

October 28, 2020

Title

ZBA 20-06

Petitioner

Susan M. Crowell
353 E. Washington Blvd.
Lombard, IL 60148

Property Owner

Susan M. Crowell
353 E. Washington Blvd.
Lombard, IL 60148

Property Location

353 E. Washington Blvd

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

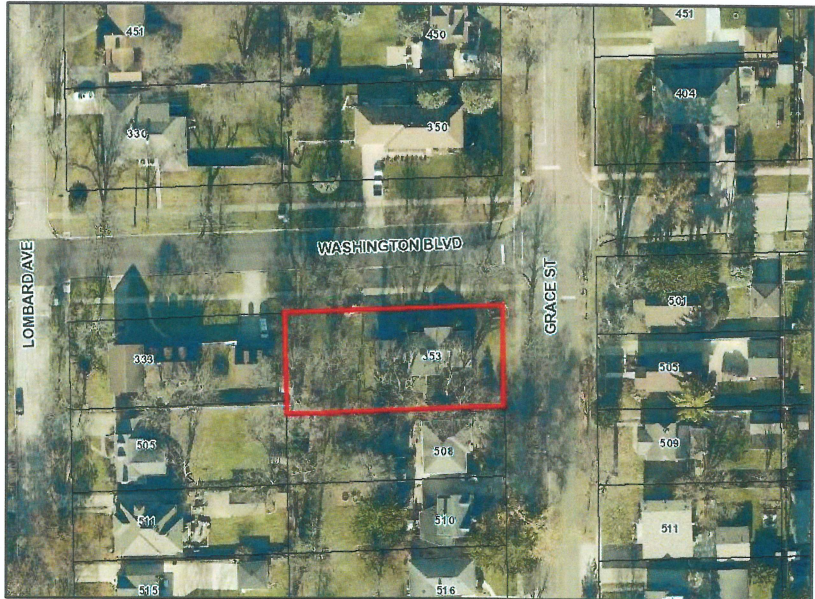
Low Density Residential

Approval Sought

A variation to reduce the required corner side yard setback from 20 feet to five feet, to allow for a front porch on the subject property.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is located in the R2 Residential Single Family District. The subject property is developed with a single-family home. The home has an existing porch that encroaches into the corner side yard along Washington Blvd. The porch is set back five feet from the corner side property line, where Village Code requires a 20-foot setback. The property owner would like to rebuild the porch. The proposed porch will maintain a five-foot setback from the corner side property line, though the new porch will be wider than the existing porch (10 feet wide, where the existing porch is approximately five feet wide).

As the proposed porch will not meet the minimum required 20-foot setback from the corner side property line, a variance is required.

APPROVAL(S) REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20') to five feet (5.0') for a front porch on the subject property located within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains a one-story single-family residence with an existing porch in the corner side yard.

PROJECT STATS

Lot & Bulk

Parcel size: 11,914 sq. ft.

Existing porch footprint: 5' deep x 5' wide

Proposed porch footprint: 5' deep x 10' wide

Setbacks with proposed porch

Front (east) 30.0 feet

Corner Side (north) 5.0 feet

Side (south) 35.0 feet

Rear (west) 50.0+ feet

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. Plat of survey and site plan; and
4. Building plans, submitted by contractor.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Public Works:

Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance requires single-family residences in the R2 District to maintain a minimum setback of 20 feet from the corner side property line. Existing development on the subject property is not meeting this setback. Per the petitioner's plat of survey, the façade of the house is set back approximately 10 feet from the corner side property line. The existing porch extends five feet from the wall of the principal structure, with a setback of five feet from the corner side property line.

The petitioner proposes to remove the existing front porch and replace it with a larger front porch. The new front porch will maintain the same five-foot corner side yard setback as the existing porch. The new porch will be wider than the existing porch, extending along a larger portion of the façade of the house.

According to the York Township Assessor, the home on the subject property was built in 1950. Staff finds no record of building permits issued for substantial additions to the house, and therefore concludes that the existing setbacks of the house and porch were features of the original 1950 construction. The current Village Code went into effect after the home was constructed and contains corner side yard setback provisions that the existing porch does not meet. This creates a hardship for the property owner, who cannot reconstruct a porch that is consistent with the original house as a result of the current setback regulations. Granting a variance in order to allow the proposed open porch would be consistent with previous variations granted by the Village Board for reconstructing porches on older homes (ZBA 16-05, ZBA 19-03).

Staff further notes that the configuration of the subject property with respect to the Washington Boulevard right-of-way is unusual. Figure 1 shows the subject property and surrounding neighborhood. Where adjacent to the subject property, the Washington Boulevard right-of-way is approximately 92 feet wide. This is substantially wider than most Village rights-of-way, where 66 feet is a common width. Due to the extra width of Washington Boulevard, the public sidewalk in front of the subject property is approximately 17 feet beyond the corner side property line (Figure 2). Typical right-of-way configurations in the Village place the sidewalk approximately one foot beyond the property line. This more typical development pattern is visible in the lots along Grace Street and the lots on Washington Boulevard east of Grace Street in Figure 1. The wider right-of-way with extra space between the sidewalk and property line provides for separation between the sidewalk and the porch that is similar to the separation between sidewalks and property lines on streets with standards rights-of-way widths.



Figure 1. Right-of-way configuration in immediate neighborhood.

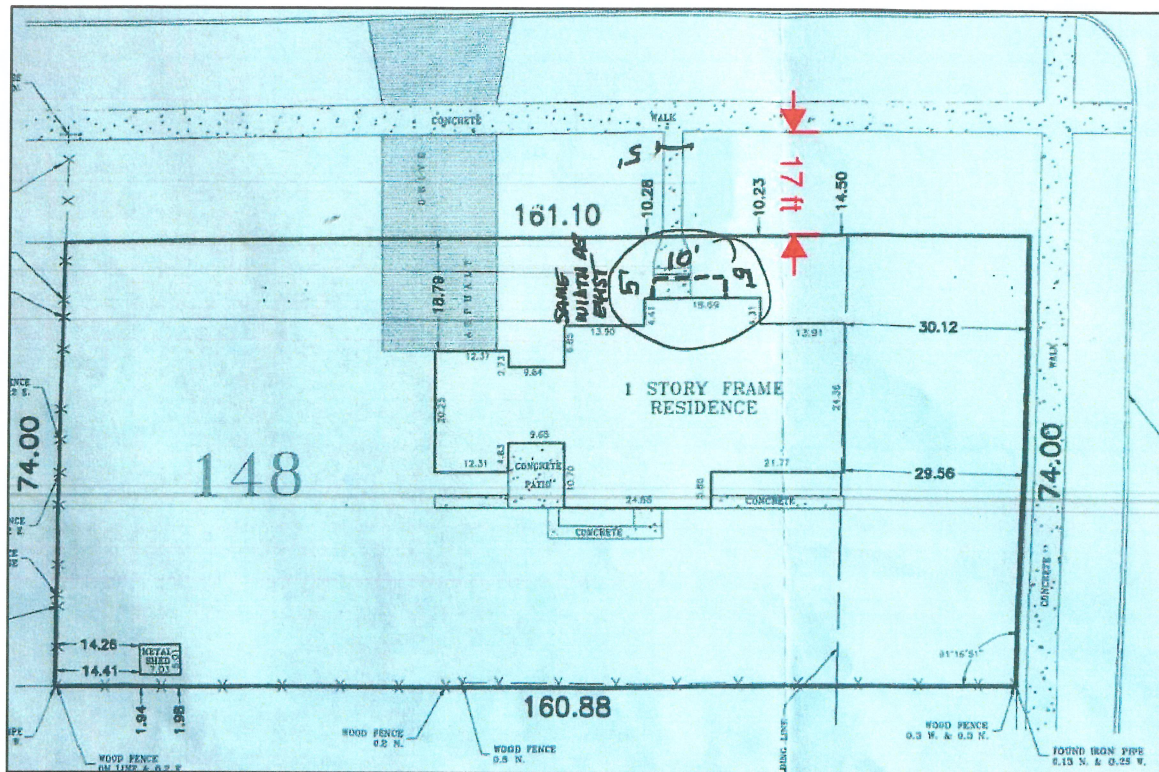


Figure 2. Plat of survey, subject property.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

- 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.*

This standard is affirmed. The placement of the existing structure on the property and the fact that the property owner would like to rebuild a porch that is of similar depth as the original porch does prevent the owner from meeting the intent of the ordinance. The principal structure and porch were constructed prior to the Village adopting corner side 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.*

This standard is affirmed. The petitioner is seeking to construct a porch similar in depth and style to the porch originally constructed with the home. The original porch does not meet setback requirements that went into effect after the home and porch were built. Further, the subject property is located along a stretch of Washington Boulevard where the right-of-way is unusually wide, with a large amount of parkway between the public sidewalk and property line. These circumstances are unique to the subject property.

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.*

This standard is affirmed. The subject property is a 70-year-old home that was built in 1950. The Zoning Ordinance, adopted after the home was constructed, includes corner side yard setback requirements that the existing home and porch do not meet. Therefore, the Zoning Ordinance limits the property owner's ability to reconstruct a porch consistent with architecture of the existing home.

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.*

This standard is affirmed. 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. Staff notes that the requested variance will result in a porch that is similar to the existing porch in terms of proximity to the public sidewalk and paved roadway. Staff also observes that other properties along this stretch of Washington Boulevard appear to have a similar setback from the Washington Boulevard right-of-way as does the subject property. The proposed porch will not alter the character of the immediate area.

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.

In recent years there have been ten other ZBA petitions requesting relief for unenclosed, roofed-over front porches. Village Code contains specific standards for unenclosed roofed-over porches that encroach into front yards, but does not speak to porches encroaching into corner side yards. However, staff considers that porch on the subject property to be similar in nature to front porches.

All of the following ZBA cases are related to the construction of front porches. The ten variations were ultimately granted.

Case No.	Address	Front Yard Relief Requested	ZBA Vote	BOT Action
ZBA 19-03	103 N. Chase	Encroachment reduced from 25' to 22'	Approval	Approval
ZBA 16-05	172 S. Stewart	Encroachment reduced from 25' to 21'	Approval	Approval
ZBA 13-08	353 N. Grace	Encroachment reduced from 25' to 22'	Approval	Approval
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 rebuilding of a porch in the corner side yard on the subject property would not alter the essential character of the neighborhood. Staff is able to support the requested variation based upon established precedent for allowing unenclosed roofed-over porches to encroach into required setbacks.

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 setback variation to allow an unenclosed roofed-over porch:

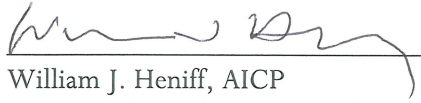
Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 20-06, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations 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 building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter

conform to all regulations of the zoning district in which such building or structure and use are located.

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

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Standards for Variations

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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. *This is correct. The existing structure/residence on the property at 353 E. Washington Blvd. Lombard IL is, at the location of the front door, only 10.28 feet from the property line (Washington side). Therefore, any step or structure (including the current entry) requires a variance. The hardship for the homeowner that would result by not granting a variance being an inability to provide a safe and accessible front entry into the home.*

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. *Without knowing how close other structures are to their property line, we cannot fairly comment.*

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

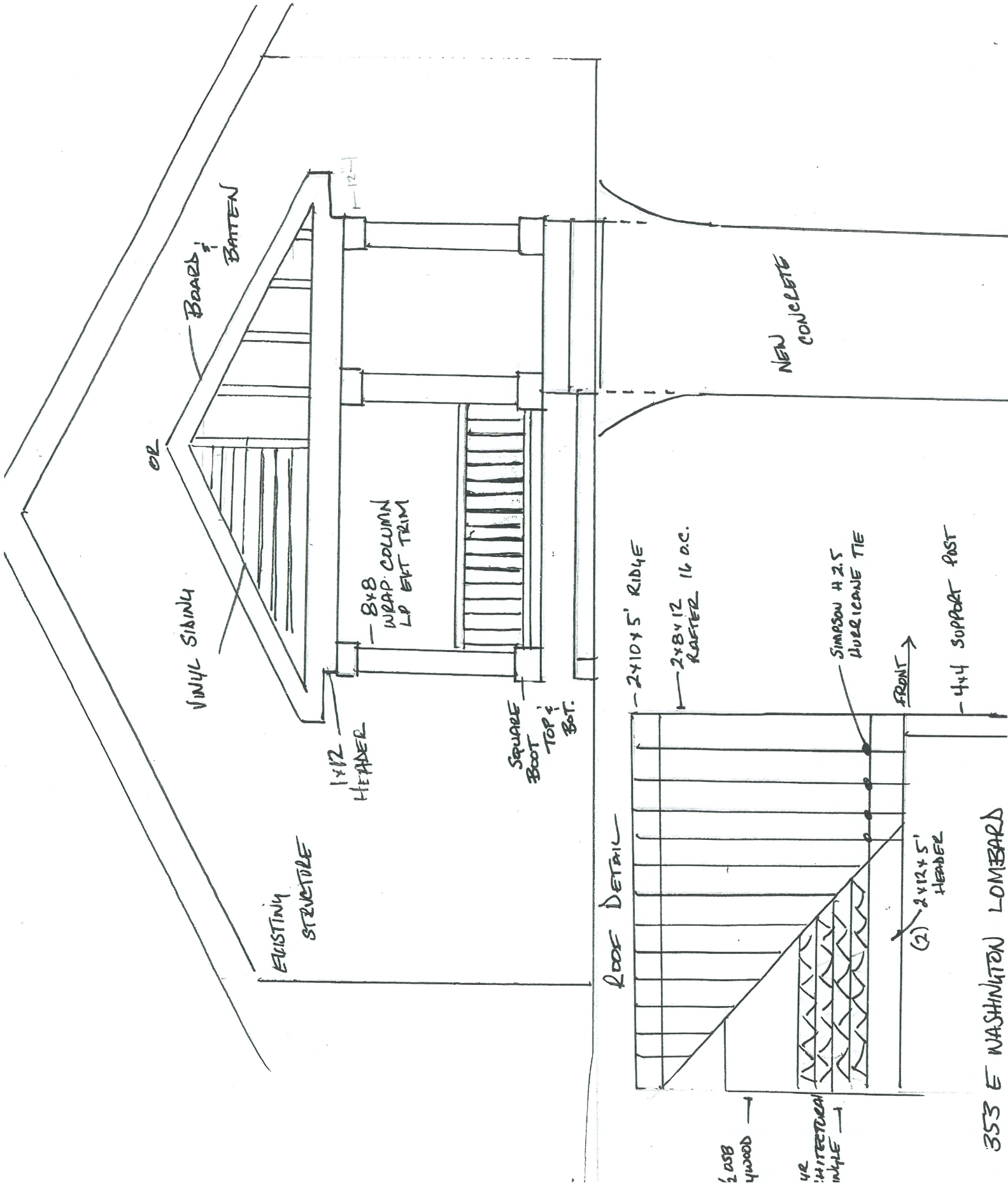
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property. *True. The existing home, as well as the existing failing covered entryway/porch were present when I purchased the property in 2002. The difficulty or hardship has not been created by any "person".*

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. *True. Again, we are not extending the structure of the entryway/porch any*

closer to the property line than it already is, and therefore are not creating any interference with public safety, roadway site-lines, etc.

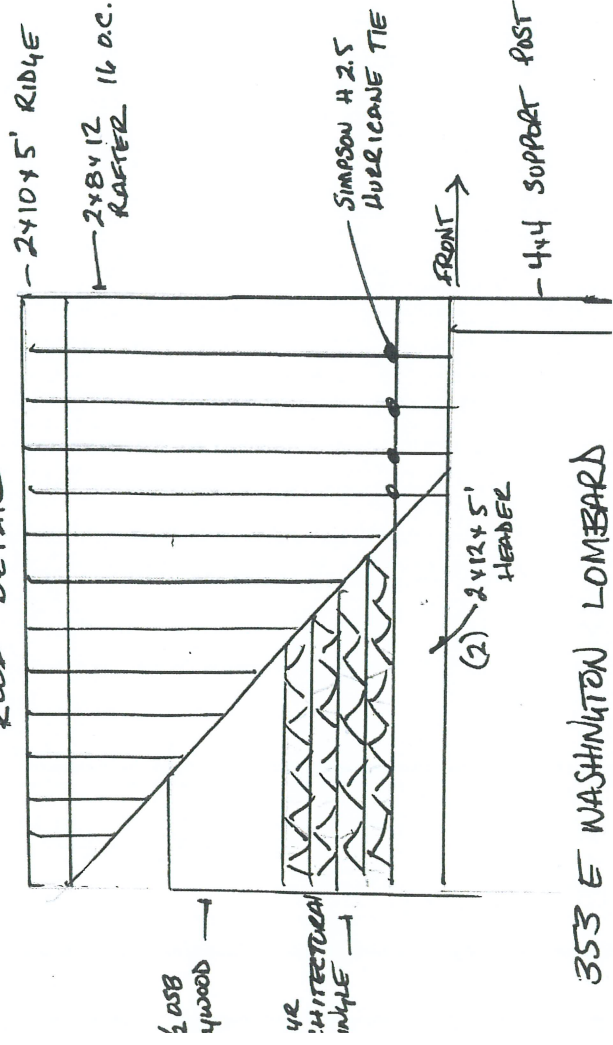
6. The granting of the variation will not alter the essential character of the neighborhood; and, *True*

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 or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. *True. Again, the size of the porch in no way infringes on the safety or essential character of the residential neighborhood.*



NEW CONCRETE

ROOF DETAIL

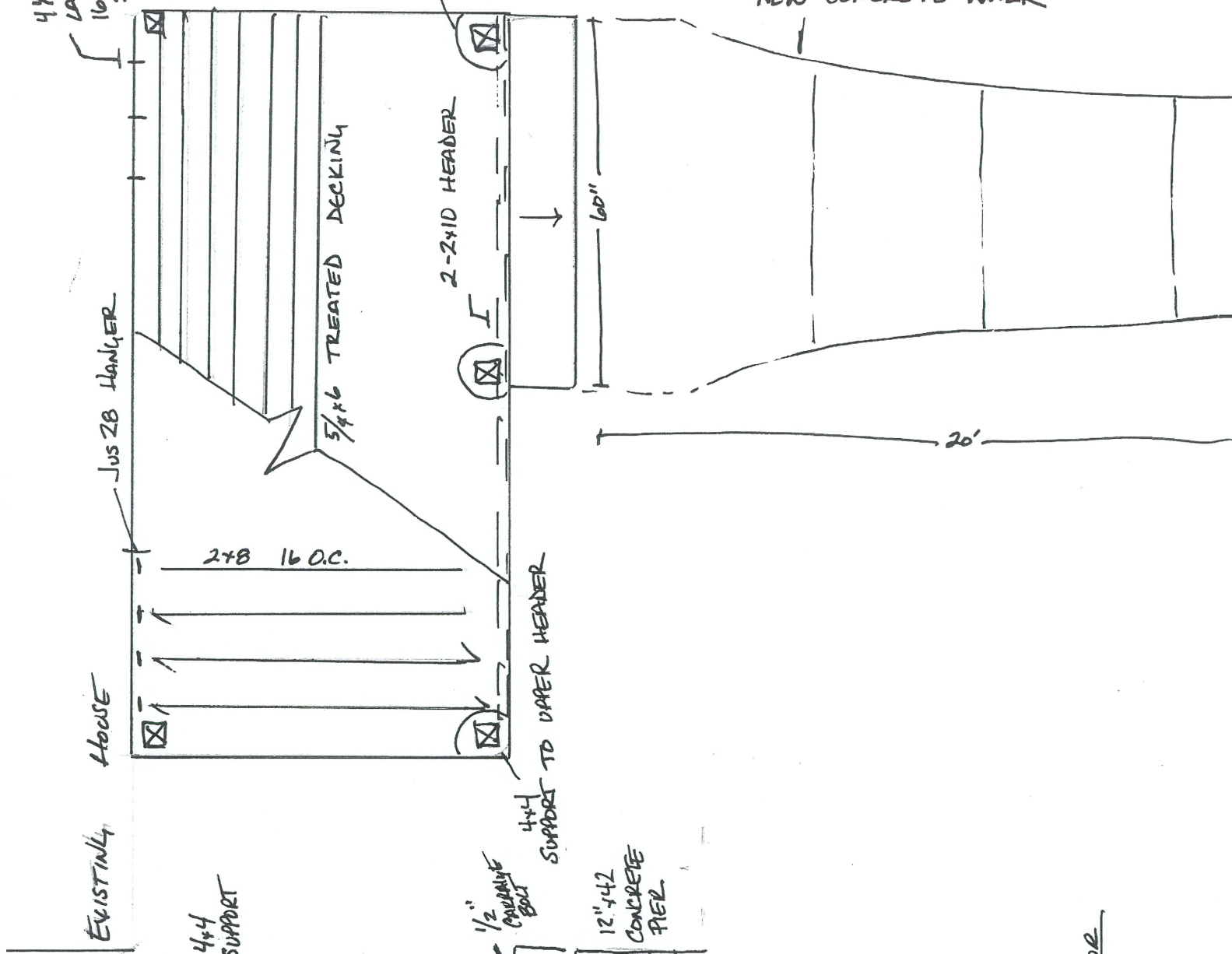


353 E WASHINGTON LOMBARD

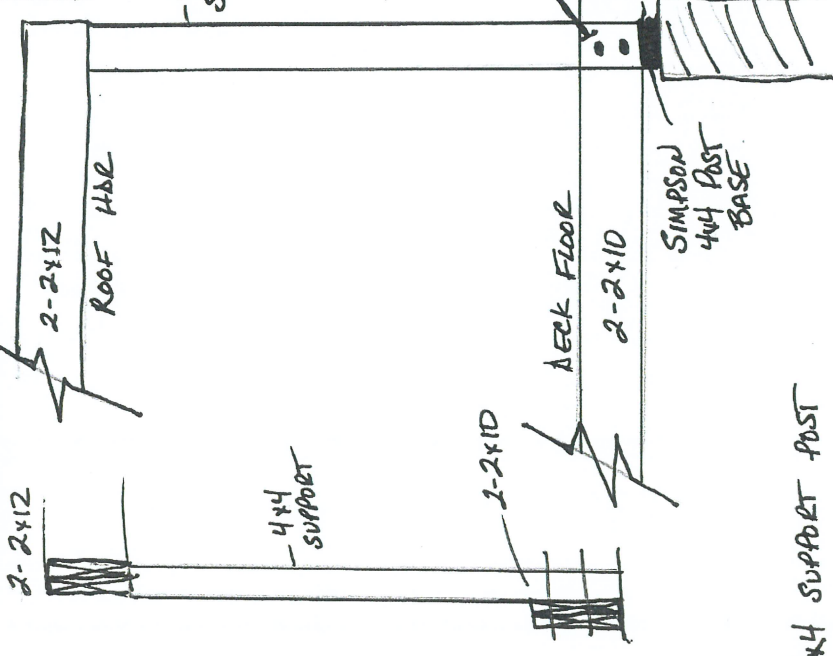
4 1/2 SCREWS
16" OC
16" STAY.

12"x42
CONCRETE
PIER

NEW CONCRETE WALK



HEADER DETAIL



RAILING DETAIL

