

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

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: September 10, 2013 (B of T) Date: September 19, 2013

TITLE: ZBA 13-04: 616 E. Madison Street

SUBMITTED BY: Department of Community Development *MS*

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-three (23) feet where twenty-five (25) feet is required for the front yard, all located within in the R2 Single-Family Residence District. (DISTRICT #5)

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the September 19, 2013 Board of Trustees consent agenda. Staff recommends 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 *WHD*

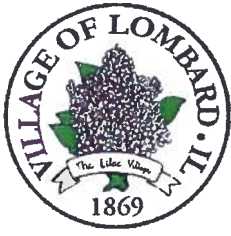
DATE: September 19, 2013

SUBJECT: ZBA 13-04; 616 E. Madison Street

Please find the following items for Village Board consideration as part of the September 19, 2013 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 13-04;
3. An Ordinance granting approval of a requested variation, and
4. Plans associated with the petition.

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the September 19, 2013 Board of Trustees consent agenda. Staff recommends 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

September 19, 2013

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 13-04; 616 E. Madison 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-three (23) feet where twenty-five (25) feet is required for the front yard, all located within in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on August 28, 2013.

Frank La Gambina of La Gambina Homes presented the petition. Mr. La Gambina stated that his clients would like to create a new front entrance with a new porch as part of the improvement to the house. Currently the entrance to the house is a four foot by three foot concrete stoop with stairs. Mr. La Gambina proposes a new porch of seven feet wide by twenty-five feet across the front of the house in order to place a café style table and chairs. The seven foot wide porch is requested for safety reasons so that walking to a chair without tripping over other chairs is avoided. Mr. La Gambina also referred to the Village Code as sighting the standard width of a porch to be seven feet in width.

Tami Urish, 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-three (23) feet from the front property line. 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.

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 foot (25') front setback is maintained. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property five feet from the principal structure as a matter of right. The structure of the house is not built parallel to the southern property line. The structure is thirty-one feet (31') from the property line at the southwestern corner and thirty feet (30') from the property line at the southeastern corner. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (southward) seven feet from the principal structure. This would result in a setback deficiency of one foot (1') at the western point of the porch and a setback deficiency of two feet (2') at the eastern point of the porch, where twenty-five feet (25') is required. The overall setback deficiency is less than two feet.

Staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past eleven years there have been seven other ZBA petitions requesting relief for roofed-over, unenclosed front porches. All seven variations were ultimately granted.

The proposed porch would not alter the essential character of the neighborhood. Staff is able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties.

Concluding, Ms. Urish stated that staff is recommending approval of ZBA 13-04, subject to the four conditions outlined in the staff report.

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

Mr. Corrado commented that he approves of front porch improvements and that it's unfortunate that some projects by code require a variation. Mr. DeFalco asked why a five foot porch could not be built instead of the seven foot being requested. Mr. La Gambina replied that seven feet is necessary for the maneuverability around outdoor furnishing thereby creating a walkway for ease of entering or exiting the seating area. Mr. Young pointed out that the restriction enjoying the outdoors in relation to the proposed porch does not create a hardship. Mr. Young stated that the precedent has been set and a new porch is viewed as a positive aspect.

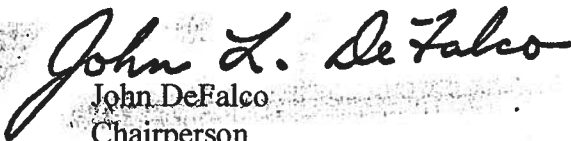
On a motion by Young and a second by Newman, the Zoning Board of Appeals recommended by a vote of 6 to 0 with one abstention that the Village Board **approve** the variation associated with ZBA 13-04, subject to the following conditions:

1. The porch shall be developed in accordance with the plans submitted on July 19, 2013 and prepared by La Gambina Homes.

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 more than fifty-percent (50%) of its value, the new structure shall meet the required front yard setback.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large, sweeping "J" and "D".

John DeFalco
Chairperson
Zoning Board of Appeals

August 28, 2013**Title**

ZBA 13-04

Petitioner

Frank La Gambina
251 N. Fairfield Ave.
Lombard, IL 60148

Property Owner

John and Sharon Carnevale
616 E. Madison Street
Lombard, IL 60148

Property Location

616 E. Madison Street
(06-08-412-040)

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-three (23) 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 an 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 seventy-five (175) square feet; twenty-five (25) feet in length and seven (7) feet in width.

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. A variation to allow an unenclosed roofed-over front porch to be set back twenty-three (23) feet where twenty-five (25) feet is required for the front yard within the R-2 Residential Single Family Zoning District.

EXISTING CONDITIONS

The subject property is a one story brick house with a twenty (20) square foot front concrete stoop. The property also has a two-car detached brick garage located in the rear 25% of the rear yard and associated driveway.

PROJECT STATS

Lot & Bulk

Parcel Size:	7,611 sq. ft.
Building Size:	1,050 sq. ft.
Tenant Space:	N/A
Lot Coverage:	Approx. 41%

Setbacks

Front (south)	30 feet
Side (east)	16.5 feet
Side (west)	6 feet
Rear (north)	70 feet

Parking Spaces

Not applicable

Surrounding Zoning & Land Use Compatibility

North, East and West:

R-2; Single Family Residential

South:

CR; Conservation Recreation,
Madison Meadow Park

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variation
3. Proof of Ownership
4. Plat of Survey dated July 30, 1985.
5. Site Plan, Existing and Proposed Conditions prepared by La Gambina Homes submitted on 7/19/2013 and 8/14/2013.

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 construct an unenclosed roofed-over porch that will extend (southward) seven (7) feet from the principal structure's closest point. This would result in a setback deficiency of two feet (2') as the structure would only be set back a distance of twenty-three feet from the southern property line, where twenty-five feet (25') is required. The setback deficiency at the southeast corner would be approximately one (1) foot.

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 but consideration of the circumstances must be examined:

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

1. of the ordinance. The existing setback does not present an obstacle nor 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 homes to the east and west. However, as illustrated on page 1, the home abutting the subject property to the east and the home located as the third house from the subject property are on corner lots which by Code would allow an addition to the existing structures up to 20 feet setback from the property line as the corner side yard. Two of the five homes on this particular block could by right bookend the other three homes by building up to the corner side yard setback of 20 feet. The proposed variation of the subject property would not surpass this setback.
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/use. 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 construct an unenclosed roofed-over front porch to a usable standard with the desire to place typical outdoor furniture on the porch with enough space to access the seating. According to Section 155.212, a porch not greater than seven (7') feet is referred to as a permitted front yard encroachment as long as the twenty-five (25') feet setback is maintained. This reference to a 7' porch implies a standard size that the petitioner is requesting. Ultimately, the desire for residents to enjoy leisure time on their front porch instead of simply as a decorative feature to the front of the house is a positive aspect for a neighborhood.
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 would not be injurious to neighboring properties.

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. Past cases have been of a similar nature seeking relief to achieve the enjoyment of using a front porch. In recent years there have been five 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 to allow for a wrap-around porch. All five variations were ultimately granted.

Case No.	Address	Front Yard Relief Requested	ZBA Vote	BOT Action
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

All of the above ZBA cases are related to the construction of front porches. Recently a similar case, ZBA 13-02, received approval to construct an unenclosed roofed-over front porch that maintained a twenty-three (23') foot setback from the front property line.

The proposed addition of a front porch would not alter the essential character of the neighborhood. Staff is able to support the requested variation based upon established precedence for unenclosed roofed-over porches allowed to encroach within the required setbacks. Furthermore, the proposed improvements will not significantly increase the visual bulk within the front yard.

SITE HISTORY

Permit #11-381: Driveway, 04/12/2011; Permit #8-1063: Roof, 06/23/2008

Permit #0-1830: Sewer/Water, 11/02/2000

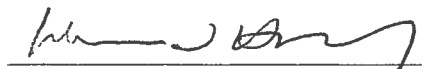
FINDINGS & RECOMMENDATIONS

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 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 13-04; subject to the following conditions:

1. The porch shall be developed in accordance with the submitted site plan, prepared by La Gambina Homes.
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 — 616 E. MADISON ST. PLAT OF SURVEY

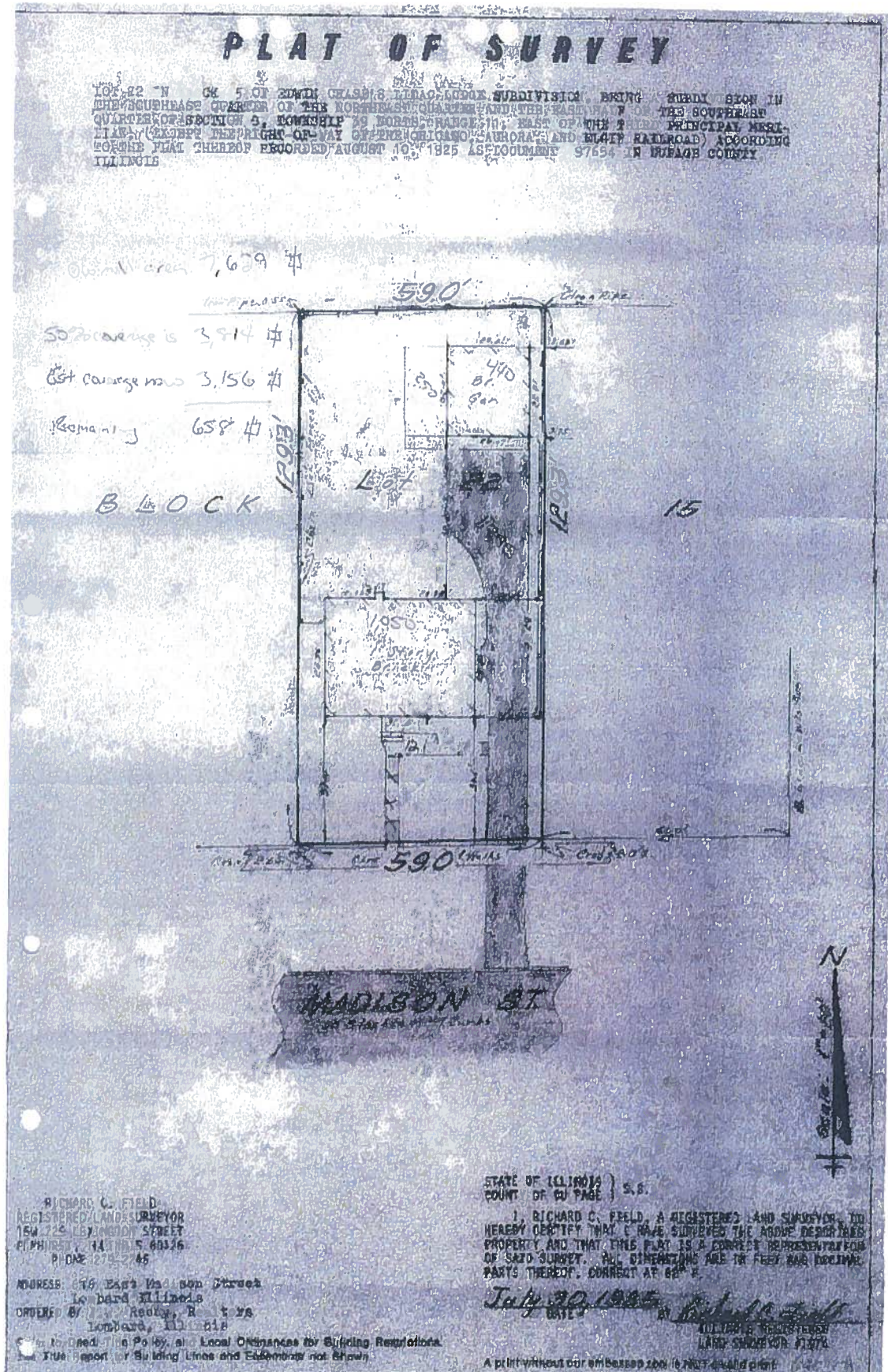
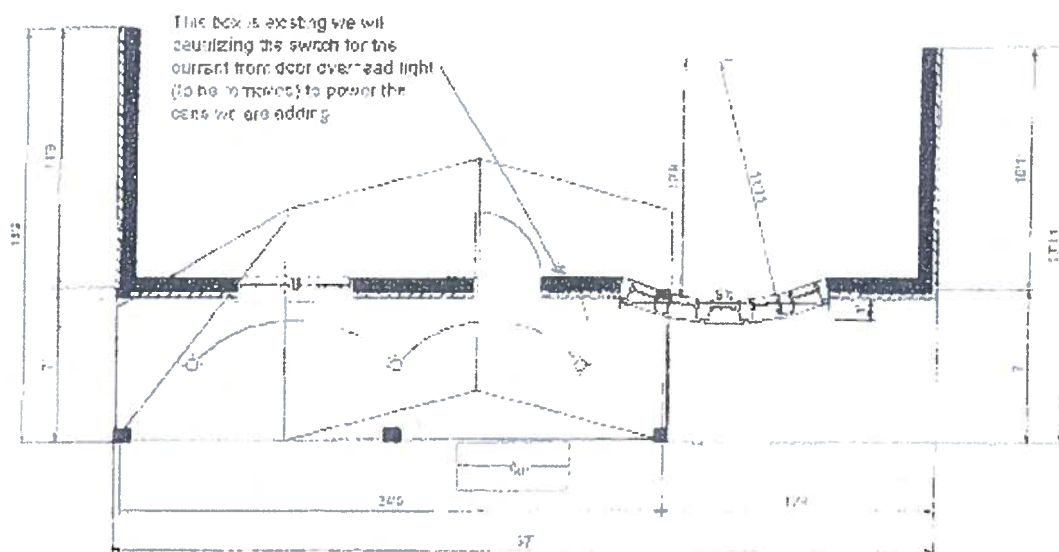


EXHIBIT B – 616 E. MADISON ST. SUBMITTED PLANS



5 post locations to be 2x8 posts
Posts to be set on 4" round piers 48" deep
Floor joists to be 2x8 (green)
Edge board to be 2x10 (green)
Ceiling joists to be 7x8 (construction lumber)
Rafter to be 2x5 construction lumber
1" sheathing on roof with lifelines angles and ice and water on gutter edge and valleys.
Decking to be TimberTech vinyl decking
Railings to be constructed according to all applicable codes
3 can lights to be installed in ceiling at locations specified.
ceiling to be treated with aluminum sulfate material

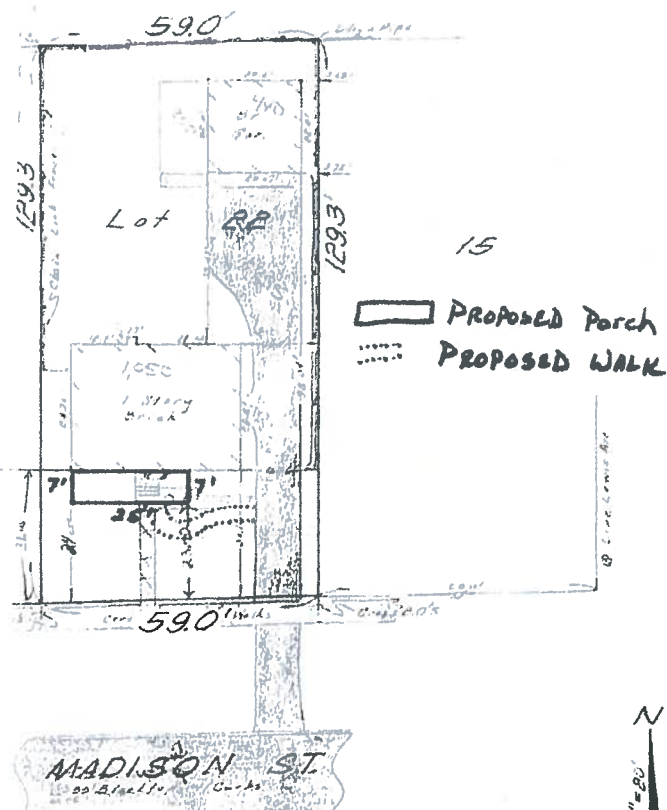


EXHIBIT C - 616 E. MADISON ST. EXISTING AND PROPOSED CONDITIONS



Figure 1 - Existing conditions



Figure 2 - Proposed improvements to the front elevation of the house.

ORDINANCE NO. _____

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

(ZBA 13-04; 616 E. Madison 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-three (23) 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 August 24, 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-three (23) 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 plans prepared by La Gambina Homes and submitted on July 19, 2013.
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.

Ordinance No. _____

Re: ZBA 13-04

Page 2

4. In the event that the principal structure on the subject property is damaged or destroyed more than 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 616 E. Madison Street, Lombard, Illinois, and legally described as follows:

LOT 22 IN BLOCK 15 OF EDWIN CHASE'S LILAC LODGE SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE RIGHT-OF-WAY OF THE CHICAGO, AURORA, AND ELGIN RAILROAD) ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1925 AS DOCUMENT 197654 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-412-040

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 _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2013

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____

Re: ZBA 13-04

Page 3

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2013

Sharon Kuderna, Village Clerk

H:\CD\WORDUSER\ZBA Cases\2010\ZBA 13-04\ORDINANCE 13-04.doc