

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals

HEARING DATE: March 24, 2004

FROM: Department of Community
Development

PREPARED BY: Angela Clark, AICP
Planner I

TITLE

ZBA 04-03: 310 W. Morris: The petitioner requests a variation from Section 155.406 (F)(2) of the Zoning Ordinance to reduce the corner side yard setback from twenty (20) feet to sixteen (16) feet to allow for the construction of an unenclosed, roofed over front porch.

GENERAL INFORMATION

Petitioner/Property Owner: Apex Group, Inc.
PO Box 397
Itasca, IL 60143

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential

Existing Land Use: Single-Family Residence

Size of Property: 7,800 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residential; Single Family Residences

South: R2 Single Family Residential; Single Family Residences

East: R2 Single Family Residential; Single Family Residences

West: R2 Single Family Residential; Single Family Residences

ANALYSIS

SUBMITTALS

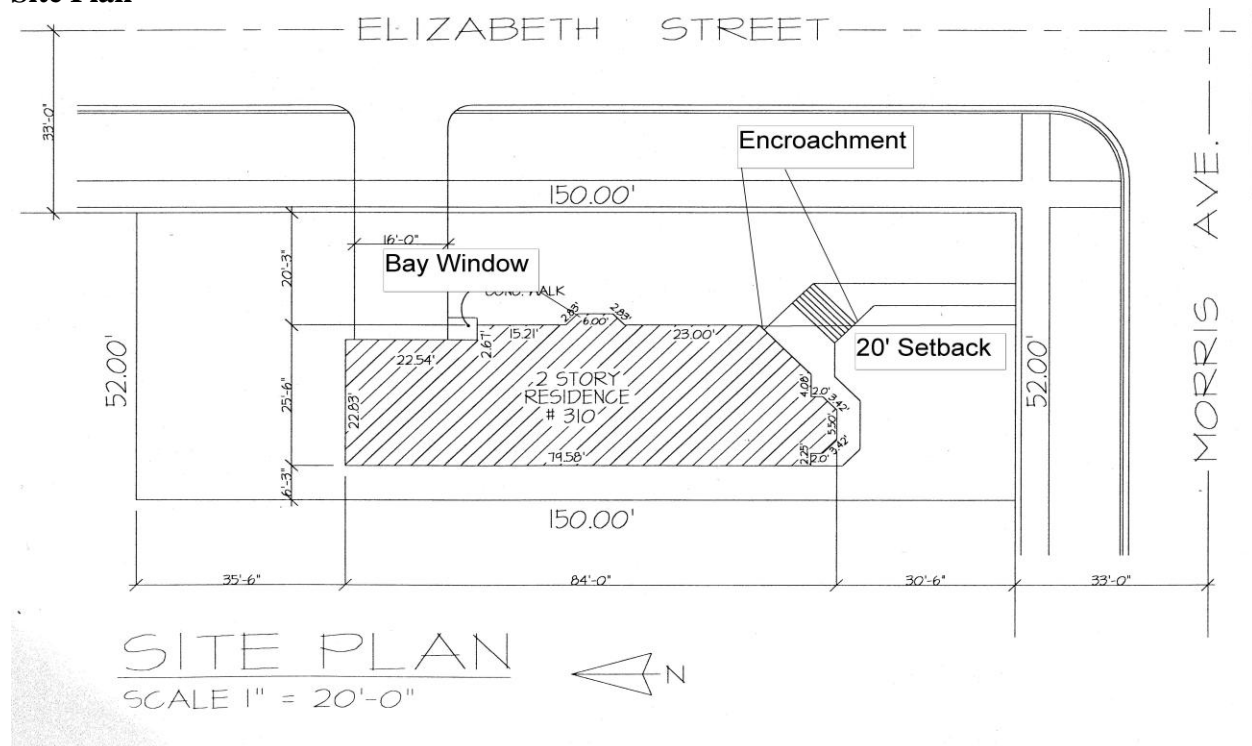
This report is based on the following documents, which were filed with the Department of Community Development on February 23, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated December 6, 2003, prepared by Nekola Signature Survey
4. Building Elevations and Site Plan, dated January 23, 2004, prepared by Jakl Brandeis Architects Ltd.

DESCRIPTION

The petitioner plans to demolish the existing residence and construct a new house on the subject property. The petitioner presented the proposed building plans to staff for review. Staff informed the petitioner that the proposed roofed over, wraparound porch would not be considered a permitted encroachment on the Elizabeth Street frontage, which is considered the corner side yard. The petitioner revised the plans to reflect the current elevations. The revised elevations show a portion of the porch and stairs encroaching approximately four feet (4') into the corner side yard.

Site Plan



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments. However, it appears that the new house and drive will exceed the 500 square foot threshold for new impervious surface. This may require that some sort of drainage improvements be installed with the new house. This aspect will be fully reviewed by PES once the permit application is submitted.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

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

PLANNING

Roofed over, unenclosed porches are allowed to encroach five feet (5') into front yards assuming that the porch projects no more than seven feet from the front wall of the house. Roofed-over porches are not permitted to encroach into corner side yards given that the corner side yard setback is twenty feet (20') whereas the front yard setback is thirty feet (30'). Permitting the five foot (5') encroachment within the corner side yard in essence reduces the side yard setback to fifteen feet (15'), placing structures much closer to the street than if they were in the front yard. Staff finds that the proposed porch can be constructed according to code by modifying the proposed roof pitch and removing its encroachment into the corner side yard. Therefore, staff is not supportive of the requested variation. Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". Staff finds that the following standards have not been affirmed:

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.* Staff finds that there are no physical or topographical conditions effecting the subject lot that prevent the proposed home and porch from meeting code. While the lot is fifty-two feet (52') wide, the home and accompanying porch can be constructed to code on the subject lot. Staff finds that the porch can meet code by shifting the orientation of the stairs and landing toward Morris Avenue.
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 subject lot is comparable to the area found in other corner lots in the R2 Single Family Zoning District. All corner lots are subject to the same requirements as those imposed on the subject lot. The petitioner identifies several examples of permitted encroachments for

considering the requested relief in the written response to the Standards for Variations. Staff offers the following response:

Arbors and trellises – Arbors and trellises are defined by the Lombard Zoning Ordinance as vertical or diagonal lattice structures, more than fifty percent open, attached to a building for the purpose of growing vines. The roofed over, unenclosed front porch as depicted in the submitted building elevations does not appear to be a lattice structure erected for the purpose of growing vines. Therefore, the porch cannot be considered an arbor or trellis.

Decks and terraces – Section 155.212 of the Lombard Zoning Ordinance states the following: “Decks and terraces which are open and not over three feet (3’) above the average level of the adjoining ground (**not including permanently roofed-over terrace or porch**) may be placed in any yard, provided that a minimum two foot (2’) setback is required in the side yard. As permanently roofed-over porches and terraces are excluded from this allowance, the proposed porch must meet the designated setbacks per Code.

Eaves and gutters projecting three feet or less – Webster’s New Collegiate Dictionary defines an eave as the lower border of a roof that overhangs a wall. A gutter is defined as a trough fixed under or along the eaves for draining rainwater from a roof. If those were the only portions of the roofed over, unenclosed porch that encroached the corner side yard that would be permissible. However, since an entire section of the porch is within the corner side yard this exception does not apply.

Steps four feet or less above grade which are necessary for access to a permitted building – The steps are a permitted encroachment, however the roofed-over porch is not.

3. *The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the hardship has not been caused by the ordinance, but rather the petitioner’s choice of placement of the stairs and accompanying porch.
4. *The granting of the variation will not alter the essential character of the neighborhood.* Staff believes that the granting of the requested relief will set an undesirable precedent.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested corner side yard setback variation for

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the construction of an unenclosed front porch. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion:

Based on the submitted petition and the testimony presented, the requested corner side yard setback variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 04-03.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:AC

att-

c: Petitioner

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