

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

X

Resolution or Ordinance (Blue) X *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: February 23, 2006 (B of T) Date: March 2, 2006

TITLE: ZBA 06-03: 121 N. Lincoln Avenue

SUBMITTED BY: Department of Community Development *WAT*

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 155.415(F)(1) to reduce the front yard setback from thirty feet (30') to twenty-three and one half feet (23.5') to allow the construction of a front porch on an existing legal non-conforming residence in the R2 Single Family Residential District.. (DISTRICT #1)

The petitioner is requesting a waiver of first reading.

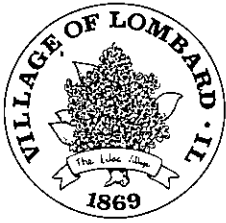
The Zoning Board of Appeals recommended approval subject to conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
<i>Village Manager</i> X <i>Leonard J. Flood</i> _____	Date <u>02/23/06</u>

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, Director of Community Development *DAH*

DATE: March 2, 2006

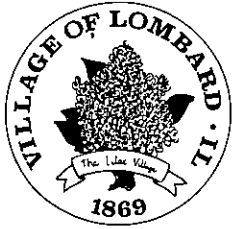
SUBJECT: ZBA 06-03: 121 N. Lincoln Avenue

Attached please find the following items for Village Board consideration as part of the March 2, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-03;
3. An Ordinance granting approval of the requested variation;
4. Plat of survey; and
5. Plans associated with the petition.

The petitioner is requesting that the Village Board waive a first reading of the aforementioned Ordinance due to time constraints associated with the project. Please find the written request attached.

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



VILLAGE OF LOMBARD

255 E. Wilson Avenue
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

March 2, 2006

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

Subject: ZBA 06-03; 121 N. Lincoln Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioners request a variation to Section 155.415(F)(1) to reduce the front yard setback from thirty feet (30') to twenty-three and one half feet (23.5') to allow 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 February 22, 2006. David Schroeder, owner of the subject property, presented the petition. Mr. Schroeder stated that he would like to reconstruct his front porch. He mentioned that the existing porch is made of concrete and is cracking. He stated that he would like to reconstruct a wooden front porch to keep with the architectural style of the house. He noted that the house is over 150 years old and is a "plaqued" house. He mentioned that the house is nonconforming with the front yard setback. He stated that the wood porch would be the same basic size as the existing porch, except that it will project fourteen inches (14") further from the front of the house.

The architect for the project, Fred Fosnot, also spoke on behalf of the petition. He stated that the property owner's intention was to keep with the historic nature of the house. He noted that if the house were setback at the minimum required thirty feet (30'), code would allow a front porch extending five feet (5') from the house. He stated that the proposed deck will only extend five feet (5') from the house, and Mr. Schroeder is asking for no more than what would be allowed by code had the house met the front yard setback.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

"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."

Michelle Kulikowski, Planner I, presented the staff report. She stated that the existing residence on the subject property was constructed in 1852 and is considered legal nonconforming with respect to the front yard setback as it is setback approximately twenty-eight and one half feet (28.5') from the front property line.

She mentioned that the existing front porch consists of concrete steps and a roof that projects eighteen inches (18") from the front wall of the house. She noted that stairs less than four feet above grade are a permitted encroachment within the front yard, and roofed-over porches are also a permitted encroachment within the front yard provided that they do not project more than seven feet (7') from the front wall of the principal structure and maintain a minimum twenty-five foot (25') setback. She stated that the setback for a roofed-over porch is measured from the edge of the roof. She noted that the existing porch maintains a twenty-seven foot (27') setback and projects only (18") from the front wall of the house, and therefore, meets the provisions for front porch encroachments. She stated that the petitioner is proposing to replace the existing concrete steps and roof with wooden stairs and a roof that projects five feet (5') from the front wall of the house. She noted that the roof of the proposed porch will only maintain a twenty-three and one half foot (23.5') setback from the front property line, and therefore a variation is needed.

Ms. Kulikowski stated that the existing porch consists of concrete steps that are cracked and in need of repair. She mentioned that the existing roof is more of an overhang as it does not cover the entire landing and it is not supported by posts. She noted that the petitioners could replace the stairs by a matter of right. She stated that the petitioners would like to renovate the front entrance with a more traditional front porch that would fit in with the architectural style of the house and are proposing a slightly larger landing which would project fourteen inches (14") further from the front wall of the house than the existing landing. She mentioned that the proposed roof would extend over the entire landing and would be supported by two posts.

Ms. Kulikowski noted that there is a precedent for setback variations to allow roofed-over porches within required yards, as a variation was recently granted (ZBA 06-01) to allow a roof over an existing stoop within the corner side yard. She noted that the requested relief is not substantial, as the proposed porch will be setback only one and one half foot (1.5') less than what is allowed by code. She stated that the proposed improvements will not increase the visual bulk within the front yard. She also mentioned that the setback of the house itself will remain the same, and the proposed porch will be unenclosed.

Ms. Kulikowski stated that the proposed porch will not alter the essential character of the neighborhood. She noted that there are only three houses east side of Lincoln Avenue between Grove Street and Windsor Avenue. She mentioned that the residence to the south of the subject property is only setback twenty feet (20') from the front property line, and the residence to the north of the subject property has an enclosed front porch which is only setback twenty-three (23') from the front property line. She stated that both of the adjacent properties have more substantial encroachments within the front yard.

Ms. Kulikowski stated that the residence on the subject property was built in 1852. She mentioned that the petitioners stated that they purchased the house a couple years ago with the intention of restoring it. Ms. Kulikowski noted that the proposed roofed-over porch exemplifies the principles of traditional neighborhood design and is consistent with the architectural style of the residence. She stated that staff finds the proposed improvements will enhance the aesthetic value of the house and neighborhood.

Ms. Kulikowski stated that requested variation complies with the standards for variations and recommends approval, subject to the conditions in the IDRC report.

Chairperson DeFalco opened the meeting for discussion among the members.

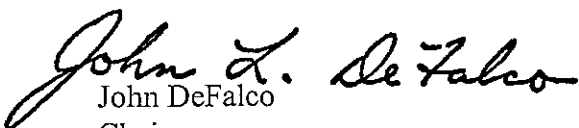
Chairperson DeFalco referred to the case presented at last month's Zoning Board of Appeals meeting (January 25, 2005). He mentioned that one of the conditions of approval was that the front porch shall remain unenclosed. He noted that this condition of approval was also outlined in the staff report for the subject petition.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of approval of ZBA 06-03 by a roll call vote of 5-0, subject to the following conditions:

1. That the petitioners shall construct the porch in accordance with the plans submitted as part of the petition and dated December 16, 2005.
2. That the petitioners shall apply for and receive a building permit for the proposed improvements.
3. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet the thirty-foot front yard provisions.
4. The roofed-over porch shall remain unenclosed.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals

HEARING DATE: February 22, 2006

FROM: Department of Community
Development

PREPARED BY: Michelle Kulikowski
Planner I

TITLE

ZBA 06-03; 121 N. Lincoln Avenue: The petitioners request a variation to Section 155.415(F)(1) to reduce the front yard setback from thirty feet (30') to twenty-three and one half feet (23.5') to allow the construction of a front porch on an existing legal non-conforming residence in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioners/Property Owners: David and Maureen Schroeder
121 N. Lincoln Avenue
Lombard, IL 60648

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District
Existing Land Use: Single-Family Residence
Size of Property: Approximately 9,804 Square Feet

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; developed as Single-Family Residences
South: R2 Single-Family Residence District; developed as Single-Family Residences
East: R2 Single-Family Residence District; developed as Single-Family Residences
West: R2 Single-Family Residence District; developed as Single-Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on January 21, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by American Survey Company, dated July 9th, 2001.
4. Architectural Drawings prepared at Frederick Fosnot, dated December 16, 2005

DESCRIPTION

The existing residence on the subject property was constructed in 1852 and is considered legal nonconforming with respect to the front yard setback as it is setback approximately twenty-eight and one half feet (28.5') from the front property line. The existing front porch consists of concrete steps and a roof that projects eighteen inches (18") from the front wall of the house. Stairs less than four feet above grade are a permitted encroachment within the front yard. Roofed-over porches are also a permitted encroachment within the front yard provided that they do not project more than seven feet (7') from the front wall of the principal structure and maintain a minimum twenty-five foot (25') setback. The setback for a roofed-over porch is measured from the edge of the roof. The existing porch maintains a twenty-seven foot (27') setback and projects only (18") from the front wall of the house, and therefore, meets the provisions for front porch encroachments. The petitioner is proposing to replace the existing concrete steps and roof with wooden stairs and a roof that projects five feet (5') from the front wall of the house. The roof of the proposed porch will only maintain a twenty-three and one half foot (23.5') setback from the front property line, and therefore a variation is needed.

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

The existing porch consists of concrete steps that are cracked and in need of repair. The existing roof is more of an overhang as it does not cover the entire landing and it is not supported by posts. The petitioners could replace the stairs by a matter of right. However, the petitioners would like to renovate the front entrance with a more traditional front porch that would fit in with the architectural style of the house. They are proposing a slightly larger landing which would project fourteen inches (14") further from the front wall of the house than the existing landing. The proposed roof would extend over the entire landing and would be supported by two posts.

Staff is able to support the requested variation for the following reasons. There is a precedent for setback variations to allow roofed-over porches within required yards. Recently, a variation was granted (ZBA 06-01) to allow a roof over an existing stoop within the corner side yard. Staff finds that the requested relief is not substantial, as the proposed porch will be setback only one and one half foot (1.5') less than what is allowed by code. The proposed improvements will not increase the visual bulk within the front yard. The setback of the house itself will remain the same, and the proposed porch will be unenclosed.

The proposed porch will not alter the essential character of the neighborhood. There are only three houses east side of Lincoln Avenue between Grove Street and Windsor Avenue. The residence to the south of the subject property is only setback twenty feet (20') from the front property line. The residence to the north of the subject property has an enclosed front porch which is only setback twenty-three (23') from the front property line. Both of the adjacent properties have more substantial encroachments within the front yard.

The residence on the subject property was built in 1852. The petitioners stated that they purchased the house a couple years ago with the intention of restoring it. The proposed roofed-over porch exemplifies the principles of traditional neighborhood design and is consistent with the architectural style of the residence. Staff finds the proposed improvements will enhance the aesthetic value of the house and neighborhood.

FINDINGS AND 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **does 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

Zoning Board of Appeals

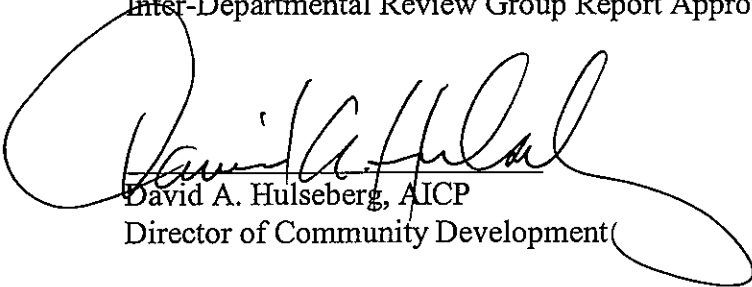
Re: ZBA 06-03

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Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-03 subject to the following conditions:

1. That the petitioners shall construct the porch in accordance with the plans submitted as part of the petition and dated December 16, 2005.
2. That the petitioners shall apply for and receive a building permit for the proposed improvements.
3. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet the thirty-foot front yard provisions.
4. The roofed-over porch shall remain unenclosed.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

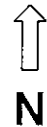
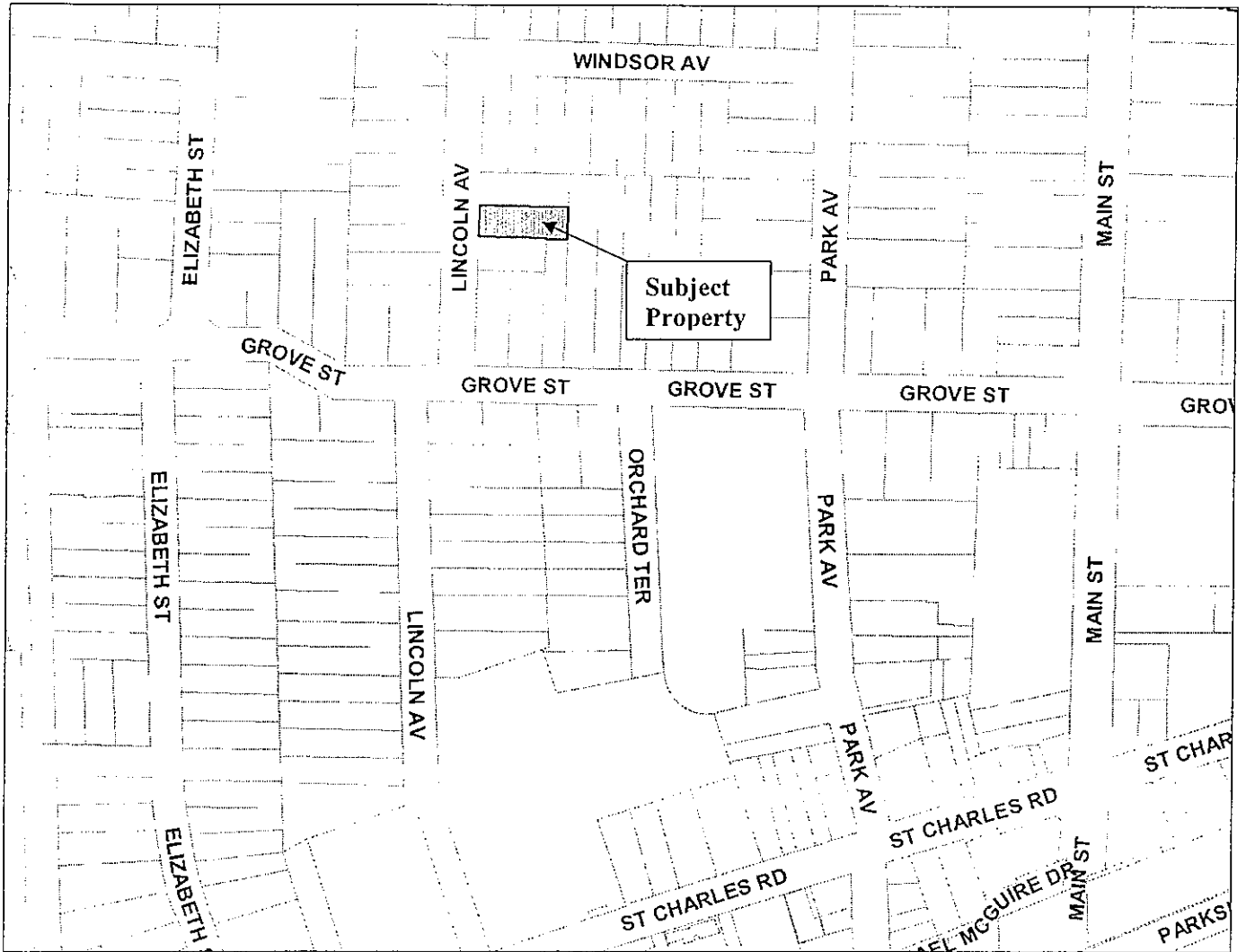
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Location Map
ZBA 06-03
121 N. Lincoln Avenue



Standard for Variations
121 N. Lincoln Ave.

The variance is being sought to renovate an existing front porch. No hardship would result from doing so. The size and shape of porch will be the same. The extension from the house will increase 14" from the current porch. The house set-back is 28'-11". There is no other location for the front steps of this home.

The home is the former J.B. Hull house built in 1852. The renovation will replace a cracked cement steps with a more traditional wooden front porch with wooden posts and railing. There are no other houses like it on our block.

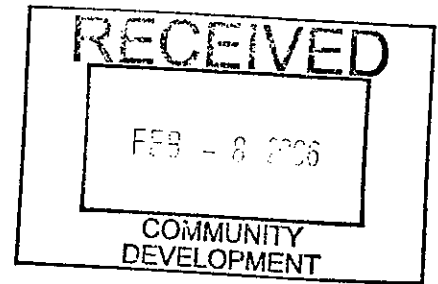
The purpose of the variation is to rebuild a front entrance that is more in style with the house and not for any financial gains. The current steps are in dire need of repair.

The difficulty with this ordinance has not been created by anyone with an interest in the property. We bought the home in May of 2002 and are working on restoring this home.

Granting this variation will in no way affect the public welfare of other property in our neighborhood. It will only gentrify the neighborhood and improve the appearance of this old house.

The character will improve with this renovation. The new porch will restore a piece of history to the neighborhood. The porch will be made of wood with vintage details.

The new porch will not impair the supply of light or air to adjacent properties. It will not increase congestion or increase danger of fire. The new porch will have no affect on drainage to this or adjacent properties. The face-lift of this porch will complement the home as well as the neighborhood which it is located.



2/6/06

To: Lombard Zoning Board of Appeals
Re: petition ZBA 06-03 121 N. Lincoln Ave.
From: Marilyn and Martin Fawell
212 W. Grove St.

We would cast our opinion as a "No" vote for the variance for the following reason:

-Part of the charm of this area is the wide expanse of front lawns along with large trees, and currently there are way too many 'tear-downs' in this neighborhood as it is, and if an exception of this type is made for one it probably will have to be made for all. The homes are set back in this area and it is esthetically pleasing. **23.5 feet from the front sidewalk is way too close for the structure** and it will change the looks of the block especially since this is undoubtedly going to be a trend. Anyone who builds the extra-large homes in this area will now feel it is their right to use up all of the property with the house and not have the expanse of lawn as well.

Thank you and Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn & Martin Fawell".

February 23, 2006

Dear President and Trustees:

As the property owner and petitioner, I would like to request a waiver of the first reading for the ordinance granting approval of a zoning variance for 121 N. Lincoln Avenue. This will allow me to complete the much needed repairs in a timely manner. Your consideration is greatly appreciated.

Sincerely,

David Shroeder

A handwritten signature in cursive script that reads "David A. Shroeder". The signature is written in black ink and is positioned below the printed name.

ORDINANCE NO. _____

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

(ZBA 06-03: 121 N. Lincoln Avenue.)

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 155.406(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to twenty-three and one half feet (23.5') in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on February 22, 2006 pursuant to appropriate and legal notice; and,

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

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 155.406(F)(1) of the Lombard Zoning Ordinance to reduce the front yard setback from thirty feet (30') to twenty-three and one half feet (23.5').

SECTION 2: This ordinance is limited and restricted to the property generally located at 121 N. Lincoln Avenue, Lombard, Illinois, and legally described as follows:

THE SOUTH 3 INCHES OF LOT 1 AND LOT 2 (EXCEPT THE SOUTH 3 INCHES THEREOF) IN JENTZEN'S DIVISION, BEING A SUBDIVISION OF LOT 10 OF STOCK'S SUBDIVISION OF PART OF OUTLOT 4 OF THE TOWN OF LOMBARD, IN SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED ON APRIL 24, 1916 AS DOCUMENT 124803, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-425-031

Ordinance No. _____

Re: ZBA 06-03

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

1. That the petitioners shall construct the porch in accordance with the plans submitted as part of the petition and dated December 16, 2005.
2. That the petitioners shall apply for and receive a building permit for the proposed improvements.
3. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet the thirty-foot front yard provisions.
4. The roofed-over porch shall remain unenclosed.

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 _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk