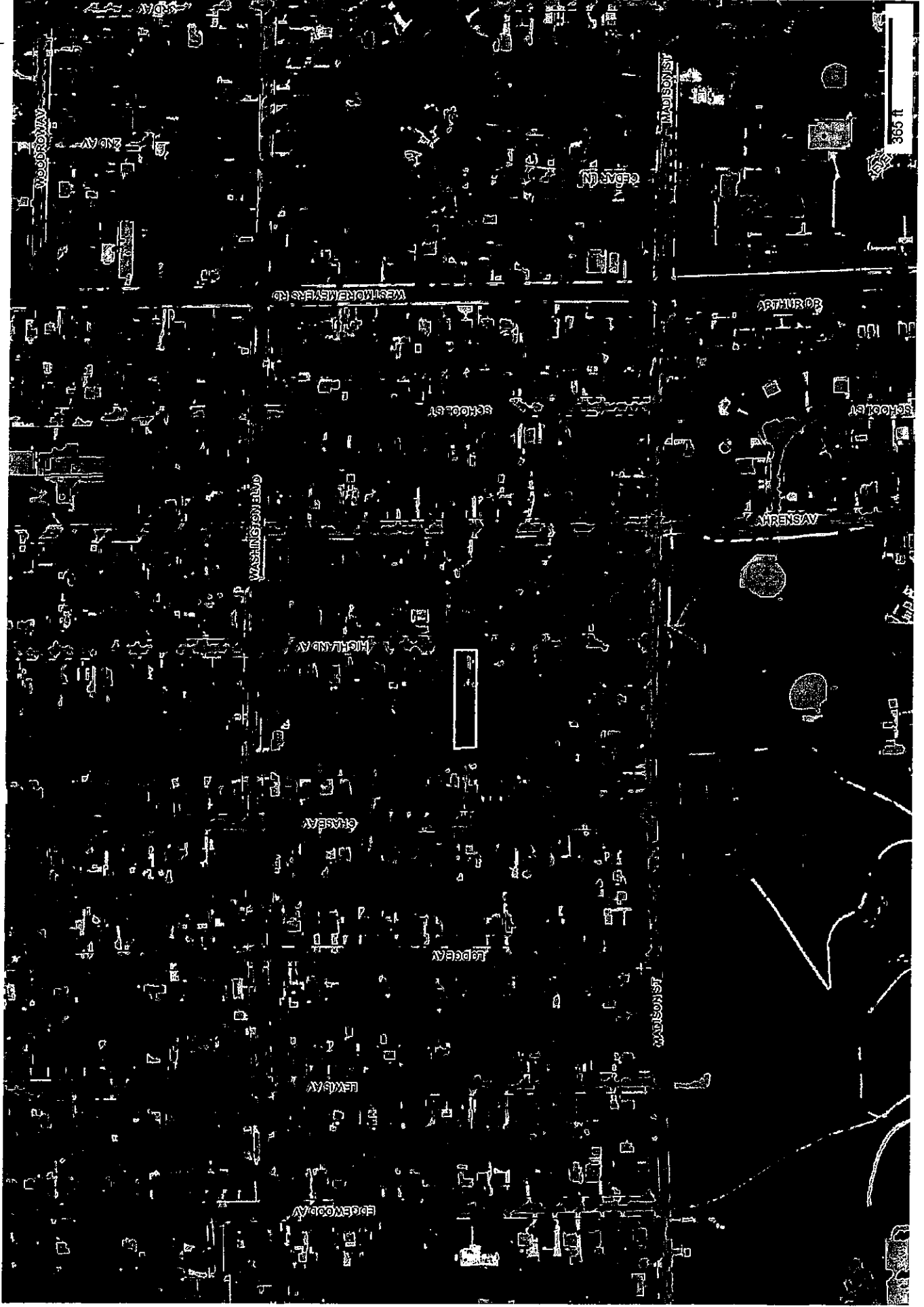
William J. Heniff, AICP

Director of Community Development

c: Petitioner

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ZBA 10-12: 544 S. Highland Ave



STANDARDS FOR VARIATIONS

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

1. The cement stoop on the front of the house is very small and when the front door opens out there is no room for anyone to stand. We had a mailman fall off of our stoop when we opened the front door and he stepped out of the way. We also have elderly parents and one is in a wheel chair. We have considerable difficulty getting her in the front door and are concerned that someone could get hurt. A wider, deeper porch will make this significantly easier.
2. Our neighbors on both sides have homes with porches which allow them enough room to maneuver as do many of the homes on the block.
3. We have resided at this address for 24 years and plan to retire here which is why we need these improvements. We are not expecting a financial gain.
4. It is true that the difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
5. It is true that 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.
6. It is true that the granting of the variation will not alter the essential character of the neighborhood. In fact, the home will fit in better with the neighbors' homes with an improved front porch.
7. It is true that 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.

Toth, Michael

From: Jack Rudnick [Jack.Rudnick@abbott.com]

Sent: Friday, October 22, 2010 3:20 PM

To: Toth, Michael

Subject: To the Village of Lombard Zoning Board of Appeals, Petition ZBA 10 - 12 , 544 S. Highland Ave.

To the Village of Lombard Zoning Board of Appeals,

Petition ZBA 10 - 12 , 544 S. Highland Ave.

Regarding a petitioner (Mack's) request that the village grant a variation to allow a front porch addition. The 22.5 foot set back in question where 25 feet is required is completely acceptable to me , I'm sure I wouldn't even notice the 2.5 foot difference in question. As the property owner residing directly across the street , I would strongly encourage the board to grant the variance.

Considering the Village of Lombard's building code's enforcement , and the good taste of the Mack's , I'm sure that the front porch addition in question would not only be pleasing to look at but would add value to the property, which in turn adds value to all the immediate neighboring properties.

Again , I have no objections to this petition for variance and would recommend the board approve this petition.

Respectfully Submitted,

Jack Rudnick

545 S. Highland Ave.
Lombard , ILL.

10/27/2010

ORDINANCE NO. _____

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

(ZBA 10-12; 544 S. Highland 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 front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on October 27, 2010 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 to twenty-two and a half (22.5) 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 T.R. Knapp Architects, dated September 9, 2010.

Ordinance No. _____

Re: ZBA 10-12

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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.

SECTION 3: This ordinance is limited and restricted to the property generally located at 544 S. Highland Ave., Lombard, Illinois, and legally described as follows:

LOT 52 IN ROBERSON'S WESTMORE, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1922 AS DOCUMENT 156381, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-09-312-012

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 _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2010

Ordinance No. _____

Re: ZBA 10-12

Page 3

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me this _____ day of _____, 2010

Brigitte O'Brien, Village Clerk