

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

Resolution or Ordinance (Blue) _____ *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: August 29, 2012 (BOT) Date: September 6, 2012

TITLE: PC 12-16: 661 N. Charlotte Street

SUBMITTED BY: Department of Community Development *wbo*

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village take the following actions for the subject property located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinance No. 4566, as amended by Ordinance No. 4772, for the Providence Glen Planned Development, to amend Exhibit "A" to said Ordinances to show a rear yard setback, for no more than the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room).

The Plan Commission recommended denial of this request.

Please place this item on the September 6, 2012 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, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WH*

DATE: September 6, 2012

SUBJECT: PC 12-16; 661 N. Charlotte Street

Please find the following items for Village Board consideration as part of the September 6, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-12;
3. Petitioner's response to standards;
4. Photographs from the petitioner;
5. Supplemental information associated with the petition from past cases; and
6. Objector's email received after the close of the public hearing.

The Plan Commission recommended denial of this petition at their August 20, 2012 meeting. Please place this petition on the September 6, 2012 Board of Trustees agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

September 6, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

**Village President, and
Board of Trustees**
Village of Lombard

Subject: PC 12-16: 661 N. Charlotte Street

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

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests that the Village take the following actions for the subject property located in the R2PD Single-Family Residence District, Planned Development:

Village Manager
David A. Hulseberg

1. An amendment to Ordinance No. 4566, as amended by Ordinance No. 4772, for the Providence Glen Planned Development, to amend Exhibit "A" to said Ordinances to show a rear yard setback, for no more than the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room).

"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."

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 20, 2012.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Prior to the petitioner's comments, Christopher Stilling, Assistant Director of Community Development, indicated that staff distributed to the Commissioners an additional Response to Standards submitted by the petitioner as well as some photos.

Matt Berberich, 661 N. Charlotte, presented the petition. He reminded the Commissioners that the previous petition presented to them was for the entire subdivision but at the last Board of Trustees meeting they recommended that he use a different approach and submit a conditional use application strictly for his property.

Since the Commissioners were familiar with the petition, he referred to the latest Responses to Standards and indicated he would highlight a few of the responses:

A. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health safety, morals, comfort, or general welfare;*
He responded that it would not create any additional circumstances. The screened in room is built on top of a deck that was built with a permit. The deck was not changed in any manner so as to accommodate the screened in room and it would not extend any further into the established setback. To show how the room is secluded, does not impact the neighbors, is confined within the property and goes straight off the back of the house, he presented pictures which were taken from inside the porch looking out. The first picture was a view looking toward the southeast. The second picture was a view looking east and the last picture showed a view from the northeast.

B. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

Mr. Berberich stated that any improvements that would be constructed would be located within the confines of the property and they are located in an established neighborhood. This would increase the values of the properties in the neighborhood not diminish them.

G. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

Mr. Berberich stated that the relief relates to the specific subject property and is within the confines of the proposed setback and does not infringe on the property lines. There is a larger northern setback so there is plenty of space and the porch is secluded. It wouldn't add any bulk as it is a roof put on a structure that is already in place. The deck was already there as were the railings.

Chairperson Ryan asked if anyone was present to speak in favor or against the petition.

To speak against the petition were:

Dave Kundrot, 640 N. Charlotte, Lombard, in the Providence Glen Subdivision. He stated this is the third time this issue has come before the Commission and no new information or evidence has been presented to establish a hardship or grant relief. It is about the same issue which is creating an ordinance for one individual who didn't follow the rules. He questioned what the purpose of zoning laws and ordinances are if people are able to do what they want and then afterward petition for relief. Granting this relief would set a bad precedence and other people in the subdivision will do the same thing. No facts have been presented evidencing that it will not affect property values, storm water or water detention. If you add walls and a roof, then you create bulk. There was a rear yard setback variance granted when the subdivision was built. This request goes beyond the spirit and intent of the subdivision and will increase congestion and affect the aesthetics of the neighborhood.

James Donovan, 700 N. Garfield Street, Lombard, stated that the precedence is what bothers him. He fears that once one starts more will come. He feels it does encroach on his property and

will diminish his property values. He noted that their houses are close and once the trees are gone, it will be visible so he is against it.

Chairperson Ryan asked if there were any questions of the petitioner.

Commissioner Mrofcza asked the petitioner if he was the owner of the property back in 2002. Mr. Berberich answered yes he has been the only owner. Commissioner Mrofcza confirmed that he came before the Village Board who approved a petition for a deck but denied a petition for the screened porch. Mr. Berberich answered yes, the deck was approved but the screened porch was denied. Commissioner Mrofcza asked if he then proceeded to build the structure even after the Village Board said no. Mr. Berberich answered yes, ten years later.

Mr. Berberich rebutted. He indicated it was a mistake. He went over this a couple of times with the Village Board but he did it for personal reasons and it was a quality of life issue.

Chairperson Ryan then requested the staff report.

Christopher Stilling, Assistant Director of Community Development, presented the staff report noting that it was being entered into the public record in its entirety.

Mr. Stilling stated that he would briefly summarize where we are at and how we got here. Most recently on June 7 the Village Board did deny the request by the petitioner to amend the Providence Glen Planned Development to allow certain lots within the subdivision the right to further reduce the setbacks. If you recall, we originally started with an amendment to all the lots and then that got remanded back to the Plan Commission for discussion for just the lots on the east side of Garfield. The Village Board did indicate that that the petitioner may seek an amendment as a final request for only their lot, which is lot 6, amending the original plat of subdivision which actually established the required setbacks. As noted, typically, I know that these sort of cases are those that appear before the Zoning Board of Appeals but as we found out throughout this process and getting to this point, we realize that the actual plat of subdivision, which also operates as a planned development plat, established the setbacks. So we needed to amend the plat for his lot to address this.

Without going into all the details and the history, I think the Plan Commission is familiar with the Providence Glen planned development. The subdivision did establish the setbacks and as noted the petitioner is seeking to make the request to reduce it down to 15 feet.

As previously stated, the Providence Glen Subdivision was approved already for 30 foot rear yards on each of the 32 lots within the subdivision which is 5 feet less than the required 35 feet in the traditional R2 single family. As reductions to the rear yard have already been reduced below that of the abutting R2 single family district, staff believes that a further reduction could impact the characteristics of the subdivision. As the establishment of the original planned development required conditional use approval, the petitioner is therefore, seeking to amend the original planned development through the conditional use process, therefore, those standards under the conditional use would be applicable in this case in which the petitioner has provided a

response to. Ultimately staff has provided a response to a few of the standards which we feel have not been met particularly as they relate to:

Standard A. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare; As we noted the petitioner's lot directly abuts lots in the R2 district located outside of the subdivision. Staff believes that the proposed amendment could have a detrimental effect on the adjacent single family lot. While staff recognizes that the single family residences located directly east of the Providence Glen planned development are located on larger lots, staff believes that those properties should not be held accountable for the additional fifteen feet of encroachment.

With reference to Standard B. We feel that the proposed planned development amendment would allow for a screen porch addition to be located within an area of the property which would have once been prohibited by Code. It should be noted that previously, and I think there has been some discussion that came up at the Plan Commission hearing in May, there had been relief granted for a property further north on Charlotte as it relates to a deck. That relief was really associated with the height of the deck. At the time and prior to 2005, Village Code allowed decks as a permitted encroachment into the rear yards and technically, a deck that was no more than 3 feet high, could encroach all the way up to the rear lot line. In many cases you will find that decks within the Providence Glen planned development are 10-15 feet away from the rear lot line. There is some information submitted in the original packet which shows that. Ultimately, relief had been granted as a result of the deck height and some grade changes for that one property on Charlotte and therefore, we actually granted a variation for deck height rather than for setback relief. So that really is not applicable in terms of this case. That being said, the deck that the petitioner did build a structure on was constructed by right at the time. Code has since been changed since 2005 and now does require a minimum of 25 foot setback for decks regardless of the height of that deck.

Ultimately, as it relates to this petition, based on the information we have presented and the fact that staff feels that the standards have not been met, we would not recommend approval of this proposal, however, staff alternatively did provide a recommendation should the Plan Commission decide to vote in favor of this if there is a motion there for approval. The standards submitted by the petitioner could be relied upon if the Plan Commission feels that they would like to make the finding that they are being met.

Chairperson Ryan then asked for comments from the public. Hearing none, he opened the meeting to the Commissioners.

Commissioner Olbrysh stated he had no problem with the petitioner coming back to the Plan Commission provided he came back with new evidence or testimony to change the meaning. He noted that although the scope has been reduced to a single property he has not heard anything new to change his mind. His biggest concern is the precedent this would create if it was approved. He cautioned against ignoring Village codes and then having no consequence after

doing it. While he felt sorry for the petitioner, he stated you have to comply with Village requirements. His position has not changed.

Commissioner Sweetser indicated that she felt the petitioner did provide new testimony by stating that there is no difference in bulk between a flat deck and a room. She further indicated that his testimony does not change her approach.

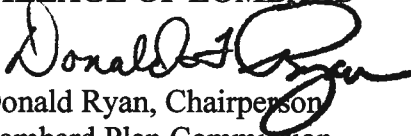
Chairperson Ryan added that the petitioner's testimony about no difference in bulk between a flat deck and a room was the petitioner's opinion. Commissioner Sweetser concurred that it but it was also new testimony.

Commissioner Cooper concurred and stated that her position had not changed. While she feels badly for his personal issues, she indicated that the rules were broken and it would be a disservice to grant this relief and deal with repercussions in the future. There has to be consequences for those who choose to not follow the rules and ordinances.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed planned development amendment does not comply with the standards required by the Lombard Zoning Ordinance; and, therefore, moved that the Plan Commission adopt the findings of the IDRC Report and find that granting the associated relief does not enhance the overall planned development and is not in the best interest of the Village, and therefore, by a roll call vote of 5 to 0 recommend to the Corporate Authorities denial of the request for PC 12-16 for the property at 661 N. Charlotte Street.

Respectfully,

VILLAGE OF LOMBARD


Donald Ryan, Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

East: R2 - Single-Family Residence District, developed as Single-Family Residences.

West: R2PD Single-Family Residence Planned Development (Providence Glen); Single-Family Residences.

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development:

1. Petition for Public Hearing.
2. Response to Standards for Planned Development Amendment.
3. Site plan prepared by petitioner.
4. Packet of information provided to the Village Board of Trustees dated June 7, 2012.

DESCRIPTION

On June 7, 2012, the Village Board denied a request by the petitioner to amend the Providence Glen Planned Development to allow certain lots within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. The Village Board did indicate to the petitioner that they may seek an amendment to the Planned Development for only their lot 6, amending the original Plat of Subdivision which established the required setbacks. As such, the petitioner is seeking the planned development amendment.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

The PES Division of Community Development has the following comments on the above captioned petition:

1. The proposed improvements will fall under §151.54 which will mean that each addition will be reviewed on a case-by-case basis for drainage issues either on the parcel where the work is proposed or downstream. Any addition that is found to contribute additional stormwater to a known drainage problem will need to provide a drainage improvement

for the proposed addition project. Note that current records do not show any drainage problems in this subdivision at this time.

2. No construction will be permitted in the drainage and utility easements.
3. No grade changes will be permitted with the additions - any excavated material will be required to be removed from the site.

PUBLIC WORKS

Public Works Engineering has no comments.

FIRE DEPARTMENT

The Fire Department has no issues or concerns with the proposed amendments.

BUILDING DIVISION

The Building Division has the following comments:

1. The definition of any proposed ordinance to allow the reduction in existing required setbacks should include open one story rooms to include covered porches without screens or glass, screened one story rooms to include screened in porches/screen rooms, and glazed rooms to include sun rooms/three season rooms with glass. Each should be required to have 40% open, screened, or glazed area to be consistent with the 2009 International Residential Code.
2. Since this case derived from a room constructed without a permit, any such relief would need to include projects already completed. Also, language will need to be included to indicate the owner of the property of said structure already completed will be responsible for exposing necessary construction for the purposes of required inspections under the 2009 International Residential Code (foundation, framing, etc.) to make sure the minimum safety standard set by the code has been met.

PLANNING

Zoning History

The Prairie Place Subdivision and Planned Development were approved by the Plan Commission on October 19, 1998, and by the Board of Trustees on November 19, 1998 (PC 09-28; Ord. 4566). The final plat for the subdivision was approved by the Board of Trustees on July 15, 1999, and a revised final plat was approved on November 18, 1999. As part of the final plat, the 32 residential lots within that subdivision were approved to include (30) foot rear yard setbacks, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property was later sold to Concord Homes and renamed as Providence Glen.

Plan Commission

Re: PC 12-16

Page 4

Concord Homes had difficulty fitting their standard model homes on some of the lots as flooding conditions affected some of the properties, requiring substantial changes to the engineering, resulting in minor changes to the subdivision layout. In order to adequately handle stormwater, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. In 2000 (PC 00-06: Ord. 4772), the Providence Glen subdivision received approval for additional exceptions to the minimum setback requirements. As part of PC 00-06, the petitioner proposed a number of setback exceptions to the front, rear and corner side setbacks of a number of lots. More specifically, a reduction to the rear setback of lots 12 & 13 were proposed at twenty feet (20') and lot 18 was proposed at twenty-five (25) feet. Staff recommended against the reduction of lots 12 & 13 to a reduction of twenty feet (20') because the lots are located on a cul-de-sac and a reduction in depth was an issue because the lots already have narrow front yards.

On January 19, 2012, the Village Board denied a variation request (ZBA 11-06) for the property located at 661 N. Charlotte St. to reduce the required rear yard setback to fifteen feet (15') where thirty feet (30') is required, to allow for a screened porch addition. This denial was based on the lack of a demonstrated hardship unique to this property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, the property owner petitioned to amend the planned development for the entire Providence Glen Subdivision to allow all properties within the subdivision the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition (PC 12-09). Staff recommended denial of the request based upon the petition's inability to meet the applicable standards. The Plan Commission concurred with staff, forwarding a recommendation for denial to the Village Board based on the fact that the proposed planned development amendment did not comply with the standards required by the Lombard Zoning Ordinance and that granting the associated relief did not enhance the overall planned development and is not in the best interest of the Village.

At the April 12, 2012 Village Board Meeting, it was suggested that the rear yard setback amendments associated with PC 12-09 may not be appropriate for the entire Providence Glen Subdivision. However, it was offered that there may be alternative modifications that may be appropriate. Therefore the Village Board remanded this item back to the Plan Commission at their May 21, 2012 meeting for further consideration to have the amendments applicable to only the eleven (11) lots on the east side of Charlotte Street. The Plan Commission recommended denial of the request and this recommendation was upheld by the Village Board at its June 7, 2012 meeting. However, the Board did indicate to the petitioner that they may seek an amendment to the Planned Development for only their lot (lot 6), to amend the Plat of Subdivision which established the required setbacks.

Proposed Amendment

When presented with a petition to vary a Zoning Ordinance provision (in this case a rear yard setback), the impact of such a proposal is almost exclusively examined through the variation

process, on a case-by-case basis. As the subject property is governed by a planned development agreement, the option to amend the rear yard setbacks, without amending the Zoning Ordinance, also becomes an option. When the Providence Glen Planned Development was created, the Plat of Subdivision established the required setbacks for each lot. As such, the petitioner is now proposing to amend the setback shown on the original Plat of Subdivision for the planned development for only lot 6 (661 N Charlotte). The plat (attached as Exhibit A), shows an allowable rear yard setback of thirty (30) feet for each of the lots within the development. Unlike the previous case (PC 12-09), should this amendment be approved, it would only be applicable to the petitioner's lot.

Compatibility with the Comprehensive Plan

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. The proposed use in of itself conforms to the recommendations of the Comprehensive Plan.

Findings

As previously stated, the Providence Glen Subdivision was approved to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. As reductions to the rear yard have already been reduced below that of the abutting R2 – Single-Family District properties, staff believes that a further reduction could drastically impact the characteristics of the Providence Glen Subdivision as well as the surrounding properties.

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development, the proposed amendment is required to meet all Standards for Conditional Uses. Staff finds that the following standards have not been affirmed by the petition and as such recommends denial of the petition.

Conditional Use Standards

- a. *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The petitioner's lot directly abuts properties in the R2 – Single-Family District, located outside of the subdivision. Staff believes that the proposed amendment could especially have a detrimental effect on the adjacent single-family lot located directly east of the Providence Glen Subdivision. Reference has been made regarding the distance of those structures on adjacent residential properties to that of the properties along the perimeter of the Providence Glen Subdivision, more specifically those residential properties located along the eastern boundary of the planned development. While staff recognizes that the single-family residences located directly to the east of the Providence Glen development are located on larger lots, staff believes that those properties should not be held accountable for the additional fifteen feet of encroachment imposed by the proposed amendments.

- b. *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The proposed planned development amendment would allow for a screen porch addition (as previously defined) to be located within an area of the property which would have once been prohibited by Code. As such, a result of the amendment would be additional structural bulk inconsistent with surrounding properties.

- g. *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The Providence Glen subdivision received approval in 2000 to provide for thirty (30) foot rear yards on each of the 32 residential lots within that subdivision, which is five (5) feet less than the thirty-five (35) foot rear yard required on other lots within the R2 Single-Family Residence District. The property owner is now petitioning the Village to amend the planned development governing his lot to allow his property the right to a further reduction from the existing thirty foot (30') rear yard setback to fifteen feet (15'), which would be a twenty (20) deficiency to that of the underlying R2 Single-Family Residence District.

FINDINGS AND RECOMMENDATIONS FOR DENIAL

Based on the submitted petition and the testimony presented, the proposed planned development amendment **does not comply** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission adopt the findings of the IDRC Report and find that granting the associated relief does not enhance the overall planned development and is not in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **denial** of the request for PC 12-16 for the property at 661 N Charlotte Street.

Alternate Recommendation

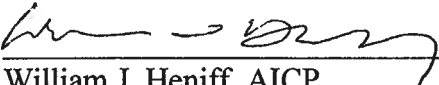
If the Plan Commission does determine that proposed amendment is desirable, staff offers a separate finding of fact.

FINDINGS AND RECOMMENDATIONS FOR APPROVAL

Based on the submitted petition and the testimony presented, I move that the proposed amendments to a conditional use for a planned development are in the public interest, enhance the Providence Glen planned development and comply with the standards required by the Lombard Zoning, as attached, and, therefore, that the Plan Commission recommend to the Corporate Authorities approval of the amendments to a conditional use for a planned development associated with PC 12-16, subject to the following conditions:

1. The proposed amendment shall only apply to 661 N. Charlotte Street within the Providence Glen Planned Development for a rear yard setback, for the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing an attached one-story screen porch (three season room).
2. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet shall only apply to a one-story structure attached to a dwelling with a screened, open or glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof, not to exceed 300 square feet in area.
3. The petitioner for the property at 661 N. Charlotte Avenue shall apply for and receive a building permit for the proposed plans. All IDRC comments must be addressed prior to the issuance of a building permit.
4. The petitioner for the property at 661 N. Charlotte Avenue shall be responsible for exposing any necessary construction for the purposes of required inspections to the existing three season room, under the 2009 International Residential Code (foundation, framing, etc.), to make sure the minimum safety standard set by Code has been met.

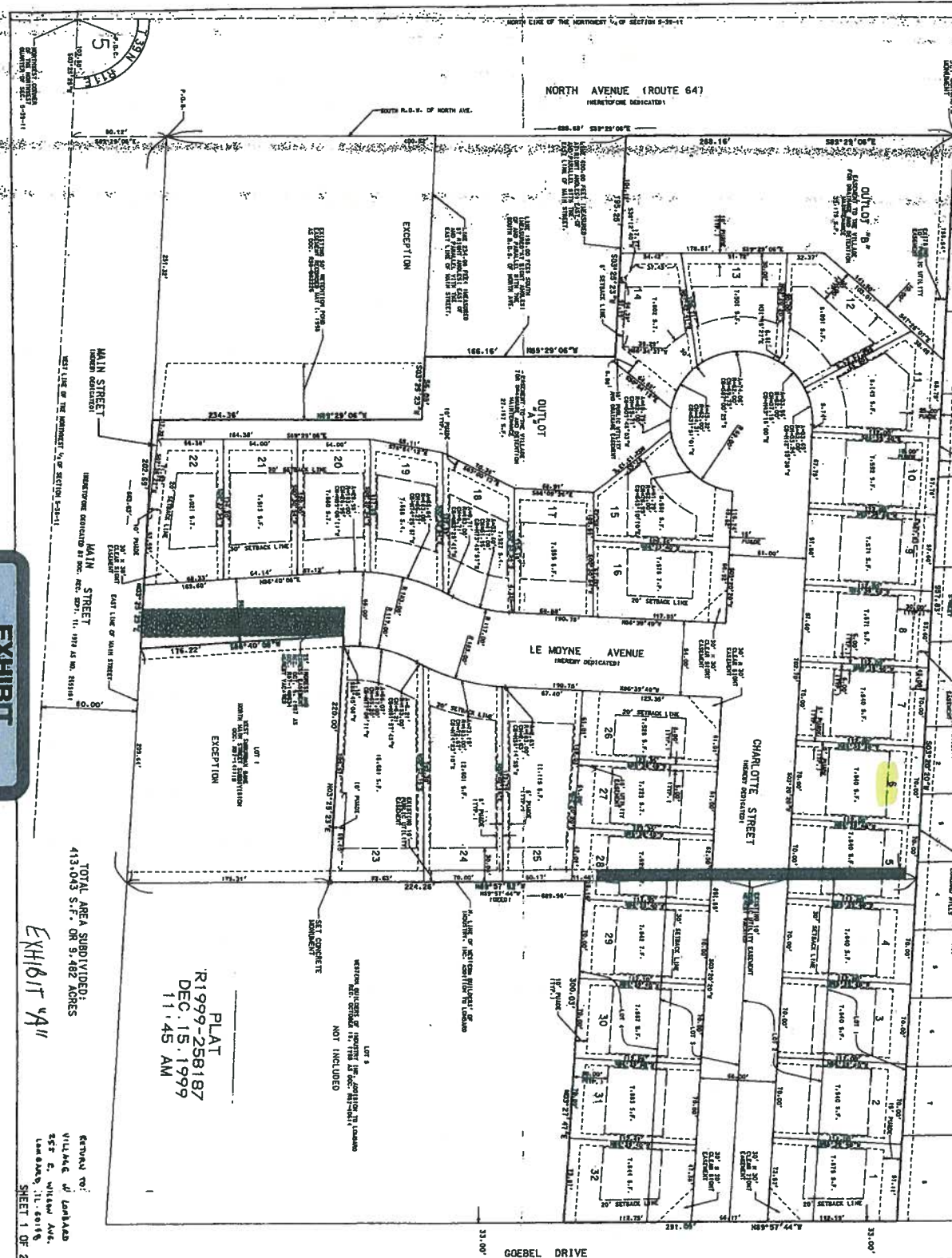
Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

**PRAIRIE PLACE OF LOMBARD
FINAL PLAT OF SUBDIVISION**

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH,
RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN



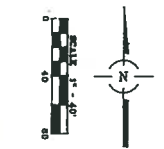
TOTAL AREA SUBDIVIDED:
413,043 S.F. OR 9.482 ACRES

RETURN TO:
VILLAGE of Lombard
557 S. Central Ave.
Lombard, IL 60148

PLAT
R1999-258187
DEC. 15, 1999
11:45 AM

RETRN TO:
VILLAGE of Lombard
557 S. Central Ave.
Lombard, IL 60148
SHEET 1 OF 2

SPACECO, INC.
1111 S. WOODS DRIVE, SUITE 200, DEERFIELD, IL 60015
TEL: 815-480-7881 FAX: 815-480-7882



PROPERTY IDENTIFICATION
PART 1 OF THE SUBDIVISION OF SECTION 5, TOWNSHIP 29 NORTH,
RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ILLINOIS, AS
SHOWN ON THE FINAL PLAT OF SUBDIVISION OF THE PRAIRIE PLACE OF
LOMBARD, ILLINOIS, FILED FOR RECORD IN DECEMBER, 1999, IN
BOOK 111, PAGE 111, OF THE PUBLIC RECORDS OF THE COUNTY OF
DUKE, ILLINOIS. THE TOTAL AREA OF THE SUBDIVISION IS
413,043 SQUARE FEET OR 9.482 ACRES. THE TOTAL AREA OF
THE PRAIRIE PLACE OF LOMBARD IS 413,043 SQUARE FEET OR
9.482 ACRES. THE TOTAL AREA OF THE PRAIRIE PLACE OF
LOMBARD IS 413,043 SQUARE FEET OR 9.482 ACRES.

NOTE: THE TOTAL AREA OF THE SUBDIVISION IS 413,043 SQUARE FEET OR 9.482 ACRES. THE TOTAL AREA OF THE PRAIRIE PLACE OF LOMBARD IS 413,043 SQUARE FEET OR 9.482 ACRES. THE TOTAL AREA OF THE PRAIRIE PLACE OF LOMBARD IS 413,043 SQUARE FEET OR 9.482 ACRES.

1999-258187 1662

Petitioner's Response to Standards for Conditional Uses

Providence Glen Rear Yard Setback Amendment

- (a) *That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;*

The conditional use process allows the Village the opportunity to review each applicable petition in context with the surrounding area in regards to health, safety, and general welfare. The proposed planned development amendment (conditional use) would allow the subject property the right to a reduction to the rear yard setback to fifteen feet (15'), for purposes of constructing a screen porch addition. Allowing the screen porch addition, within the fifteen feet (15') of the rear property line, would **not** create any additional circumstances that would impact the general public be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare. This screen porch was built on an existing deck that was built around 2001 with a building permit. The existing deck extends off the rear of the house 15 feet, already establishing the setback. A petition in your packet, exhibit B shows the signatures of many of my neighbors including the neighbors to the east in support of the petition. More specifically, the neighbor who would be most impacted, Keith Kondrot has signed the petition in support of the setback.

- (b) *That the conditional use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

Any improvements that are a result of the proposed conditional use would be constructed entirely within the confines of the subject properties, which are located within an established residential neighborhood.

Concord Homes originally had difficulty fitting their standard model homes on some of the lots within the Providence Glen Subdivision as flooding conditions affected some of the properties, requiring substantial changes to the engineering, resulting in minor changes to the subdivision layout. In order to adequately handle storm water, the detention basins had to be enlarged, reducing the size, but not the configuration, of some of the lots. The proposed conditional use would allow the property owner the right to a further reduced rear yard setback to construct a screen porch addition. The relief pertains only to screen porch additions similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent 'open' area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.

The recommendation for approval of this amendment would allow for a screen porch consistent with screen porches in other areas of Lombard and additionally in the season of use, is in an extremely secluded location on the property. Because there was already a deck built extending 15 feet off the rear of the house, there is no impact on properties in

the immediate vicinity. From the perspective of adding or increasing bulk, what was done was a roof was added to an existing deck thereby not adding bulk to the property. No more square footage was added than what was already approved with the construction of the deck several years ago.

Additionally, I would like to point out that the property values of the neighborhood would improve – which is a direct issue of this standard and thereby this standard is met. The issue of property values is not addressed by staff. A petition in your packet, exhibit B shows the signatures of many of my neighbors including the neighbors to the east in support of the rear yard setback.

- (c) *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*

Of the thirty-two (32) properties within the Providence Glen Subdivision, there are a total of nineteen (19) lots that directly abut properties outside of the development. The entire development is bound by a wood privacy fence that reduces the impact of any additional improvements made to the properties within the Providence Glen Subdivision. The subject property is further landscaped in such a fashion as to eliminate any visual impact on the surrounding properties. Picture located in your packets as Exhibit B provide factual images of the landscaping established and maintained to obscure the view and provide a buffer between properties.

- (d) *That adequate public utilities, access roads, drainage and/or necessary facilities have been or will be provided;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to address public utilities, access roads, drainage and/or necessary facilities.

- (e) *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The Providence Glen Subdivision is an established neighborhood and all adequate measures have already been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

- (f) *That the proposed conditional use is not contrary to the objectives of the current Comprehensive Plan for the Village of Lombard; and*

The Comprehensive Plan recommends Low-Density Residential uses for the entire planned development. As the Providence Glen Subdivision has already been established with single-family residences, the existing uses conform to the recommendations of the Comprehensive Plan.

- (g) *That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission.*

The planned development amendment would have different impacts on the different properties. The proposed amendments would provide relief pertaining specifically to the rear yard setback for the purposes of constructing a screen porch addition only and only to the subject property, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to the subject property's screen porch addition, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. The relief pertains only to the subject property's screen porch addition as the petitioner constructed a structure that is similar to that of a sunroom (as defined by 2009 International Residential Code) – an attached one-story structure that maintains a minimum 40 percent 'open' area. Any other type of addition would require further relief as a standard building addition may consist of solid walls and be greater than one-story in height and contribute to additional bulk on a property.

Conclusion

Based upon the responses to the above standards, and the support of the surrounding neighbors as displayed in Exhibit B, the signed petition, it is correct and appropriate for the Plan Commission to forward a recommendation for approval to the Village Board. The requested conditional use amendment meets all the standards for conditional use.



View from inside the porch looking toward the Northeast



View from inside the porch looking toward the Southeast



View from inside the porch looking toward the East

Downer, Janet

From: elizabeth kondrot <kidsahoofer@comcast.net>
Sent: Sunday, August 26, 2012 5:38 PM
To: Downer, Janet
Subject: I Do Not Support PC 12-16 / 661 N. Charlotte

I reside immediately east of this address (for the last 23 years). I am **NOT IN SUPPORT** of this project. This property and all the east properties in the subdivision are already over built. Also, let's not ignore the history, this project, and the applicant, were turned down by the Zoning Board of Appeals in the early 2000's and then the applicant went and built the project anyway years later. If the village approves this, any property owner along the east property boundary of this subdivision armed with these facts can make application for the same relief and village would have to grant it. After all, if this application is approved, everyone could openly and knowingly violate the village statues and would still get an approval. That is a very low hurdle.

Again, if you approve one of the properties along the east property line of the subdivision the village would have to approve them all, over time, as each is submitted.

One final point, if the village approves this project what is the point of having a Planning Department, a Zoning Board of Appeals, a Plan Commission or the statutes these governing bodies oversee and enforce.

Thank you for your time.

Elizabeth Kondrot
674 N. Garfield St.
Lombard, Il. 60148