

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 3, 2013.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plans associated with the petition, prepared by the petitioner, undated.
4. Plat of Survey, prepared by Land Divisions, Inc., dated June 14, 1999.

DESCRIPTION

The property contains a two story single family residence built in 1925. The existing residence is legal non-conforming with regard to the interior side yard setback as defined by the current Zoning Ordinance. The petitioner is proposing to construct a roofed-over front porch within the interior side yard setback that is intended to hold the existing building line of the existing residence.

The existing residence is a non-conforming structure with an interior side yard setback of 5.73 feet where six (6) feet is required. As the proposed porch extends into the side yard with an approximate 5.5 feet setback, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The PES Division has no comments regarding this request.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE DEPARTMENT

The Fire Department has no concerns related to this request.

BUILDING DIVISION

The Building Division has no comments regarding this request. However, a building permit will be required for the proposed improvements.

PLANNING

The subject property is developed with a two story residence. The existing home is non-conforming with regard to the interior side yard setback as the original construction did not set the exterior wall foundations to be parallel with the side property lines.

The owner submitted a plan to construct a roofed over front porch within the interior side yard setback that is intended to hold the existing building line of the existing residence. 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) feet front yard setback is maintained. The proposed roofed-over front porch at its furthest point provides for a twenty-seven feet (27') setback, where twenty-five feet (25') is required.

As previously mentioned, this home is non-conforming with regard to the interior side yard setback. The non-conforming principal structure currently is situated on the lot so that a 5.73' side yard setback exists on the southeast corner of the lot, where six feet (6') is required. The petitioner proposes to construct a roofed-over front porch that maintains the building line of the existing principal structure. The proposed plan would further decrease the interior side yard setback to five to 5.5 feet from the existing 5.73 feet.

Staff recognizes this issue and believes the hardship for a variation exists and is unique to the non-conforming principal structure. Staff is also able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with non-conforming setbacks. Furthermore, the proposed improvements will not adversely affect this or other properties in the neighborhood and instead maintain the aesthetic appearance of the home by keeping the building line intact. Lastly, the proposed porch would not alter the essential character of the neighborhood as other homes located on the street have similar front porches.

FINDINGS AND RECOMMENDATIONS

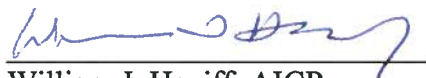
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion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

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 find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 13-03; subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the site plan submitted on the Plat of Survey as part of the public hearing packet prepared by the petitioner and dated April 3, 2013.

2. The petitioner shall apply for and receive a building permit prior to starting construction.
3. The relief granted herein shall be limited and restricted to the existing residence and the proposed encroachment as set forth on the submitted plan set. If the existing structure is damaged or destroyed by more than 50% of the value of the structure, the request relief shall no longer apply and any future structures shall be required to meet the requisite yard setbacks.
4. Construction on the proposed deck shall commence within one year from the date of approval of the Ordinance, unless a time extension is granted by the Village Board of Trustees.

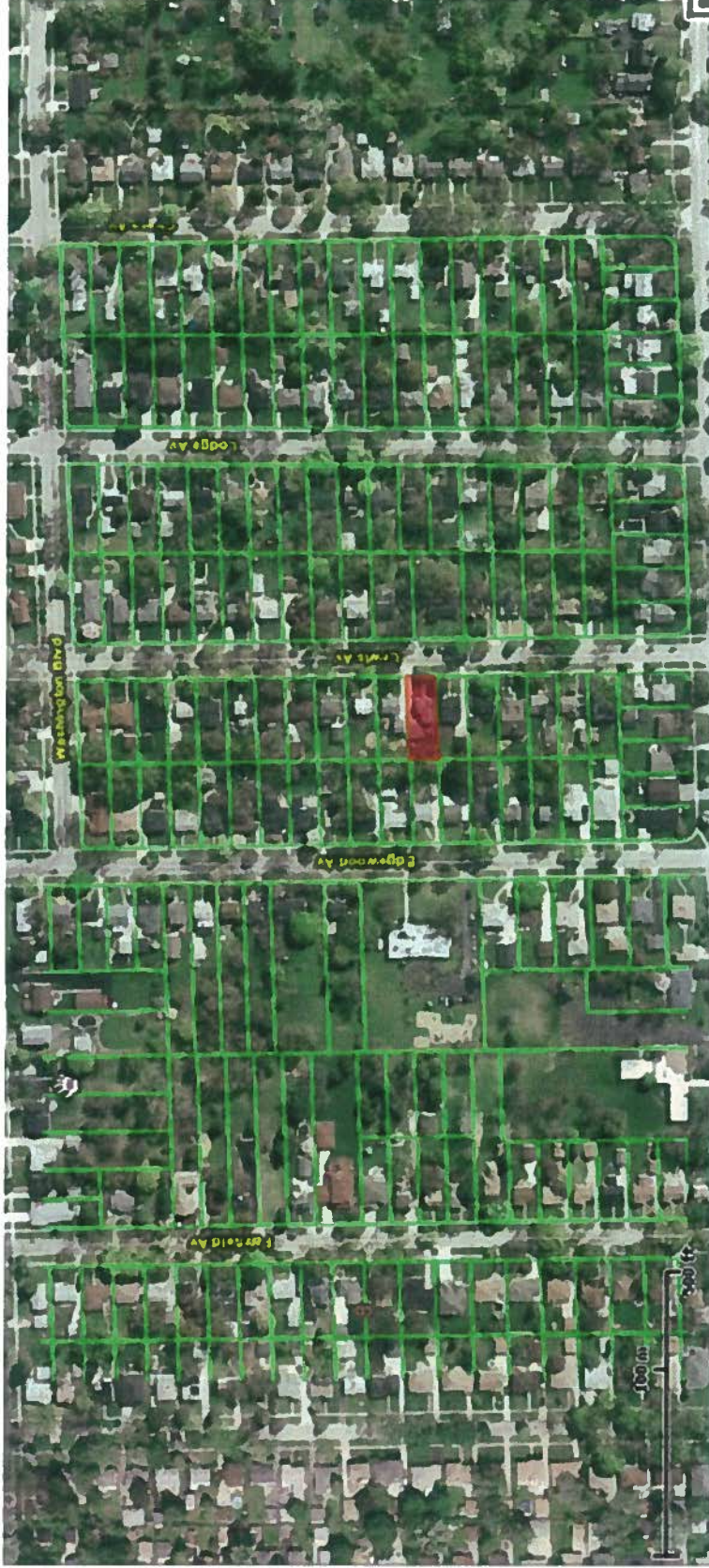
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c:Petitioner

ZBA 13-03
546 S. Lewis Ave, Lombard, Illinois
PIN: 06-08-412-030



Standards for Variations Responses

- 1) Since the home was placed on the lot in a manner that is not consistent with normal construction procedures (6' setback line not followed) The South East corner of the home has a setback of 5.73' currently. We are looking to add a covered front porch to the face of the home. Which will infringe upon the setback slightly further (to approximately 5.55') If we follow the strict letter of the regulations the front porch will be odd in shape and not increase neighborhood value in a positive way aesthetically. We are proposing to simply follow the building line of the existing home.
- 2) This is a unique property as the home is placed in a diagonal orientation in relation to the lot lines which creates the situation.
- 3) This variation request is not based primarily upon a desire to increase financial gain. The primary reason is to maintain the aesthetics of the block. By not following the building line of the home we will be creating a porch that "does not seem right" when looking at the home from the street.
- 4) No person currently involved in this ZBA request has any interest in the property.
- 5) The granting of the variation will not negatively impact the public welfare, other properties, in fact conversely it will improve the aesthetics of the neighborhood and its surroundings.
- 6) The porch addition and the request for setback variation from 6' to 5' will not alter the character of the neighborhood, the street has multiple front porches on homes located on the street, and by granting the variation, we will be allowing the petitioner to comply further with what has become the essential character of the neighborhood.
- 7) There will be no negative impact on any adjacent property, as this is an open air porch, which will not obstruct the wind, drainage, or sun in any way. The homes have an easterly facing direction, and the porch will not obstruct the sun in any way. The porch does not increase the danger of fire, endanger public safety (conversely it provides a safer public area). Finally it does not impact values in the neighborhood in a negative way, but rather by increasing the value of the neighborhood.