

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

  X   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: Scott R. Niehaus, Village Manager

DATE: December 27, 2016 (B of T) Date: January 5, 2017

TITLE: ZBA 16-05; 172 S. Stewart Avenue

SUBMITTED BY: Department of Community Development *WLN*

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 approve the following for a property located in the R2 Single-Residence District:

1. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch to be set back twenty-one feet (21') from the front property line where twenty-five feet (25') is required for the front yard;
2. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch that encroaches into the front yard to project eight feet (8') from the front wall of the principal structure, where a projection of not more than seven feet (7') is permitted; and
3. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow steps projecting into the front yard to be five feet three inches (5'3") above grade, where a maximum of four feet (4') above grade is permitted.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0.

The petitioner requests 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 \_\_\_\_\_



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

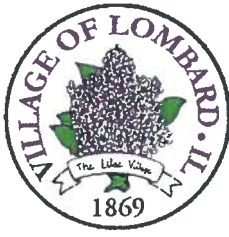
**MEETING DATE:** January 5, 2017

**SUBJECT:** ZBA 16-05; 172 S. Stewart Avenue

Please find the following items for Village Board consideration as part of the January 5, 2017 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 16-05;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals recommended approval of this petition by a vote of 4-0. Please place this petition on the January 5, 2017 Board of Trustees consent agenda with a waiver of first reading requested by the petitioner.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

January 5, 2017

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"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 16-05; 172 S. Stewart Avenue**

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 approve the following for a property located in the R2 Single-Residence District:

1. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch to be set back twenty-one feet (21') from the front property line where twenty-five feet (25') is required for the front yard;
2. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch that encroaches into the front yard to project eight feet (8') from the front wall of the principal structure, where a projection of not more than seven feet (7') is permitted; and
3. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow steps projecting into the front yard to be five feet three inches (5'3") above grade, where a maximum of four feet (4') above grade is permitted.

The Zoning Board of Appeals conducted a public hearing on December 14, 2016.

Mr. Stephen Flint, Mr. Dave Dybowski, and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Flint, architect and petitioner, presented the request. Mr. Flint said that the property owner wants to rebuild an existing porch that is part of a historic home in Lombard. He noted that there will be some modifications of the side portion of the porch, but the front porch will retain the character and size of the existing porch. The rebuilt porch will utilize materials similar to those found on the existing porch. The plans call for the existing roof to be saved, with minor modifications.

Mr. Dybowski, the property owner, noted that he does not want to increase the size of the porch. The intent is to fix the porch, which needs to be rebuilt.

Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition. Seeing no one, he asked for the staff report.

Anna Papke, Senior Planner, presented the staff report. The IDRC report was entered into the record in its entirety. Ms. Papke said that the existing porch is part of a historic home in Lombard. The home is included in the Village's survey of historic properties, and the Lombard Historical Society maintains a folder on the subject property. The front porch is in poor condition and the homeowner would like to rebuild it to roughly the same dimensions. However, the front porch does not meet front setback requirements for front porches, and thus requires a variance in order to be rebuilt. Ms. Papke noted that the current setback requirements were not in place at the time the home was originally constructed. This creates a hardship for the property owner, who cannot rebuild the porch and maintain its historic characteristics without needing a variance. Staff recommended approval of the petition subject to the conditions in the staff report.

Chairperson DeFalco noted that the columns of the existing porch are wrapped in brick. He asked if the property owner will reuse some of these bricks to rebuild the porch.

Mr. Flint said that reusing the bricks would be cost-prohibitive. However, the rebuilt columns will include masonry and will look similar to the existing columns.

Mr. Dybowski confirmed that reusing the bricks would be cost-prohibitive.

Mr. DeFalco summarized the petition and asked for a motion from the Board.

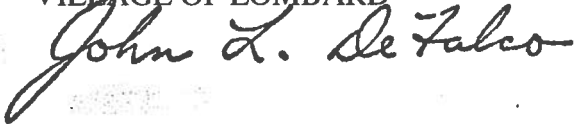
On a motion by Mr. Young, and a second by Mr. Bartels, the Zoning Board of Appeals voted 4-0 that the Village Board approve the petition associated with ZBA 16-05, subject to the following five (5) conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations prepared by Flint Architects, dated October 27, 2016, November 7, 2016, and 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 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; and

5. The roofed-over porch shall remain unenclosed.

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 initial 'J' and 'D'.

John DeFalco  
Chairperson  
Zoning Board of Appeals

**DECEMBER 14, 2016**

**Title**

ZBA 16-05

**Petitioner**

Stephen E. Flint, Flint Architects  
314 S. Westmore Avenue  
Lombard, IL 60148

**Property Owner**

Dave and Amy Dybowski  
172 S. Stewart Avenue  
Lombard, IL 60148

**Property Location**

172 S. Stewart Avenue

**Zoning**

R2 Residential Single Family

**Existing Land Use**

Residential Single Family

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

The following variations for an unenclosed front porch: (1) allow setback of 21 feet where 25 feet is required for the front yard; allow porch to project eight feet beyond front wall of principal structure where not more than seven feet is required; allow steps in front yard to be 5'3" above grade where up to 4' above grade is permitted.

**Prepared By**

Anna Papke, AICP  
Senior Planner



**LOCATION MAP**

**PROJECT DESCRIPTION**

The petitioner is proposing to rebuild an existing unenclosed roofed-over porch attached to the front wall of a single family residence. The Zoning Ordinance permits unenclosed, roofed-over porches to encroach into the required 30-foot front yard so long as they do not project more than seven feet from the front wall of the principal structure and maintain a 25-foot setback from the front property line. The front wall of the residence on the subject property observes the 30-foot front yard setback requirement. However, the existing porch projects approximately eight feet from the front wall of the house and has just over a 21-foot setback from the front property line.

Similarly, the Zoning Ordinance permits steps that are four feet or less above grade necessary to access a permitted structure to encroach into the 30-foot front yard. The existing steps encroach into the front yard and are five feet three inches (5'3") above grade.

The existing porch and steps are in disrepair and the property owner would like to replace them. The petitioner proposes to reconstruct the front portion of the porch in substantially the same footprint as the existing porch, and requires a variance from the above-mentioned requirements in order to do so.

Staff notes that the portion of the proposed porch on the side of the house will have a slightly different footprint than the side of the existing porch. However, the side portion of the porch meets side

**PROJECT STATS**

**Lot & Bulk**

Parcel Size: 8,000 sq. ft.

House

Footprint: 1,751 sq. ft.

Porch

footprint: 262 sq. ft.

Lot Coverage: Approx. 50%

**Setbacks with porch**

Front (East) 21 feet

Side (North) 7 feet

Side (South) 8.5 feet

Rear (West) 50+ 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;
4. Site plan, by Flint Architects, dated October 27, 2016;
5. Existing conditions photo submitted by petitioner on 11/07/2016; and
6. Elevation of proposed porch, submitted by petitioner on 11/07/2016.

yard setbacks and does not require a variance.

**APPROVAL(S) REQUIRED**

The petitioner requests the following approvals, per Section 155.212 of the Lombard Zoning Ordinance, Permitted Obstructions in Required Yards, in order to rebuild the porch as proposed:

1. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch to be set back twenty-one feet (21') from the front property line where twenty-five feet (25') is required for the front yard;
2. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch that encroaches into the front yard to project eight feet (8') from the front wall of the principal structure, where a projection of not more than seven feet (7') is permitted; and
3. A variation from Section 155.212 of the Lombard Zoning Ordinance to allow steps projecting into the front yard to be five feet three inches (5'3") above grade, where a maximum of four feet (4') above grade is permitted.

**EXISTING CONDITIONS**

The property contains a two-story frame single family residence with an existing front porch that wraps around the side of the home. The property also has a detached garage and associated driveway.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments in relation to the petition. Additional comments may be forthcoming during permit review.

**Fire Department:**

The Fire Department has no issues or concerns. 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 allows roofed-over porches, which are unenclosed and projecting not more than seven feet from the front wall of the principal structure, as a permitted encroachment in the front yard, provided that a minimum of 25-foot front setback is maintained. Under the permitted obstructions provision, an unenclosed roofed-over porch extending five feet from the principal structure could be constructed on the subject property as a matter of right. The petitioner is proposing to replace an existing unenclosed roofed-over porch that extends eight feet from the front wall of the principal structure. The existing front porch is set back approximately 21 feet from the front property line, where 25 feet is required.

The existing porch is in disrepair and requires replacement. The front portion of the new porch will be identical to the currently existing porch. The degree of encroachment into the front yard will remain identical. Similarly, the steps, which encroach into the front yard, will be rebuilt to their present height and location.

Staff notes that the intent of the property owner is to rebuild the porch in a manner that is consistent with the original porch in terms of size and style. In the response to standards for variations, the petitioner states that the proposed porch will be rebuilt using materials (concrete and masonry) that are the same as those used in the existing porch. The petitioner also states that the existing porch roof will remain with modifications.

The existing house at 172 S. Stewart Avenue is a historic home within Lombard as identified in the 2014 Village of Lombard Architectural and Historical Survey. The survey entry for the subject property describes the house as an example of the Tudor Revival architectural style, and notes that it has a wraparound porch. The survey entry indicates the home was constructed in 1897. The Lombard Historical Society also maintains a file on this property, including photos from the early 20<sup>th</sup> century that show the front porch. The survey entry and documents from the Historical Society are included as an exhibit to this report.

The current Zoning Ordinance, which went into effect after the home was constructed, contains front yard setback provisions that the existing porch does not meet. This creates a hardship for the property owner, who cannot rebuild the existing porch and maintain the historic character of the home as a result of the current setback regulations. Granting a variance in order to allow reconstruction of the existing porch would be consistent with the Village's interest in maintaining historic structures.

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.*

Staff finds that the subject property does not have unique physical limitations. However, the placement of the existing porch on the property and the fact that the property owner would like to rebuild a porch that is consistent with 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 front 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. Staff finds that the conditions upon which this petition is based are unique to the subject property in that it is one of a limited number of properties identified in the Village's Architectural and Historical Survey. Inclusion in the survey suggests that the Village is supportive of maintaining the defining characteristics of the property, including the porch that does not meet current front yard setback requirements.

- 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 historic home that was built in 1897. The Zoning Ordinance, adopted after the home was constructed, includes front setback requirements that the existing home does not meet. Therefore, the Zoning Ordinance limits the property owner's ability to reconstruct the existing unenclosed roofed-over front porch.

- 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 development that compliments the character of the neighborhood in that the rebuilt porch will be architecturally consistent with the porch that was constructed when the house was built in 1897.

- 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 eight other ZBA petitions requesting relief for unenclosed, roofed-over front porches. Several have been similar in scope to the variation requested for 172 S. Stewart

Avenue. All of the below ZBA cases are related to the construction of front porches. The eight variations were ultimately granted.

Case No.	Address	Front Yard Relief Requested	ZBA Vote	BOT Action
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 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 into required setbacks. The variance would also preserve the features of a property identified in the Village of Lombard Architectural and Historical Survey.

### **FINDINGS & RECOMMENDATIONS**

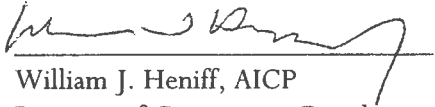
The Department of Community Development has determined that the information presented has affirmed the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion 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 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 16-05, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations prepared by Flint Architects, dated October 27, 2016, November 7, 2016, and 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 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; and

5. The roofed-over porch shall remain unenclosed.

Inter-Departmental Review Committee Report approved by:

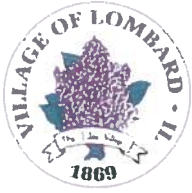


William J. Heniff, AICP  
Director of Community Development

Exhibits: Village of Lombard Architectural and Historical Survey, entry for 172 S. Stewart Avenue  
Items from Lombard Historical Society file on 172 S. Stewart Avenue

c. Petitioner

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# VILLAGE OF LOMBARD ARCHITECTURAL AND HISTORICAL SURVEY

# 2014

## GENERAL INFORMATION

**Street Number:** 172  
**Former Street Number:** -  
**Street:** South Stewart Avenue  
**PIN Number:** 06-08-118-034  
**Construction Date (s):** 1897  
**Current Function:** Single family residential  
**Historic Function:** Single family residential



## PHYSICAL EVALUATION

**Condition:** Good  
**Integrity:** Excellent  
**Secondary Structure:** -  
**Secondary Condition:** -  
**Secondary Integrity:** -

### Alterations:

Brick painted; rear addition

## SIGNIFICANCE

**Landmark/National Register:** No  
**National Register Eligible:** No  
**National Register Criterion:**  
**LHS Plaque:** No      **LHC Landmark:** No

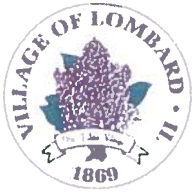
### Reason for Significance:

## ARCHITECTURAL DESCRIPTIONS

**Architectural Style:** Tudor Revival  
**Building Form:** -      **No. of Stories:** 2  
**Current Wall Materials:** Brick  
**Original Wall Materials:** Brick  
**Ornamentation:** Brick corbels & parapets  
**Storefront Materials:** -  
**Roof Type:** Cross gable      **Materials:** Asphalt shingle  
**Roof Ornamentation:** Decorative parapets  
**Foundation Material:** Stone  
**Porch Type:** Wrap around  
**Door Detailing:** -  
**Window Type:** Double hung 1/1  
**Window Configuration:** Single  
**Window Material:** Wood  
**Window Detailing:** -

### Significant Features:

Brick detailing, porch columns



# VILLAGE OF LOMBARD ARCHITECTURAL AND HISTORICAL SURVEY

2014

## HISTORICAL RESEARCH

**Original Owner:** Karl & Lisette Geiersbach

**Historic Name:** Karl Geiersbach House

**Current Name:** -

**Original Architect:** -

**Alternate Architect:** -

**Original Contractor:** Karl Geiersbach

**Alternate Contractor:** -

**Developer:** -

**Construction Cost:** -

**Permit:** -

**Subdivision:** -

### Research & Archival Sources:

Extensive file at Lombard Historical Society

## NOTES

Karl Geiersbach was a German brick mason. He built the house using local Hammerschmidt Brick & added a rear addition in 1930. He sold the house to Herbert & Mata Hover about 1935.

## SURVEY INFORMATION

**Surveyor:** Douglas Gilbert, AIA

**Survey Date:** June 12, 2014



Figure 2



Figure 3



Figure 4



This property and the lot to the south was purchased in 1896 from Thomas A. Stewart by Karl Geierbach.

The street was later named Stewart after the developer.

Karl Geierbach came from Germany and was a bricklayer by trade. He completed construction of this house for himself and his wife in 1897.

The brick came from the Hammerschmidt Brick Company, where Karl was employed. There are still a few other examples of Hammerschmidt brick homes standing in Lombard to this day.

The outside construction of this house is of particular note. It seems more ornate than other Hammerschmidt homes. The pillars which go around the veranda are wood, and the brick (Chicago street brick) was carved out to mold around them. Most of the glass windows are original.

At the back of the property is a free-standing coach house. Longtime residents of the neighborhood can recall chickens and a horse grazing there.

The addition at the back of the house is thought to be approximately sixty years old. Without changing the exterior appearance, the addition has itself been remodeled.

*Autumn Harvest of Home*  
10 18-92

The exterior brick was painted and has recently been sandblasted to restore its original color

Extensive remodeling and redecorating has been done to the interior of the home by its current owners.

Rumor has it that strong spirits were produced and dispensed from this address during Prohibition..

*Clatsop Harvest of Fern*  
10 02

172 S. Stewart

Lombard

Bu.



1 car

\$16,900

1100





## Nowakowski, Tamara

---

**From:** Papke Anna  
**Sent:** Tuesday, December 27, 2016 9:28 AM  
**To:** Nowakowski, Tamara  
**Subject:** FW: Board of Trustees Meeting Time

FYI. Memo has the request for waiver of first.

	<b>Anna Papke, AICP</b> Senior Planner Village of Lombard 255 E Wilson Ave. Lombard, IL 60148
	Phone: (630) 620-5758 Fax: (630) 620-2374 Email: <a href="mailto:papkea@villageoflombard.org">papkea@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a> Follow us:   

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**From:** Stephen Flint [<mailto:seflint@flintarch.com>]  
**Sent:** Monday, December 26, 2016 1:10 PM  
**To:** Papke Anna  
**Cc:** Dave Dybowski ([d.dybowski@comcast.net](mailto:d.dybowski@comcast.net))  
**Subject:** RE: Board of Trustees Meeting Time

Anna,

Please go ahead with wavier of first reading and passing on second reading for the January 5<sup>th</sup> Village Board Meeting.

Thank you.

**Steve**

Stephen E. Flint, AIA  
Principal

**Flint Architects, LLC**  
314 S. Westmore Avenue  
Lombard, Illinois 60148  
630.953.9220 Phone  
630.953.9440 Fax  
630.336.3340 Cell  
[seflint@flintarch.com](mailto:seflint@flintarch.com)  
[www.flintarch.com](http://www.flintarch.com)



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**From:** Papke Anna [<mailto:PapkeA@villageoflombard.org>]  
**Sent:** Thursday, December 15, 2016 3:52 PM  
**To:** Stephen Flint <[seflint@flintarch.com](mailto:seflint@flintarch.com)>  
**Subject:** Board of Trustees Meeting Time

Steve,

You were correct, as of January 2017 the Board of Trustees will meet at 7:00. So first reading for the 172 S. Stewart property will be January 5, 7:00 PM.

Thanks,  
Anna



**Anna Papke, AICP**

Senior Planner  
Village of Lombard  
255 E Wilson Ave. Lombard, IL 60148

Phone: (630) 620-5758  
Fax: (630) 620-2374  
Email: [papkea@villageoflombard.org](mailto:papkea@villageoflombard.org)  
Web: [www.villageoflombard.org](http://www.villageoflombard.org)

Follow us:   

ORDINANCE NO. \_\_\_\_\_

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

**(ZBA 16-05; 172 S. Stewart 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 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over porch to be set back twenty-one feet (21') from the front property line where twenty-five feet (25') is required for the front yard, to allow an unenclosed roofed-over porch that encroaches into the front yard to project eight feet (8') from the front wall of the principal structure where a projection of not more than seven feet (7') is permitted, and to allow steps projecting into the front yard to be five feet three inches (5'3") above grade where a maximum of four feet (4') above grade is permitted; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 14, 2016 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval 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 porch to be set back twenty-one feet (21') from the front property line, to allow an unenclosed roofed-over porch that encroaches into the front yard to project eight feet (8') from the front wall of the principal structure, and to allow steps projecting into the front yard to be five feet three inches (5'3") above grade.

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations prepared by Flint Architects, dated October 27, 2016, November 7, 2016, and 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 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; and
5. The roofed-over porch shall remain unenclosed.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 172 S. Stewart Avenue, Lombard, Illinois, and legally described as follows:

LOT 1 IN BLOCK 3 AND THE EAST HALF OF THE VACATED ALLEY (PER DOC. 473685) LYING WEST OF AND ADJOINING SAID LOT 1 IN TOWER PARK SUBDIVISION AT LOMBARD, BEING A SUBDIVISION IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1892 AS DOCUMENT 49334, IN CUPAGE COUNTY, ILLINOIS.

Parcel No: 06-08-118-034

**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 \_\_\_\_\_, 2017.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ordinance No. \_\_\_\_\_

Re: ZBA 16-05

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Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Sharon Kuderna, Village Clerk