

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

 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: David A. Hulseberg, Village Manager

DATE: April 25, 2013 (B of T) Date: May 2, 2013

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

SUBMITTED BY: Department of Community Development *WKO*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition 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.

The Zoning Board of Appeals recommended approval of this petition subject to conditions.

Staff is requesting a waiver of first reading.

Please place this item on the May 2, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	_____

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: David A. Hulseberg, AICP, ICMA-CM, Village Manager
FROM: William Heniff, AICP, Director of Community Development *WH*
DATE: April 25, 2013
SUBJECT: ZBA 13-03; 546 S. Lewis Avenue

Please find the following items for Village Board consideration as part of the May 2, 2013 Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 13-03;
3. An Ordinance granting approval of a variation; and,
4. Plans associated with the petition.

The Zoning Board of Appeals unanimously recommended approval of this petition, subject to conditions. Please place this petition on the May 2, 2013 Board of Trustees agenda. Staff recommends a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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May 2, 2013

Acting Village President
William "Bill" Ware

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Keith T. Giagnorio, Dist. 2
Zachary C. Wilson, Dist. 3
Peter Breen, Dist. 4
Laura A. Fitzpatrick, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
David A. Hulseberg

"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 13-03; 546 S. Lewis Ave

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 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, located within the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 24, 2013.

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.

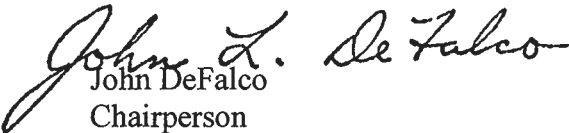
Chairperson DeFalco asked if there were questions from the board and clarified the proposed structure would follow the existing lines of the principal structure. Chairperson DeFalco restated the four conditions as specified in the staff report and that the structure must remain unenclosed.

On a motion by Tap and a second by Bedard, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board **approve** variation associated with ZBA 13-03, 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.

Respectfully,

VILLAGE OF LOMBARD


John DeFalco
Chairperson
Zoning Board of Appeals

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 3, 2013.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plans associated with the petition, prepared by the petitioner, undated.
4. Plat of Survey, prepared by Land Divisions, Inc., dated June 14, 1999.

DESCRIPTION

The property contains a two story single family residence built in 1925. The existing residence is legal non-conforming with regard to the interior side yard setback as defined by the current Zoning Ordinance. The petitioner is proposing to construct a roofed-over front porch within the interior side yard setback that is intended to hold the existing building line of the existing residence.

The existing residence is a non-conforming structure with an interior side yard setback of 5.73 feet where six (6) feet is required. As the proposed porch extends into the side yard with an approximate 5.5 feet setback, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The PES Division has no comments regarding this request.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE DEPARTMENT

The Fire Department has no concerns related to this request.

BUILDING DIVISION

The Building Division has no comments regarding this request. However, a building permit will be required for the proposed improvements.

PLANNING

The subject property is developed with a two story residence. The existing home 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 owner submitted a plan to construct a roofed over front porch within the interior side yard setback that is intended to hold the existing building line of the existing residence. 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) feet front yard setback is maintained. The proposed roofed-over front porch at its furthest point provides for a twenty-seven feet (27') setback, where twenty-five feet (25') is required.

As previously mentioned, this home is non-conforming with regard to the interior side yard setback. The non-conforming 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 proposes to construct a roofed-over front porch that maintains the building line of the existing principal structure. The proposed plan would further decrease the interior side yard setback to five to 5.5 feet from the existing 5.73 feet.

Staff recognizes this issue and believes the hardship for a variation exists and is unique to the non-conforming principal structure. Staff is also able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with non-conforming setbacks. Furthermore, the proposed improvements will not adversely affect this or other properties in the neighborhood and instead maintain the aesthetic appearance of the home by keeping the building line intact. Lastly, the proposed porch would not alter the essential character of the neighborhood as other homes located on the street have similar front porches.

FINDINGS AND RECOMMENDATIONS

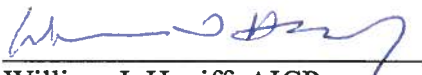
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variations:

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 find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 13-03; 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.

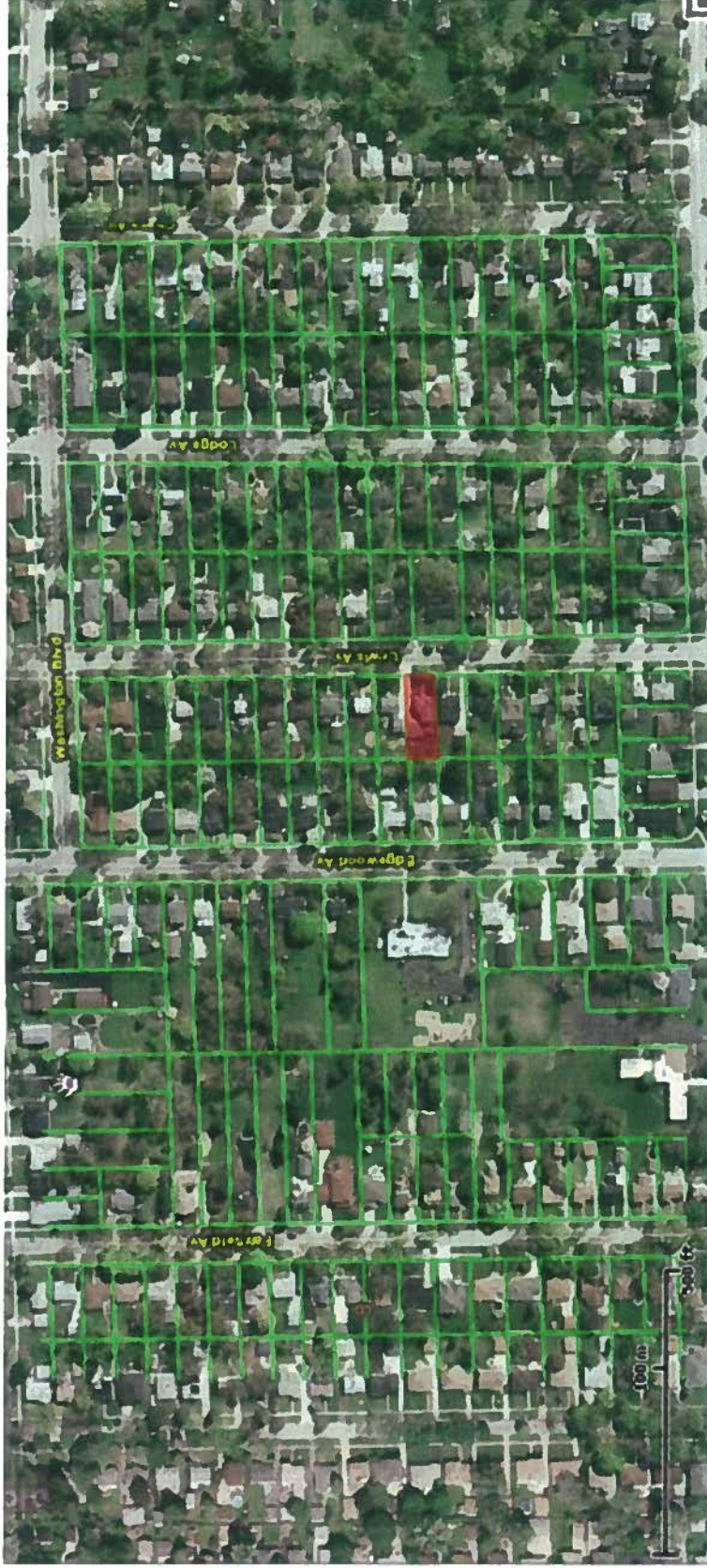
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

c:Petitioner

ZBA 13-03
546 S. Lewis Ave, Lombard, Illinois
PIN: 06-08-412-030



Standards for Variations Responses

- 1) Since the home was placed on the lot in a manner that is not consistent with normal construction procedures (6' setback line not followed) The South East corner of the home has a setback of 5.73' currently. We are looking to add a covered front porch to the face of the home. Which will infringe upon the setback slightly further (to approximately 5.55') If we follow the strict letter of the regulations the front porch will be odd in shape and not increase neighborhood value in a positive way aesthetically. We are proposing to simply follow the building line of the existing home.
- 2) This is a unique property as the home is placed in a diagonal orientation in relation to the lot lines which creates the situation.
- 3) This variation request is not based primarily upon a desire to increase financial gain. The primary reason is to maintain the aesthetics of the block. By not following the building line of the home we will be creating a porch that "does not seem right" when looking at the home from the street.
- 4) No person currently involved in this ZBA request has any interest in the property.
- 5) The granting of the variation will not negatively impact the public welfare, other properties, in fact conversely it will improve the aesthetics of the neighborhood and its surroundings.
- 6) The porch addition and the request for setback variation from 6' to 5' will not alter the character of the neighborhood, the street has multiple front porches on homes located on the street, and by granting the variation, we will be allowing the petitioner to comply further with what has become the essential character of the neighborhood.
- 7) There will be no negative impact on any adjacent property, as this is an open air porch, which will not obstruct the wind, drainage, or sun in any way. The homes have an easterly facing direction, and the porch will not obstruct the sun in any way. The porch does not increase the danger of fire, endanger public safety (conversely it provides a safer public area). Finally it does not impact values in the neighborhood in a negative way, but rather by increasing the value of the neighborhood.

ORDINANCE NO. _____

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

(ZBA 13-03; 545 S. Lewis Ave.)

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 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; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 24, 2013 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 155.407(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.

SECTION 2: This ordinance shall be granted subject to compliance with 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.

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Re: ZBA 13-03

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- 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.

SECTION 3: This ordinance is limited and restricted to the property generally located at 546 S. Lewis Ave., Lombard, Illinois, and legally described as follows:

LOT 30 IN BLOCK 15 IN EDWIN CHASE'S LILAC LODGE SUBDIVISION IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE RIGHT-OF-WAY OF THE CHICAGO, AURORA AND ELGIN RAILROAD), ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1925 AS DOCUMENT 197654, IN DUPAGE COUNT, ILLINOIS.

Parcel No: 06-08-412-030

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 _____, 2013.

First reading waived by action of the Board of Trustees this _____ day of _____, 2013.

Passed on second reading this _____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2013

Keith Giagnorio, Village President

Ordinance No. _____

Re: ZBA 13-03

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ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2013

Sharon Kuderna, Village Clerk