

September 7, 2006

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

Subject: ZBA 06-17; 197 S. Craig Place

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of a variation to Section 155.406 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from twenty feet (20') to approximately seven feet (7') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on September 7, 2006. Frank Trombino, owner of the property, presented the petition. He stated that he purchased the property in 1988 and did a major interior renovation project that took two years to complete. He noted that in 2000 he built a 3.5 car detached garage on the property. He mentioned that he now plans on refinishing the exterior to complete the restoration. He noted that at some point, an enclosed porch front porch was built which did not fit with the character of the house as it was built in 1893. Mr. Trombino submitted current photographs of the house and photographs taken during the 1930's that he received from the previous property owner.

Mr. Trombino noted that he applied for a building permit and started demolition of the enclosed porch. He discovered during the demolition that the porch foundation was not in good condition, and he wasn't aware that the grandfathered rights would be lost if the porch was rebuilt. He also realized that he would have to deviate from the original plan and move the turret over thirty-three inches (33") so the roof line would not intersect with the bedroom windows. Mr. Trombino displayed a full scale drawing/template of the porch showing the location of the footings. He noted that he would use two of the existing piers, which is why he had to extend the porch to eight feet (8') instead of seven feet (7'). He mentioned that only 19 square feet of the porch would extend beyond the original porch. He stated that the house is already non-conforming with a setback of seventeen and ninety-three hundredths feet (17.93'). He noted that only 145 square feet of the porch would be in the corner side yard whereas the old porch included 168 square feet in the corner side yard. He also mentioned that the old porch was enclosed whereas the new porch would be open.

Chairperson DeFalco then opened the meeting for public comment.

Denise Rubimstein, who resides at 211 S. Craig Place, stated that the petitioner's house is a really neat house and she thinks that the porch will look nice.

Jim Krawczykowski, who resides at 177 S. Craig Place, stated that the porch will enhance the house and he believes that the house would be considered a cornerstone in the neighborhood.

John DeLaurie, who resides at 205 S. Stewart Avenue, stated that their neighborhood is dangerous. He mentioned that there have been five accidents on Maple Avenue, one where the car ran into a house. He noted that too many people speed on Maple Avenue. He stated that the petitioner is a professional and is very protective of the neighborhood.

Chairperson DeFalco noted Mr. DeLaurie's safety concerns and asked whether he felt that the porch would make the situation worse. Mr. DeLaurie stated that the porch would not.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the northeast corner of Maple Street and Craig Place and is legal non-conforming with respect to the corner side yard setback as the existing residence is setback 17.93' and the attached porch was only setback 10.10'. She noted that the petitioner received a building permit for a porch repair and addition on a legal-nonconforming porch. She stated that the petitioner removed the porch, and doing so lost all non-conforming rights associated with the porch. She mentioned that the petitioner is requesting a variation to reestablish the nonconforming rights to construct a new porch.

Ms. Kulikowski stated that at the June 28th Zoning Board of Appeals meeting, the Zoning Board of Appeals continued the public hearing for ZBA 06-17 in order to allow the petition to be re-advertised. She explained that the advertised request was to reduce the corner side yard to nine feet (9') and was based off of plans that were submitted for permit. She mentioned that the petitioner submitted the Zoning Board of Appeals application after staff had submitted the public hearing notice for publication and the application included revised plans with different dimensions for the porch and an eight and one half foot (8.5') setback. She noted that upon further review of the revised plans, staff found that some of the setback measurements were inaccurate. Staff determined that the proposed porch would actually be setback seven feet (7') from the corner side property line, and because the amount of relief needed was greater than what was originally advertised, the petition had to be re-advertised as a request to reduce the corner side yard to seven feet (7').

Ms. Kulkowski provided background regarding the petition. She noted that the petitioner applied for a building permit for a porch on May 26, 2006, and when reviewing the permit, staff contacted the petitioner regarding setbacks and the need for a Plat of Resubdivision due to the size of the porch. She stated that the petitioner indicated that there currently was a porch at the front and rear of the house, and that he would be connecting the two with a porch addition wrapping around the bay window. She mentioned that staff reviewed the construction drawings and found notes indicating an existing deck and roof elements to be replaced, and staff issued the permit as a porch repair and

addition. She mentioned that after work was started, the petitioner stopped in to ask about the corner side yard setback, noting that the deck handout stated the corner side yard setback was twenty feet (20'). She stated that when discussing the matter with the petitioner, staff learned that the existing porch had been removed and the entire porch would be new construction. Staff notified the petitioner that the legal non-conforming rights were lost when the porch was removed, and a variation would be needed in order to construct the new porch.

Ms. Kulikowski noted that the original plans submitted for permit showed the porch extending seven feet (7') from the south wall of the residence with a turret element at the southwest corner projecting an additional twelve inches (12") from the porch. She mentioned that the plans submitted with the application for a variance were revised showing the porch extending eight feet (8') from the south wall of the residence with the turret at the southwest corner projecting an additional thirty-three inches (33") from the porch. She pointed out that the setbacks indicated on the revised plans are incorrect because the petitioner measured the setbacks from the sidewalk rather than from the property line. She noted that the correct setback measurements are circled on the proposed site plan in the addendum to the staff report.

Ms. Kulikowski stated that staff has typically supported setback variances in circumstances where the proposed improvements will maintain the existing building line or where the lot width is less than the minimum required sixty feet (60'). She noted that a portion of the proposed porch would maintain a ten foot (10') setback, the same as the previous porch, but the turret located at the southwest corner of the porch that would be set back only seven feet (7') from the corner side property line, thus increasing the degree of non-conformity. She mentioned that in the staff report prepared for the July 26th Zoning Board of Appeals meeting, staff recommended approval of a variance to reduce the corner side yard setback to nine feet (9'). She stated that staff did not object to the minor increase in the degree of non-conformity because the turret projection was intended to add an architectural feature to the porch rather than gain additional space. She noted that staff does not support a variation for the revised plans for the porch with a seven foot (7') setback from the corner side property line. She stated that staff finds that the additional encroachment will have a more significant impact.

Ms. Kulikowski pointed out that in a review of past corner side yard variance petitions since 2000, staff found only one case where a variation was granted to reduce the corner side yard setback to less than seven feet (7'). She noted that in this case (ZBA 06-01), the variation was granted to reduce the setback to six feet (6') to allow for the construction of a roof over an existing four foot (4') by six foot (6') entry stoop on a legal non-conforming structure. She mentioned that of the nineteen corner side yard variation petitions since 2000, seventeen petitions were requesting relief for encroachments of ten feet (10') or less. She noted that prior to the current twenty foot (20') minimum corner side yard requirement, the Zoning Ordinance formulated the required corner side yard based on the width of the property with every property required to have at least a ten foot (10') setback.

Ms. Kulikowski noted that the petitioner can still construct a front porch that complies with the setback regulations. She pointed out that a porch can be built across the front (west) wall of the residence extending to three feet (3') from the southwest corner of the residence and meet the

twenty-foot (20') corner side yard setback. She also mentioned that the petitioner could also relocate the turret to another part of the porch such as the northwest corner. Ms. Kulikowski reviewed the standards for variations, noting that staff did not find that the requested variation complied with the standards.

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

Mr. Young stated that the petitioner obviously did the measuring on the revised plans rather than a professional surveyor. He confirmed the correct measurements on the revised plans. Ms. Kulikowski explained that the original plat of survey noted that the house was setback 17.93 feet from the southern property line and the petitioner wrote in the setback as 19.25 feet on the revised drawings.

Chairperson DeFalco asked if the measurements on the original plans were inaccurate. Ms. Kulikowski stated that the original plans were based off of the measurements on the plat of survey and were accurate. She noted that on the revised plans, the petitioner removed the surveyor's annotated measurements and included his measurements that were taken from the sidewalk, not the property line.

Chairperson DeFalco noted that there are shrubs to the south of the residence that would block the view of the porch. He asked the petitioner whether the shrubs would stay after the porch was completed. Mr. Trombino stated that he wasn't sure if all of the shrubs would stay, but the larger tree would definitely stay.

Chairperson DeFalco noted that the older photographs of the home from the 1930's showed a porch, but did not show a turret. He mentioned that the picture must have been taken before the porch was enclosed. He noted that the petitioners plan would reduce the projection of the porch to the front to get a greater roof slope.

Mr. Bedard noted that the front yard setback was forty feet (40') which would help to reduce the impact of the porch encroachment in the corner side yard. Chairperson DeFalco noted that the front of the property was wide open.

Mr. Young asked if the provision in the Zoning Ordinance required construction associated with an approved variance to start within one year or finish within one year. Ms. Kulikowski stated that construction must start within one year from the approval date of the variance.

Chairperson DeFalco noted that a permit was already issued. He asked whether the petitioner would have to reapply for a permit if the variation were granted. Ms. Kulikowski stated that typically staff can just amend the permit if the plans change.

Mr. Young stated that he does not see a whole lot of harm in granting this variation.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Bedard, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 06-17 by a roll call vote of 6 to 0, subject to the following conditions:

1. The petitioner shall submit final plans for the porch to the Bureau of Inspectional services for review and documentation.
2. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.
3. The petitioner shall submit a Plat of Resubdivision to the Community Development Department so that the subject property can be recorded as a lot of record.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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