



# Village of Lombard

Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org

## Minutes

### Zoning Board of Appeals

*John DeFalco, Chairperson  
Mary Newman, Raymond Bartels,  
Greg Young, Keith Tap,  
Ed Bedard and Val Corrado  
Staff Liaison: William Heniff*

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Wednesday, April 24, 2013

7:30 PM

Village Hall Board Room

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#### Call to Order

#### Pledge of Allegiance

#### Roll Call of Members

**Present** 4 - John DeFalco, Greg Young, Keith Tap, and Ed Bedard

**Absent** 3 - Mary Newman, Raymond Bartels, and Val Corrado

#### Public Hearings

[130187](#)

##### **ZBA 13-02: 225 W. Potomac**

Requests that the Village grant a variation from Section 155.407 of the Lombard Zoning Ordinance to provide for a front yard setback of twenty-six (26) feet where thirty (30) feet is required for a principal structure as well as a companion variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back twenty-three (23) feet where twenty-five (25) feet is required for the front yard, all located within in the R2 Single-Family Residence District. (DISTRICT #1)

*Dean M. Pozarzycki R.A., Architect and Erik Kraft, 225 W. Potomac presented the petition. Mr. Pozarzycki stated that his clients would like to add square footage to their house to accommodate themselves and their two children. They would like to create a new front entrance with a new porch as part of the improvement to the house. Currently the entrance to the house is on the west side of the house. Mr. Kraft added that they are not increasing the footprint of the house, it is simply nonconforming as it is.*

*Tami Urish, Planner I, presented the staff report. The property contains a one-story single family residence. The petitioner is*

*proposing to construct a second story addition on an existing structure, twenty-six (26) feet from the northern property line, which is considered the front yard of the subject property. The Lombard Zoning Ordinance provides for a front yard setback at a minimum of thirty (30) feet. As the alteration of the principal structure is set back only twenty-six (26) feet, a variation is required. The petitioner is also proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-three (23) feet from the front property line. The Zoning Ordinance allows unenclosed roofed-over front porches as a permitted encroachment into the required front yard, provided that a minimum of twenty-five (25) feet is provided. As the proposed porch is set back only twenty-three (23) feet, a companion variation is required.*

*The proposed second floor addition has been designed to not go further toward the street than the existing northernmost wall of the building. The new second floor cantilever is to align with the existing northeast footprint of the structure. This would result in a setback deficiency of four feet (4') as the structure would only be set back a distance of twenty-six feet from the northern property line. The addition provides for symmetry in the architectural features of the house. In the response to standards, the petitioner indicates the existing house is small and no longer fulfills the spatial needs of the family. The purpose of the addition is brought by a desire to remain in the neighborhood. Seven of the homes on the block have undergone similar alterations or were originally built as two story structures. The two homes (219 and 231 W. Potomac Ave.) abutting the subject property have two stories and the two homes (213 and 237 W. Potomac Ave.) abutting these homes also have two stories.*

*The Zoning Ordinance allows roofed-over porches, which are unenclosed and projecting not more than seven (7) feet, as a permitted encroachment in the front yard, provided that a minimum of twenty-five (25) foot front setback is maintained. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet six inches (4'6") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (northward) three feet from the principal structure's closest point. This would result in a setback deficiency of two feet (2') as the*

*structure would only be set back a distance of twenty-three feet from the northern property line, where twenty-five feet (25') is required.*

*Staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past eleven years there have been six other ZBA petitions requesting relief for principal buildings and roofed-over, unenclosed front porches. All six variations were ultimately granted.*

*The proposed addition to the principal structure and porch would not alter the essential character of the neighborhood as there are a number of homes in the immediate area with non-conforming front yard setbacks that have constructed similar projects. For example, the majority of the homes along the southern portion of the 200 block of W. Potomac have existing front yard setbacks less than thirty feet (30') therefore there is no observable difference in the existing setback line as viewed from either the street or from within the neighboring homes. Staff is able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with legal non-conforming setbacks. Furthermore, the proposed improvements will not increase the visual bulk within the front yard as the setback of the house itself will remain the same with the exception of the northwest corner.*

*Concluding, Ms. Urish stated that staff is recommending approval of ZBA 13-02, subject to the four conditions outlined in the staff report.*

*Chairperson DeFalco then opened the meeting for discussion by the ZBA members.*

*Mr. Tap asked about the existing conditions of the rear yard concerning the deck and pavers in relation to the plans. Mr. Pozarzycki stated that the deck will be a replacement and not change the coverage of the lot.*

**A motion was made by Ed Bedard, seconded by Keith Tap, that this petition be recommended for approval to the Corporate Authorities subject to the following amended condition(s).**

- 1. The porch shall be developed in accordance with the submitted plans, prepared by Dean M. Pozarzycki R.A., Architects, dated April 3, 2013.**

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 more than fifty-percent (50%) of its value, the new structure shall meet the required front yard setback.

The motion carried by the following vote:

**Aye:** 4 - John DeFalco, Greg Young, Keith Tap, and Ed Bedard

**Absent:** 3 - Mary Newman, Raymond Bartels, and Val Corrado

[130188](#)

**ZBA 13-03: 546 S. Lewis Ave**

Requests that the Village take the following action for the subject property located within the R2 Single-Family Residence District: A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback to five feet (5') where six feet (6') is required for an existing residence and the construction of a roofed over front porch. (DISTRICT #5)

*Stephen Norton, 546 S. Lewis, presented the petition. Mr. Norton stated that he was requesting a variation to construct a roofed-over front porch. The existing residence is legal non-conforming with regard to the interior side yard setback as defined by the current Zoning Ordinance. He stated the intention to hold the building line of his existing residence but that the proposed roofed-over front porch is to increase the degree that the principal structure would encroach into the side yard. Joanna Magdaleno, Community Development Intern, presented the staff report. The existing two story residence is non-conforming with regard to the interior side yard setback as the original construction did not set the exterior wall foundations to be parallel with the side property lines. The principal structure currently is situated on the lot so that a 5.73' side yard setback exists on the southeast corner of the lot, where six feet (6') is required.*

*The petitioner requests a variation asking for the interior side yard setback to be approved for five to 5.5 feet where six feet is required and proposes to construct a roofed-over front porch that maintains the building line of the existing principal structure.*

*Staff recognizes a hardship for a variation exists and is unique to the non-conforming nature of the residence. Concluding, Ms. Magdaleno stated staff is recommending approval of ZBA 13-03, subject to the four conditions outlined in the staff report.*

*Chairperson DeFalco asked if there were questions from the board and clarified the proposed structure would follow the existing lines of the principal structure. Chairperson DeFalco restated the four conditions as specified in the staff report and that the structure must remain unenclosed.*

A motion was made by Keith Tap, seconded by Ed Bedard, that this petition be recommended to the Corporate Authorities for approval subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the site plan submitted on the Plat of Survey as part of the public hearing packet prepared by the petitioner and dated April 3, 2013.
2. The petitioner shall apply for and receive a building permit prior to starting construction.
3. The relief granted herein shall be limited and restricted to the existing residence and the proposed encroachment as set forth on the submitted plan set. If the existing structure is damaged or destroyed by more than 50% of the value of the structure, the request relief shall no longer apply and any future structures shall be required to meet the requisite yard setbacks.
4. Construction on the proposed deck shall commence within one year from the date of approval of the Ordinance, unless a time extension is granted by the Village Board of Trustees.

The motion carried by the following vote:

**Aye:** 4 - John DeFalco, Greg Young, Keith Tap, and Ed Bedard

**Absent:** 3 - Mary Newman, Raymond Bartels, and Val Corrado

## **Business Meeting**

### **Approval of Minutes**

A motion was made by Greg Young, seconded by Ed Bedard, to approve the minutes of the January 23, 2013 meeting. The motion passed by a unanimous vote.

### **Planner's Report**

### **New Business**

### **Unfinished Business**

### **Adjournment**

A motion was made by Ed Bedard, seconded by Greg Young, to adjourn the meeting at 7:57 p.m. The motion passed by a unanimous vote.

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John DeFalco, Chairperson  
Zoning Board of Appeals

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William J. Heniff, Director of Community Development  
Zoning Board of Appeals