



Zoning Board of Appeals

Re: ZBA 10-08

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South: R2 Single Family Residence District; Single Family Residences  
East: R2 Single-Family Residence District; Single-Family Residences  
West: R2 Single-Family Residence District; Single-Family Residences

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on July 14, 2010.

1. Petition for Public Hearing.
2. Petitioner's Response to Standards to Variations
3. Plat of Survey, prepared by Lambert & Associates, dated January 23, 2008.
4. Building elevations and site plan prepared by M.A.R.S. Design and Construction, dated June 16, 2010.

### **DESCRIPTION**

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.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

The following IDRC comments reflect the comments from the original case, ZBA 08-01:

**ENGINEERING**

Private Engineering Services

The Private Engineering Services Division has no comments regarding the request.

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

**FIRE AND BUILDING**

The Bureau of Inspectional Services has no comments regarding the request at this time.

**PLANNING**

Setbacks are required to control bulk on property. Without such requirements structures could be built without adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. As shown below, the unique character and configuration of the existing house has resulted in several variation requests that have been approved.

Past Approvals for Subject Property

<b>Case No.</b>	<b>Request Type</b>	<b>Approval Date</b>
ZBA 01-17	Corner Setback variation for roofed-over side porch.	1/22/02
ZBA 05-02	Fence Height variation for corner side yard.	4/21/05
ZBA 08-01	Corner Setback variation for second-story addition and porch enclosure	3/20/08

Second-Story Addition

There are several ZBA cases that provide precedence for the requested variation where the addition holds the setback of the existing residence and does not further encroach into the requisite yard. Examples of these variations include:

- 1) The property at 1051 S. Stewart Avenue received approval of a variation to reduce the required corner side yard setback from twenty feet (20') to eighteen feet (18') (ZBA 05-03).
- 2) The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26).

- 3) The property at 117 S. Stewart (ZBA 06-26) received a corner side yard reduction to construct an addition that would maintain a 14'8" corner sideyard setback.

These examples of at-grade additions within the required twenty (20') foot corner side yard. The proposed addition would be a second-story addition and would not increase the lot area coverage.

#### Porch Enclosure

The property also contains a concrete stoop and steps to a side entrance on the east side of the property off Stewart Avenue. The side stoop is approximately four feet wide, seven feet long and less than 36 inches in height. The Zoning Ordinance requires a 20-foot side yard setback. As the porch was built with the house in 1924 it is also legal non-conforming. The property owner received Board approval in 2001 (ZBA 01-17) to cover the aforementioned porch with a roof. Approval to enclose the porch was never granted through ZBA 01-17. The petitioners wish to enclose the porch, which is not allowed by code, as the porch intrudes in the corner side yard setback. Based on the standards to variations, the petitioner noted that the enclosed porch would essentially be used as an extension to a staircase landing, which is currently only nine (9) square feet.

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.

### **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented has affirms the Standards for Variations for the requested setback 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 proposed second-story addition and setback variation relative to the proposed porch enclosure:

Based on the submitted petition and the testimony presented, the requested setback variation pertaining to the second-story addition and setback variation relative to the proposed porch enclosure comply with the Standards by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accepts the findings of the Inter-departmental Review Report as the finding of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of the second-story addition and porch enclosure associated with ZBA 10-08, subject to the following conditions:

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- 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.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Director of Community Development

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c: Petitioner

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