

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 9, 2007 (B of T) Date: April 19, 2007
TITLE: ZBA 07-05: 208 S. Elizabeth
SUBMITTED BY: Department of Community Development *De H*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation to Section 155.406 (F) (1) to reduce the front yard setback from thirty feet (30') to fourteen and one half feet (14.5') to allow for the construction of a front porch on an existing legal non-conforming residence in the R2 Single Family Residential District. (DISTRICT #1)

The Zoning Board of Appeals had two separate votes on this petition- both failed as there were not four votes in favor or in opposition. Therefore, this petition is being forwarded with no recommendation. However, pursuant to a request made by Trustee Gron, this item is being placed on the consent agenda for approval.

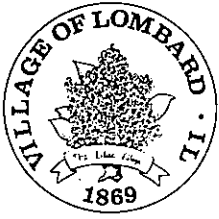
Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* Date 4/11/07

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP *DH*
Assistant Village Manager/Director of Community Development

DATE: April 19, 2007

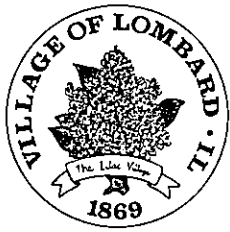
SUBJECT: ZBA 07-05: 208 S. Elizabeth Street

Attached please find the following items for Village Board consideration as part of the April 19, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-05;
3. Plans associated with the petitioner's request; and
4. An Ordinance granting approval of a variation from the front yard setback requirements in the R2 District.

The Zoning Board of Appeals voted 3-2 in favor of the petition. As there were not four votes in favor or in opposition to the petition, the ZBA forward the petition without a recommendation. However, pursuant to a request made by Trustee Gron, this item is being placed on the consent agenda for approval.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business 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."

April 19, 2007

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

Subject: ZBA 07-05; 208 S. Elizabeth Street

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.406 (F) (1) to reduce the front yard setback from thirty feet (30') to fourteen and one half feet (14.5') to allow for the construction of a front porch on an existing legal non-conforming residence in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on March 28, 2007. The petitioner, Barbara Esterly, shared a statement signed by four neighbors wherein they gave their support to the requested variation. She stated that there is now a six-foot stoop in front of their house and they just want to extend a porch out from there. They have already made numerous improvements to the house's windows, roofing, soffit, and foundation. There was previously a porch on the house but they could not find any pictures of it.

Ms. Esterly then provided the Zoning Board of Appeals members with an older photograph of the subject property as well as the signed statement from her neighbors with an attached photograph of a porch that had previously existed on the house immediately to the north of the subject property. She stated that people get their driveway confused with their neighbor's driveway due to the location of the entrance. She noted that numerous homes in the neighborhood have porches.

Chairperson DeFalco then opened the meeting for public comment.

Shannon Vetter, 202 S. Elizabeth, stated that the petitioners have made a substantial investment in their home. She loves the characteristics of older homes. The previous owner remembered that there had been a porch on the house at one time. She is in agreement with the proposed new porch.

Chairperson DeFalco then requested the staff report.

Jennifer Backensto, Planner II, presented the staff report. The petitioner is requesting a variation to reduce the required front yard setback from 30 feet to 14.5 feet to construct a roofed-over, unenclosed front porch. The existing residence, which was built in 1926 according to Township Assessor's records, is legal nonconforming with a 20.5-foot front yard setback.

Ms. Backensto stated that the existing residence is considered legal nonconforming relative to the front yard setback. Staff has generally been supportive of variations to construct additions that maintain an existing nonconforming building line. In this case, a smaller entry porch could be constructed to maintain the existing 20.5-foot setback. This smaller porch would create less of a visual obstruction than the proposed 226-square foot porch. The hardship in this circumstance is a personal preference for the proposed design.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation." Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. While the existing setback does present an obstacle, it does not create the need for a further reduction of the front yard setback. 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. Furthermore, the existing setback of the house on the subject property is very similar to the setbacks of the existing older homes to the north and south. Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design. Staff finds that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character. Granting the requested relief would set an undesirable precedent for further setback variations in the immediate area.

Ms. Backensto stated that staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past five years there have been six other ZBA petitions requesting relief for roofed-over, unenclosed front porches. One of these cases, ZBA 06-17, involved a request to reduce the setback to less than 50% of that required by the Zoning Ordinance. All six variations were ultimately granted.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Polley asked if the residence was currently nonconforming. Chairperson DeFalco stated that it was.

Mr. Polley stated that there is a need for some shelter by the doorway, but the petitioner's proposal carries it a bit too far. Chairperson DeFalco noted that the porch would extend no closer to the property line than the existing stoop, but the porch would continue further to the south.

Mrs. Newman noted that replacing a stoop with a larger, roofed-over porch would increase the bulk at the front of the property.

Mr. Bedard asked if the six other variations mentioned in the staff report were replacing existing structures or increasing a nonconformity. Ms. Backensto stated that they were a mixture of both types of variations.

Chairperson DeFalco discussed the case in ZBA 02-15, wherein the front yard setback was reduced to 26 feet to allow for a front porch. He mentioned that there had been a subsequent text amendment to allow for such limited encroachments into the front yard.

Mr. Young referred to the garage shown in the photo provided by the petitioner and stated that it appeared closer to the front property line than the petitioner's house. The petitioner stated that the garage is actually in line with the front of their house.

Mr. Bedard asked if they were certain that there was previously a porch on the subject property. The petitioner stated that they were sure of it but could not find any pictures.

Chairperson DeFalco stated that the ZBA has typically supported requests that maintain an existing building line and discussed how the petitioner could construct a covered front entrance without going further into the front yard. The petitioner stated that shifting the front door would hurt the interior flow of the rooms.

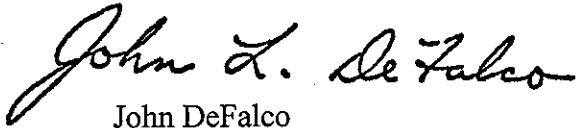
Chairperson DeFalco stated that, in the past, the ZBA has allowed coverings over a door. The petitioner added that their neighbors to the south have a similar home except they have stairs going down to their own driveway.

After due consideration of the submitted petition and the testimony presented for ZBA 07-05, a motion was made by Mr. Young to approve the requested variation with conditions limiting the variation to the existing residence, requiring that the petitioner receive a building permit, and that the petitioner shall follow the submitted plans. The motion was seconded by Mr. Bedard. The result of the roll call vote was 3 to 2. However, that was not sufficient for a recommendation to the Board. A motion to deny the requested variation was made by Mrs. Newman and seconded by Mr. Polley. The result of the roll call vote was 2 to 3. As such, the ZBA forwards no recommendation relative to the requested relief.

Re: ZBA 07-05
April 19, 2006
Page 4

Respectfully,

VILLAGE OF LOMBARD

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

John DeFalco
Chairperson
Zoning Board of Appeals

att-

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ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on March 7, 2007.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by residential Surveying Service, dated September 16, 1999.
4. Site Plan, Floor Plan, and Proposed Building Elevations, prepared by Randy B. Pruyne, dated March 6, 2007.

DESCRIPTION

The petitioner is requesting a variation to reduce the required front yard setback from 30 feet to 14.5 feet to construct a roofed-over, unenclosed front porch. The existing residence, which was built in 1926, is legal nonconforming with a 20.5-foot front yard setback.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Public Works has no comments on this petition.

Planning

The existing residence is considered legal nonconforming relative to the front yard setback. Staff has generally been supportive of variations to construct additions that maintain an existing nonconforming building line. In this case, a smaller entry porch could be constructed to maintain the existing 20.5-foot setback. This smaller porch would create less of a visual obstruction than the proposed 226-square foot porch. The hardship in this circumstance is a personal preference for the proposed design.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. *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 property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. While the existing setback does present an obstacle, it does not create the need for a further reduction of the front yard setback.
2. *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. Furthermore, the existing setback of the house on the subject property is very similar to the setbacks of the existing older homes to the north and south.
3. *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 for the proposed design.
4. *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 could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character. Granting the requested relief would set an undesirable precedent for further setback variations in the immediate area.

Staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past five years there have been six other ZBA petitions requesting relief for roofed-over, unenclosed front porches. One of these cases, ZBA 06-17, involved a request to reduce the setback to less than 50% of that required by the Zoning Ordinance. All six variations were ultimately granted.

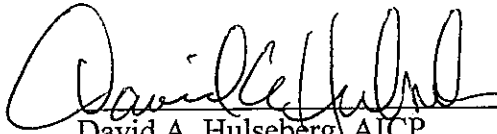
Case No.	Address	Relief Requested	ZBA Vote	BOT Action
ZBA 07-02	206 E. Hickory	Corner side yard reduced from 20' to 15'	Approval	Approval
ZBA 06-17	197 S. Craig	Corner side yard reduced from 20' to 9'	Approval	Approval
ZBA 06-03	121 N. Lincoln	Front yard reduced from 30' to 23.5'	Approval	Approval
ZBA 04-03	340 W. Morris	Corner side yard reduced from 20' to 16'	Approval	Approval
ZBA 03-07	314 W. Windsor	Interior side yard reduced from 6' to 3.5'	Approval	Approval
ZBA 02-15	532 S. Lombard	Front yard reduced from 30' to 26'	Approval	Approval

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 07-05.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH:JB

att-

c: Petitioner

Location Map

ZBA 07-05



Randy B. Pruyn, NCARB, ALA
NCARB Certified/Member Association of Licensed Architects

Date: March 6, 2007

To: Lombard Zoning Board of Appeals

From: Randy Pruyn - Architect for Barb & Ken Esterly

Re: Response to Standards for Variation
Esterly Residence
208 South Elizabeth Street
Lombard, Illinois

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

The referenced property is an existing non-conforming parcel. The existing front face of the residence is located 20'-6" from the east property line. The current required front yard setback is 30'-0". Per the current zoning guideline no modifications to the front of this residence would be possible without the approval of a variance.

2. *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.*

The property is unique as the residence is an existing eighty year old structure which the owner's are trying to enhance the appearance of.

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

This variation is requested because the owner's would like to upgrade the appearance and accessibility to their residence. The existing concrete stoop and stairs are oriented to the opposite side of the property from the existing driveway and garage which creates some confusion as to which driveway belongs to the property, and the stairs are in need of repair.

Randy B. Pruyn, NCARB, ALA
NCARB Certified/Member Association of Licensed Architects

Response to Standards for Variation
208 South Elizabeth Street

March 6, 2007
Page 2

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

As noted above, the property in question was built to the zoning guidelines at the time of construction. The current setback guidelines were adapted since that time by the Village, thus creating an existing non-forming parcel.

5. *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.*

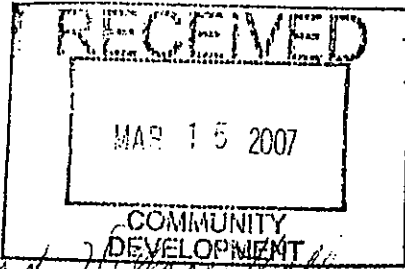
The granting of this variance will have no negative impact on the surrounding neighborhood, as none of the neighboring properties to the north or south along this block of Elizabeth conform to today's guidelines.

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

The character of the neighborhood will be enhanced by the granting of this variance. The majority of the homes in this block of Elizabeth predate 1950. Adding to and enhancing an existing 1920's home will preserve the neighborhood's historic fabric. The proposed improvement will not encroach on Elizabeth Street any more significantly than it's neighbors.

7. *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 problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The proposed addition is an open-air porch which will have no impact on the supply of light or compromise the air flow to adjacent properties as the addition is to the street side of the property. The proposed addition will have relatively little impact on the existing landscaping, and therefore will not alter the existing drainage. The proposed addition will not diminish the property values within the neighborhood as the addition enhances and upgrades the aesthetics of a vintage 1920's residence.



March 12, 2007
248 West Ash St
Lombard, Ill. 60148

Lombard Village Hall
Dept. of Community Development
355 E. Wilson Ave.
Lombard, Ill. 60148

To Whom It May Concern:

Regarding the petition for a variation to Section 155.406(F)(1) to reduce the front yard setback from 30' to 14.5' to allow for construction of a front porch at 208 S. Elizabeth — by all means permit the variation. Many years ago, there was a front porch on this old home, and the new owners have greatly enhanced the appearance of the home already. A front porch would be a proper addition that would further enhance the home. Look at the new Lutheran school being constructed. It is very very close to the sidewalk, and just a block away.

We are certainly in favor of this variation.

Sincerely,
Louis F. Gutz
Lorraine Gutz

*Barbara J. & Kenneth S. Esterly
208 S. Elizabeth Street
Lombard, IL 60148
(630) 627-2161*

TO: Lombard Zoning Board of Appeals
FROM: Barbara & Kenneth Esterly
DATE: March 28, 2007
SUBJECT: ZBA 07-05: 208 S. Elizabeth

Regarding the approval of a front porch to the above subject property, the following neighbors have signed this memo and agree that a front porch would enhance the neighborhood. We feel that the present owners are bringing this home back to its "original glory". The previous owners said this home once had a porch, but it was not maintained and left to deteriorate, thus it was torn down. Front porches are all around our neighborhood. In fact attached is a picture of the home to the north that shows that right next door was a beautiful wrap around porch. Let's bring this history back to Elizabeth and Lombard. It brings warmth, welcomes newcomers and encourages neighborhood conversation. This would be a great investment and thus we would like see this front porch approved. Thank you for your consideration:

next North
neighbor

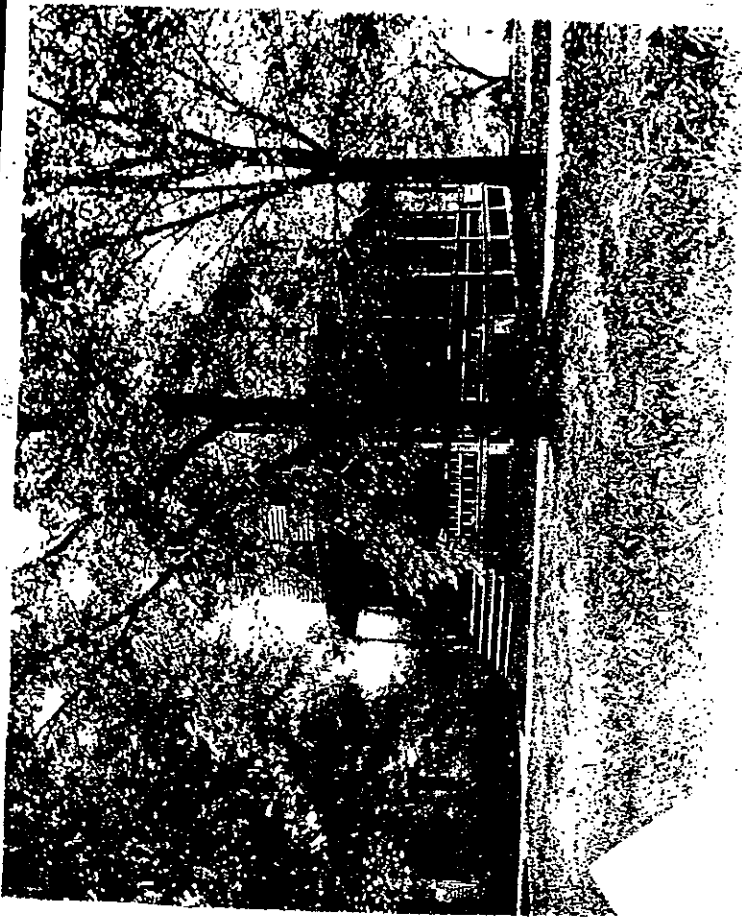
*Marie P. Janek 204 S. Elizabeth St
630-627-5291*

*Jamari Nant 321 W. Maple St
Lombard, IL 60148*

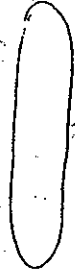
next South
neighbor

*Sinde Harder 220 S. Elizabeth St
Lombard, IL 60148*

*Shannon Vetter 202 S. ELIZABETH ST.
LOMBARD, IL 60148*



1953
1954



- Since this picture was taken we have
- replaced roof, soffits / fascia
 - replaced windows
 - fixed both foundation
 - Built a garage w/ concrete driveway

Please let us continue to beautify this home with a lovely front porch and take out unsightly concrete porch.



208 S. Elizabeth St.

ORDINANCE NO. _____

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

(ZBA 07-05: 208 S. Elizabeth 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 Title 15, Chapter 155, Section 406 (F) (1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to fourteen and one half feet (14.5'), to allow for the construction of a front porch on an existing legal non-conforming residence; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 28, 2007 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees without a recommendation 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 variations.

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 406 (F) (1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to fourteen and one half feet (14.5') to allow for the construction of a front porch on an existing legal non-conforming residence.

SECTION 2: This ordinance is limited and restricted to the property generally located at 208 S. Elizabeth Street, Lombard, Illinois, and legally described as follows:

LOT 4 (EXCEPT THE WEST 65 FEET) AND LOT 5 (EXCEPT THE WEST 65 FEET AND THE SOUTH 55 FEET) IN BLOCK 29 IN THE TOWN OF LOMBARD IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5,

Ordinance No. _____

Re: ZBA 07-05

Page 2

TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDIING TO THE PLAT THEREOF RECORDED APRIL 23, 1868, AS DOCUMENT 9483, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-215-018

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The proposed addition shall be developed in compliance with the plans submitted by the petitioner.
2. The petitioner shall apply for and receive a building permit for the proposed improvements.
3. In the event that the principal residence on the subject property is damaged or destroyed more than fifty percent of the value of the structure, any new structures shall meet the full provisions of the Zoning Ordinance.

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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

Ordinance No. _____
Re: ZBA 07-05
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ATTEST:

Brigitte O'Brien, Village Clerk

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