

**SEPTEMBER 25, 2013**

**Title**

ZBA 13-07

**Petitioner**

George Webster  
28W060 Marion Road  
Winfield, IL 60190

**Property Owner**

Webster R. E. LLC  
28W060 Marion Road  
Winfield, IL 60190

**Property Location**

330 W. Potomac Avenue  
(06-06-208-013)

**Zoning**

R2 Residential Single Family

**Existing Land Use**

Residential Single Family

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard.

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The petitioner is proposing to construct an unenclosed roofed-over porch attached to the front wall of the single family structure. The size of the proposed front porch is two hundred and eight (208) square feet; twenty-six (26) feet in length and eight (8) feet in width.

**APPROVAL(S) REQUIRED**

Per Section 155.212, Permitted Obstructions in Required Yards of the Lombard Zoning Ordinance, roofed over porches which are unenclosed, constructed on footings or piers, and projecting not more than seven (7) feet from the front wall of the principal structure, provided that a minimum twenty-five (25) foot front yard setback is maintained is a permitted obstruction. Therefore, a variation to allow an unenclosed roofed-over front porch to be set back twenty-two (22) feet where twenty-five (25) feet is required for the front yard within the R-2 Residential Single Family Zoning District is required

**EXISTING CONDITIONS**

The property contains a two-story frame single family residence with a seventy-eight (78) square foot front concrete stoop. The property also has a detached garage and associated driveway.

## PROJECT STATS

### Lot & Bulk

|                |                |
|----------------|----------------|
| Parcel Size:   | 13,264 sq. ft. |
| Building Size: | 966 sq. ft.    |
| Tenant Space:  | N/A            |
| Lot Coverage:  | Approx. 35%    |

### Setbacks

|               |           |
|---------------|-----------|
| Front (south) | 28.4 feet |
| Side (east)   | 34 feet   |
| Side (west)   | 10 feet   |
| Rear (north)  | 100 feet  |

### Parking Spaces

Not applicable

### 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. Proof of Ownership
4. Plat of Survey dated May 3, 2013.
5. Site Plan and South Elevation; prepared by James L. Ohle, Architect submitted on 8/26/2013.
6. Existing conditions photo submitted by petitioner on 8/26/13.

## INTER-DEPARTMENTAL REVIEW

### Building Division:

A full review will be conducted during the building permit review process.

### Fire Department:

The Fire Department has no issues/concerns regarding the project.

### Private Engineering Services:

Private Engineering Services has no issues or concerns regarding the project.

### Public Works:

The Department of Public Works has no issues or concerns regarding the project.

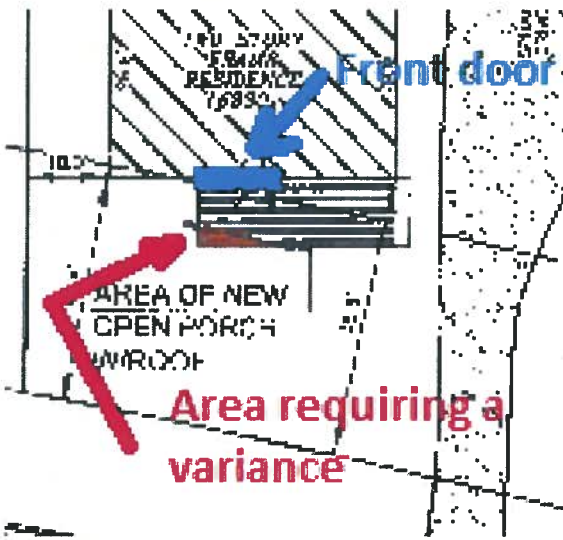
### Planning Services Division:

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 five feet (5') from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (southward) eight (8) feet from the principal structure's closest point. This would result in a setback deficiency of three feet (3') as the structure would only be set back a distance of twenty-two feet from the southern property line and decreases to zero at approximately 9 feet off the southwest corner only, where twenty-five feet (25') is required. The setback deficiency at the southeast corner would be zero as the principal structure is setback thirty-five feet from the southern property line. The existing principal structure is nonconforming as it is situated twenty eight feet, four inches (28'4") from the southern property line of the western half of the structure at its closest point and gradually increasing to thirty-five feet, five inches (35'5") from the southern property line on the eastern half of the structure. Approximately 195 square feet (84%) of the proposed porch is permitted by right, the remaining 13 square feet (6 %) of the porch requires a variance in order to gain access to the front door.

Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the southern property line. Although this setback deficiency is minimal, it does reduce the



property owner's ability to construct an unenclosed roofed-over front porch to the front door as proposed.



To be granted a variation the petitioners must show that they have affirmed each of the “Standards for Variation”. The following standards have not been affirmed but consideration of the circumstances must be examined:

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 lot does not have unique physical limitations, however the placement of the existing structure on the property does limit the owner

from meeting the intent of the ordinance. The principal structure was constructed in the 1930's prior to front yard setback provisions and the curvature of Potomac Avenue prevented the construction of the house to be parallel with the right-of-way of Potomac 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 conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard and the surrounding neighborhood. Many of the homes along Potomac Avenue are legal nonconforming relative to the front yard setback. Furthermore, the existing setback of the house on the subject property is very similar to the setback of the existing home to the east. Again, the curvature of Potomac Avenue increases the setback of the principal structure abutting the western side of the subject property in relation to the principal structure situated at 330 W. Potomac.

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 hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design/use. Staff finds that the hardship for this variation is due to the location of the principal structure in relation to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard with the desire to place typical outdoor furniture on the porch with enough space to access the seating. While an 8' wide porch is being proposed, the majority of the porch is permitted by right as it is behind the 25 foot front yard allowable encroachment area.

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 would not be injurious to neighboring properties.

Staff does not find a hardship in this case that would justify the requested setback variation based on the functionality of the use defined as egress and ingress purposes only. In recent years there have been six other ZBA petitions requesting relief for roofed-over, unenclosed front porches. Two cases within this current year have been similar in scope to the variation requested for 330 W. Potomac Avenue with one case being on the same street, one block east. All of the below ZBA cases are related to the construction of front porches. The six variations were ultimately granted.

| Case No.  | Address          | Front Yard Relief Requested             | ZBA Vote | BOT Action |
|-----------|------------------|---|----------|------------|
| 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 addition 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 within the required setbacks.

### **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 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 13-07; subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans, prepared by James L. Ohle, Architect.
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.

5. The roofed-over porch shall remain unenclosed.

Inter-Departmental Review Committee Report approved by:

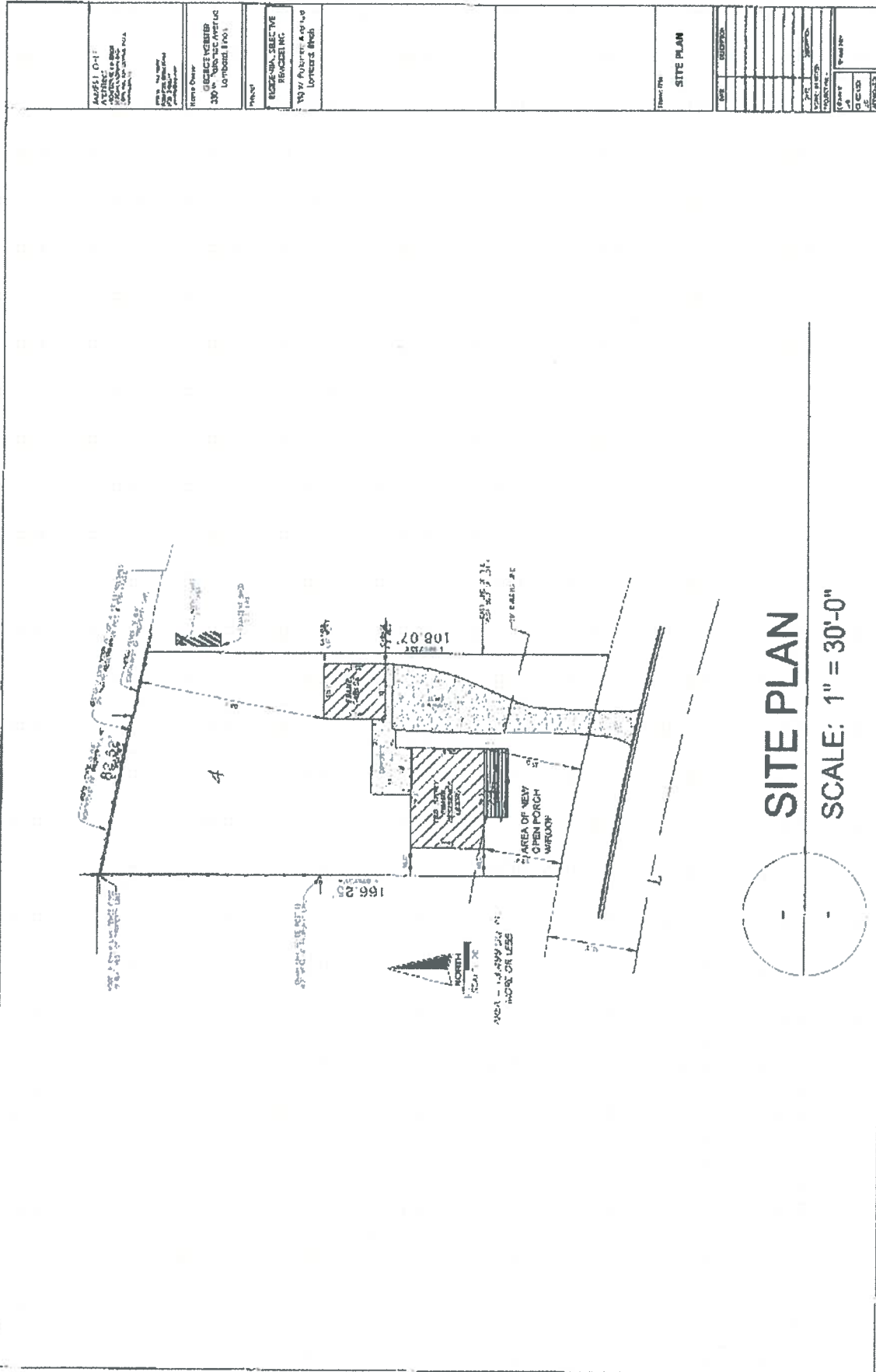


William J. Heniff, AICP  
Director of Community Development

c. Petitioner



# EXHIBIT B – 330 W. POTOMAC AVENUE, SUBMITTED SITE PLAN



# EXHIBIT C – 330 W. POTOMAC AVENUE, SUBMITTED PLANS

|  |   |  |
|--|---|--|
| <p><b>JAMES L. O'NE</b><br/>ARCHITECT<br/>330 W. POTOMAC AVENUE<br/>ARLINGTON, VA 22202</p> <p><b>GEORGE WENSER</b><br/>ARCHITECT<br/>330 W. POTOMAC AVENUE<br/>ARLINGTON, VA 22202</p> <p><b>Project:</b><br/>BRUNNEN SUEC '71<br/>RENOVATION<br/>330 W. POTOMAC AVENUE<br/>Arlington, VA</p> | <p><b>Scale:</b><br/>3/8" = 1'-0"</p> <p><b>South Elevation</b></p> |  |
|--|---|--|



EXHIBIT D – 330 W. POTOMAC AVENUE EXISTING CONDITIONS



# STANDARDS FOR VARIATIONS

## of the Lombard Zoning Ordinance and Lombard Sign Ordinance

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

### SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

- 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.

#### ARCHITECTS RESPONSE:

- 1A The existing home sits on the convex side of the curved setback line and Potomac Avenue. As a result of this the home dose not presently meet the front yard setback: A portion of the Southwest corner of the house is in the 30 foot front yard setback (See the attached survey)
- 1B Given that the road is curved, the home with the new front porch addition (the subject of this request for variance) would not extend beyond the home immediately to the East.
- 2 The conditions upon which an application for a variation is based are unique to The property for which the variation is sought, and is not generally applicable to other property within the same zoning classification

#### ARCHITECTS RESPONSE:

- 2A Given the unique location of the home at almost the Twelve O'clock tangential position of the convex side of the curved setback line; the variation being sought is unique to the property.
- 2B The variation being sought is unique to the property and while there may be similar situations at other curved roads in the zoning district; the variation sought is not generally applicable to other properties in the zoning classification.
- 3 The purpose of the variation is not based primarily upon a desire to increase Financial gain.

# **STANDARDS FOR VARIATIONS**

## of the Lombard Zoning Ordinance and Lombard Sign Ordinance

### ARCHITECTS RESPONSE:

3A.) The home is presently blight to the neighborhood. The new homeowner agrees with this statement. Accordingly; by making certain building improvements including a new roof, with new dormers, replacing the dilapidated siding with new siding, and constructing the new front porch; it is hard to imagine that if resold, the homeowner would recoup his costs and make a substantial financial gain.

4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

### ARCHITECTS RESPONSE:

4A The alleged hardship is caused by this ordinance and has not been the direct cause from any person having interest in this property.

4B More than likely the current amended ordinance became enforceable sometime after the home was originally constructed. The existing structure does not comply with the front yard setback and the uniqueness of its location at the Twelve-o'clock positioning of the structure on the convex side of the curved setback line is not addressed by the current Zoning Ordinance.

5 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.

### ARCHITECTS RESPONSE:

5A The current home is blight to the community. The variance, if granted will enhance the neighborhood and will be similar to other Cape Cods along Potomac Avenue.

5B The variance if granted, and the improvements made, will not have an adverse effect on the life safety or welfare of the public. If the variance is granted and the improvements are made as depicted on the attached drawing elevation, the visual quality of Potomac will have improved.

6 The granting of the variation will not alter the essential character of the neighborhood; and,

### ARCHITECTS RESPONSE:

6A.) With the granting of the variance and the improvements blight will have been removed from the neighborhood.

# **STANDARDS FOR VARIATIONS**

## of the Lombard Zoning Ordinance and Lombard Sign Ordinance

- 6B.) The variance if granted, and the improvements made, will not have an adverse effect on the life safety or welfare of the public. If the variance is granted and the improvements are made as depicted on the attached drawing elevation, the visual quality of Potomac will have improved and the essential character will be maintained.
7. 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.

### ARCHITECTS RESPONSE:

- 7A The variance sought is for a new front porch. The front porch begins roughly just west of center of the house and continues easterly to the existing houses' east wall. The new porch is basically a single story. The proposed porch would not encroach on its side yard. Given the lot size and side yard setbacks, the location of the proposed front porch, and its height; the proposed variation will not impair the supply of natural light and air to the adjacent properties. Given its use as a "convenience" porch; there will not be a substantial increase to the congestion of the public streets. Given the proposed porch location on the house, there will not be an increase danger of fire.
- 7B Presently there is no front walkway to the street or driveway. The porch will have a new concrete (or other hard surface) walkway. Given the lot size relative to the house size with the proposed porch addition the existing permeability of soil will not be altered nor open land noticeably diminished. Accordingly, natural drainage will not be impaired, nor drainage problems to adjacent properties created.
- 7C The life, safety, and public welfare will not be endangered or diminished as a result of the construction of the proposed front porch
- 7D The property will be substantially improved as a direct result of the proposed front porch, new siding & roofing and new walkways. Accordingly an unsightly blight will have been removed from the street & neighborhood. As a result of the proposed new porch and other improvements, property values within the neighborhood will not diminish or be impaired.

The following is an excerpt from the Lombard Zoning Ordinance. A detailed response to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

### SECTION 155.143.0.7 OF THE LOMBARD ZONING ORDINANCE: