

August 19, 2010

Mr. William J. Mueller  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 10-08; 322 E. Elm Street**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (17.68) feet where 20 feet is required to allow for a second story addition. The petitioner also requests approval of a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the corner side yard setback to (13.69) feet where 20 feet is required to allow for the enclosure of an existing roofed-over porch, which was granted per Ordinance 5033. The petitioner had already received prior approval of both of the aforementioned variations in 2008, per Ordinance 6159. However, construction had not commenced on the subject property within one year of approval. As such, Ordinance 6159 subsequently expired March 20, 2009.

The Zoning Board of Appeals conducted a public hearing on August 4, 2010.

Chairperson DeFalco then opened the meeting for public comment. The petitioners, Larry and Jodi Coveny of 322 E. Elm Street were present. Mr. Coveny stated that he was before the ZBA two years ago for the same variations. He stated that the addition plans were to remain the same as they did two years ago. Mr. Coveny reiterated that the 2<sup>nd</sup> story addition is on the existing house and would not encroach any further into the setback and the enclosed porch on the side of the house is the main entrance to the house. He added that the enclosure of the porch would allow for safe entrance into the home.

Chairperson DeFalco asked if anyone was present to speak for or against the petition.

There was nobody in the audience to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Michael Toth, Planner I, stated that the property contains a one-story single family residence built approximately 17.7 feet from the side property line along Stewart Avenue. The petitioner's request has been separated into two separate approvals as each poses its own unique land use issues. The first action requiring relief is to erect a second-story addition above the existing structure that will hold the same setback that the house currently maintains. The second action is to enclose an existing covered side stoop/porch, also located within the required corner side yard. As the house is legal non-conforming due to the insufficient corner sideyard setback, a variation is required for both proposals. All other setback requirements relating to the principal structure are presently conforming.

The petitioner had already received prior approval of both of the aforementioned variations in 2008, per Ordinance 6159. However, construction had not commenced on the subject property within one year of approval. As such, Ordinance 6159 subsequently expired March 20, 2009.

As part of ZBA 08-01, staff originally recommended denial of the corner side yard porch enclosure, due to a lack of hardship. However, the Zoning Board of Appeals overturned staff's recommendation and recommended approval. Subsequently, the Village Board approved the variation. Staff believes that precedence has been established that the porch enclosure in the corner side yard is appropriate for the subject property. As such, staff is now recommending approval of the porch enclosure. Also, staff still supports the variation for the second-story addition.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Bartels asked the Zoning Board of Appeals what was the hardship associated with the porch enclosure. He stated that he was not on the ZBA during the first petition and was just curious.

Mr. Bedard stated that the hardship was associated with the lack of space provided to get into the home (at that entrance). He added that the enclosure is only a small platform, but due to the configuration of the internal staircases, it allows the family enough space to get into the home safely.

Mr. Tap added that the enclosure is not usable space. He added that there isn't enough room there to place any furniture.

Larry Coveny confirmed that the enclosure area is only four (4) feet by five (5) feet.

Mr. Tap asked the petitioner if the plans were to remain the same as they were in 2008.

Mr. Coveny replied, yes.

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On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended that the Village Board approve both variations by a roll call vote of 7 to 0, subject to the following conditions:

- 1) The subject property shall be developed in substantial conformance with the building elevations and site plan prepared by M.A.R.S. Design and Construction, dated June 16, 2010.
- 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 corner side yard setback.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson  
Zoning Board of Appeals