

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	February 27, 2008
FROM:	Department of Community Development	PREPARED BY:	Michael S. Toth Planner I

TITLE

ZBA 08-01; 322 E. Elm Street: The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition.

2) A variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033.

GENERAL INFORMATION

Petitioner/Property Owner: Larry and Jodi Coveny
322 E. Elm Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 10,000 square feet

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; Single-Family Residences

South: R2 Single Family Residence District; Single Family Residences

East: R2 Single-Family Residence District; Single-Family Residences

West: R2 Single-Family Residence District; Single-Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on January 24, 2008.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Lambert & Associates, dated January 23, 2008.
4. Building elevations, prepared by Stratton Architects, dated February 1, 2008.

DESCRIPTION

The property contains a one-story single family residence built approximately 17.7 feet from the side property line along Stewart Avenue. The petitioner's request has been separated into two separate approvals as each poses its own unique land use issues. The first action requiring relief is to erect a second story addition above the existing structure that will hold the same setback that the house currently maintains. The second action is to enclose an existing covered side stoop/porch, also located within the required corner side yard. As the house is legal non-conforming due to the insufficient corner sideyard setback, a variation is required for both proposals. All other setback requirements relating to the principal structure are presently conforming.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments regarding the request.

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding the request at this time.

PLANNING

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property.

Past Approvals for Subject Property

Case No.	Request Type	Staff Recommendation	ZBA Recommendation	BOT Action	Approval Date
ZBA 01-17	Corner Setback variation for roofed-over side porch.	Denial	Approval	Approval	1/22/02
ZBA 05-02	Fence Height variation for corner side yard.	Denial	Approval	Approval	4/21/05

Second Story Addition

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') (ZBA 05-03).
- 2) The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26).
- 3) The property at 117 S. Stewart (ZBA 06-26) received a corner side yard reduction to construct an addition that would maintain a 14'8" corner sideyard setback.

These examples of at-grade additions within the required twenty (20') foot corner side yard. The proposed addition would be a second story addition and would not increase the lot area coverage.

Porch Enclosure

The property also contains a concrete stoop and steps to a side entrance on the east side of the property off Stewart Avenue. The side stoop is approximately four feet wide, seven feet long and less than 36 inches in height. The Zoning Ordinance requires a 20-foot side yard setback. As the porch was built with the house in 1924 it is also legal non-conforming. The property owner received Board approval in 2001 (ZBA 01-17) to cover the aforementioned porch with a roof. Approval to enclose the porch was never granted through ZBA 01-17. The petitioners wish to enclose the porch, which is not allowed by code, as the porch intrudes in the corner side yard setback. Based on the standards to variations, the petitioner noted that the enclosed porch would essentially be used as an extension to a staircase landing, which is currently only nine (9) square feet.

In June of 2002, PC 02-23 introduced text amendments, which changed the Code to allow covered porches to encroach into the front yard setback so long as a twenty-five (25) foot setback was maintained and the porch did not extend out more than seven (7) feet from the principal structure. Those parameters were established so that the size of a front porch would be wide enough so that it is a useful space but not wide enough that it can be readily converted into a room addition, thus resulting in excessive visual bulk. Although the subject porch is not located within the front yard setback, the same principal exists as the porch fronts public right of way (Stewart Avenue).

Staff is not supportive of the porch enclosure because enclosing the porch would increase the visual bulk on the east side of the property. Also, the hardship presented is of a personal nature not one based on the physical attributes of the property. The lot is similar to many R2 single family lots in Lombard. The petitioners desire to enclose the porch is a convenience, rather than a hardship associated with the property. Most of the lots on both sides of the street are 50 feet in width, 10 feet narrower than the minimum width in the R2 district. This means that the area is more likely to have an appearance of overcrowding.

To be granted a variation the petitioner 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.

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 many R2 Single Family Residential lots in the Village. Although somewhat unique in its non-conformity the property itself is not.

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 ordinance has not caused the hardship.

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 it contributes to loss of suburban character of the neighborhood and is not consistent with the overall characteristics of the area. Staff finds that increasing the non-conformity will change the characteristics of the area, as it would present the visual appearance as a house addition.

5. *The granting of the variation will alter the essential character of the neighborhood.*

Staff finds that the requested relief would create visual bulk and alter the aesthetic character of the neighborhood.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has partially affirmed the Standards for Variations for the requested setback variations. 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 proposed second story addition while recommending **denial** of the setback variation relative to the proposed porch enclosure:

Based on the submitted petition and the testimony presented, the requested setback variation pertaining to the second story addition does comply with the Standards required for a variation while the variation relative to the porch enclosure does not comply with the Standard for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accepts the findings of the Inter-departmental Review Report as the finding of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of the second story addition while recommending **denial** of the porch enclosure associated with ZBA 08-01.

Zoning Board of Appeals

Re: ZBA 08-01

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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

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c: Petitioner

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