

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: March 26, 2012 (BOT) Date: April 5, 2012
TITLE: PC 12-09: 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue
SUBMITTED BY: Department of Community Development *WLB*

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 properties located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

The Plan Commission recommended *denial* of this request.

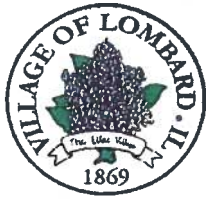
Please place this item on the April 5, 2012 Board of Trustees agenda.

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: April 5, 2012

SUBJECT: **PC 12-09; 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue**

Please find the following items for Village Board consideration as part of the April 5, 2012 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 12-09;
3. Supplemental information associated with the petition.

The Plan Commission recommended denial of this petition at their March 19, 2012 meeting. Please place this petition on the April 5, 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

April 5, 2012

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Village Manager
David A. Hulseberg

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

Subject: PC 12-09; 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoyne Avenue

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 properties located in the R2PD Single-Family Residence District, Planned Development:

"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."

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

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on March 19, 2012.

Matt Berberich, 661 N. Charlotte St., Lombard presented the petition. He stated that he is here tonight to request an amendment to the planned development, known as Providence Glen. He stated that he has read the staff report, has met with staff multiple times and complemented staff on the report. He added that he believed that this was one of the first times staff had to deal with a planned

development amendment of this nature and he thinks they did an excellent job. He mentioned that staff conducted a survey of the people in the neighborhood, which is reflected in the report. He added that better than 50% support the amendment to the planned development. He stated that there are some 'unsures' and 'maybes', but anyone who's familiar with statistics realizes that those people probably don't understand the nature of the item at hand and chose to make a decision on lack of information. He added that the statistics show overwhelming support. Previous hearings indicate there has been support for a rear yard setback from people within his neighborhood as well as within the community.

Referring to the staff report, Mr. Berberich wanted to emphasize that the setback within his neighborhood is not thirty five feet, but thirty feet as previously amended when the builder originally placed the homes on the lots. He added that the front and side yard setbacks as well as the 50% open space requirement would not be altered. The staff report includes a recommendation for approval and denial and he would like this hearing to result in a recommendation of approval. He then mentioned the conditions in the staff report noting how important they are as he is in favor of limiting it to a three season room which would not require a foundation. Mr. Berberich then referenced a past variance case in the planned development involving a deck that was granted an exception due to the slope of the property. He stated that the deck is above the three foot average height and the deck abuts a retention pond.

Mr. Berberich stated that the survey was a good idea. He then discussed the neighborhood layout. He stated that the staff report states that there are residential lots to the east. In previous hearings it has been noted that those people signed a petition and sent emails to the Village in support of the variation. He then described the surrounding commercial land uses to the north and west and mentioned the adjacent retention ponds. He then added that there is a residential neighborhood to the south, but Goebel clearly defines the two separate residential areas, which would reduce the impact of the proposal.

Mr. Berberich then referred to the standards to variations listed in the staff report. He then mentioned the statements referring to additional bulk on the property and stated that he believed these statements are untrue based upon the conditions listed in the staff report that would only allow for three season rooms.

Vice Chairperson Flint asked if anyone was present to speak in favor or against the petition. No one in the audience spoke in favor or against the petition.

Vice Chairperson Flint then requested the staff report.

Michael Toth, Planner I, presented the staff report. 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 his property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, and to ensure that all properties in the neighborhood would be regulated equally, the property owner is now availing himself of another process which would change the setback regulations for all properties within the Providence Glen Subdivision. As such, the property owner is now petitioning, with the Village as a co-petitioner, 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. The proposed changes would not affect the minimum 50% open space requirement.

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.

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.

Proposed Amendments

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. Staff policy is not to first examine the validity of the actual Zoning Ordinance provision, unless deemed appropriate. As the subject properties are governed by a planned development agreement, the option to amend the rear yard setbacks, without amending the Zoning Ordinance, also becomes an option. Furthermore, there are two actions being requested as part of this petition, which would allow for the amendment to the planned development agreement:

- 1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements**

of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).

The proposed planned development amendment would allow all properties within the Providence Glen 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 2009 International Residential Code defines Sunroom as, *a one-story structure attached to a dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.*

The 32 residential lots within the Providence Glen Subdivision differ in size and shape. As such, 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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. Staff notes that the relief pertains only to screen porch additions 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.

2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a) *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

There are a total of nineteen (19) lots within the Providence Glen Subdivision that directly abut properties outside of the development. Furthermore, these lots represent 63% of the 32 total residential lots in the development. The following is a breakdown of those nineteen (19) lots according to adjacent land usage:

- a) Eleven (11) lots (or 34% of the 32 total lots) directly abut single-family residential properties, which are located to the east of the subject properties.
- b) Eight (8) of the lots (or 25% of the 32 total lots) abut the commercial property adjacent to the southwest portion of the development (641 N. Main St.). Staff notes that the Comprehensive Plan designates the property located at 641 N. Main St. (Sid Harvey site) as Low Density Residential; as such, there is the possibility that this property could be redeveloped in the future to accommodate residential uses.

As previously noted, 34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback.

Neighborhood Survey

In order to solicit the opinion of all properties within the Providence Glen Subdivision and to help determine the initial level of support or objection to the planned development amendment, which would affect all properties within the development, Village staff sent a brief survey (Appendix A) and map illustrating the proposed amendments to the rear yard setbacks was sent to each respective property owner in the Providence Glen Subdivision on February 24, 2012. The neighborhood survey posed one question; *would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)?* For reference purposes, the following is a summation on how the property owners responded to the survey question (as of 3/14/12):

Total Surveys Sent	# of Responses	Response Rate	Responded 'Yes'	Responded 'No'	Responded 'Unsure'	Responded 'No Opinion'
32	25	78%	13 (52%)	5 (20%)	2 (8%)	5 (20%)

Compatibility with the Comprehensive Plan

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

Findings

As previously stated, the Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. The Providence Glen subdivision received approval 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.

In order to be granted a planned development amendment (conditional use) or variation, the petitioner must demonstrate that they have affirmed the applicable standards. The following responses to standards, which have been prepared by staff, are not only intended to provide justification for staff's recommendation, but also validate which standards have not been affirmed by the petition.

Conditional Use Standards

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. Staff finds that the following Standards for Conditional Uses have not been affirmed relative to the planned development 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;*

34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback. Staff believes that the proposed amendment could especially have a detrimental effect on the adjacent single-family neighborhood, 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 screen porch additions (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 on a property. Additional structural bulk could impair an adequate supply

of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the subdivision and surrounding neighborhoods.

- 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 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'), which would be a twenty (20) deficiency to that of the underlying R2 Single-Family Residence District.

Variation Standards

A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- b) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

The petitioner did provide a response to the Standards for Planned Developments, which have also been made a part of this petition; however, staff finds that the following Standards for Variations have not been affirmed relative to the aforementioned variation from said Planned Development Standards:

- a. 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 conditions related to the Providence Glen Subdivision (as a collective whole) that prevent compliance with the rear yard setback regulations. The subdivision does not have physical surroundings, shape, or topographical features that differ substantially from any other neighborhood located within the Village as to be demonstrative of a hardship. The subdivision is relatively flat and the existing topography does not impact the ability of the property owners from meeting the setback provisions, which have already been reduced from thirty-five (35) feet to thirty (30) feet.

- b. 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 there are no conditions unique to the Providence Glen Subdivision that would differentiate it from the many other neighborhoods with a similar layout and design that have been able to meet the established rear yard setback regulations.

- d. 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.*

The Village Board denied variation requests (ZBA 11-06 & ZBA 02-21) 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 his property and that the requested relief was not consistent with the existing neighborhood. In light of the proposed amendments, there have been no other property owners within the Providence Glen Subdivision who have requested to build a screened porch addition in the required thirty (30) foot rear yard setback.

- e. The granting of the variation will not alter the essential character of the neighborhood.*

The Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. Initially they were faced with issues 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.

The Providence Glen subdivision previously received approval 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 alter the essential character of the Providence Glen Subdivision, by further increasing structural bulk within the subdivision.

- g. 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.*

A further rear yard setback reduction could drastically impact the amount of structural bulk on the properties within the Providence Glen Subdivision. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the neighborhood.

In conclusion, staff is recommending denial of the petition. Staff did provide the Plan Commission with an alternate recommendation in the event that they were to recommend approval. Mr. Toth stated that revised findings were also distributed to each Plan Commissioner.

Vice Chairperson Flint then opened the meeting for comments on the staff report.

Mr. Berberich stated how the original zoning variation was denied by the Board of Trustees based on his recommendation. Mr. Berberich explained how Trustee Breen came to him with a better option. He then decided that because Trustee Breen could support the Planned Development amendment, he felt it was best to let the zoning variance run its course and ask for a denial. He then stated that Trustee Breen is supportive of his petition but unfortunately could not attend tonight's meeting due to prior commitments.

Referring to the standards, Mr. Berberich stated that his layperson's interpretation of the standard means that this is a unique situation only to Providence Glen. He disagreed and exemplified another Concord development (off of 22nd Street) built within the Village with similar circumstances. He stated that there is one house within that development that was granted a variance for a similar setback based upon the fact that it was unique.

Vice Chairperson Flint then opened the meeting for comments among the Commissioners.

Referring to the map on page five, Commissioner Cooper stated that it appears that there could be stormwater drainage impacts if there was to be a build out on every house wanting to take advantage of this proposed opportunity. She then asked what would happen to the stormwater runoff.

Christopher Stilling, Assistant Community Development Director, stated that we would have to review stormwater management a case-by-case basis. He added that there would be ways to keep control or reduce the stormwater runoff. If all of the property owners jumped on board, there could be some issues even though the chances of everyone doing that are slim so it still concerns staff that we could be giving additional development rights to properties that could possibly have an impact and present a problem.

Commissioner Mrofcza asked if all of the residences within the subdivision are at the thirty-foot rear yard setback right now. Mr. Toth answered that not all of the residences in the Providence Glen Subdivision are set back to the minimum thirty feet.

Commissioner Mrofcza confirmed that there is some room for some of these folks but not all of them. Mr. Toth referred to the red areas shown on the photo on page 5 and explained that there are some properties that could do a screen porch addition by right. He added that the properties on the east side of the development have a smaller area of opportunity while the properties along the west side provide larger rear yards for potential improvements.

Commissioner Mrofcza asked what the shaded areas represent. Mr. Toth answered that the shaded red areas represent the potential buildable area in consideration of the proposed fifteen foot setback line.

Commissioner Mrofcza asked if the property located at 661 N. Charlotte is setback to the thirty-foot rear yard. Mr. Toth answered, yes, the petitioner's property is currently setback right to the thirty-foot building line and the screen porch addition extends to the proposed fifteen-foot line.

Commissioner Sweetser stated that survey attachment included in the staff report really shows the density of the building in comparison to the surrounding area. She added that by granting a concession at the time, the builder wanted thirty feet instead of thirty five feet, which enabled even more density. She thought it is more than fair on how much bulk can already be potentially be put into this area.

Commissioner Olbrysh stated that he has mixed feelings about the petition. He stated that this petition came to mind when reviewing the recent Comprehensive Plan update. He stated that Vision #1 of the Comprehensive Plan update talks about developing a strong and positive physical community image through public and private improvements which enhance various physical features of the community and contribute to Lombard's sense of place. He added that the Plan update also talks about quality development. He then stated that this is going to bulk up the neighborhood and he is unsure of whether to permit the screened-in porches. He stated that this is a concern.

On a motion by Commissioner Burke and a second by Commissioner Olbrysh, the Plan Commission voted 6 to 0 that the Village Board **deny** the petition.

April 5, 2012

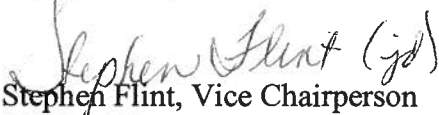
PC 12-09

Page 11

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 to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition.

Respectfully,

VILLAGE OF LOMBARD


Stephen Flint, Vice Chairperson
Lombard Plan Commission

c. Petitioner
Lombard Plan Commission

REVISED FINDINGS

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 to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition.

Alternate Recommendation

If the Plan Commission does determine that proposed amendments are desirable, staff offers a separate finding of fact. The Commissioners may want to consider attaching certain conditions to the amendment. This would help to avoid any situations that were not intended to be a part of such amendments, which could be undesirable.

FINDINGS AND RECOMMENDATIONS FOR APPROVAL

Based on the submitted petition and the testimony presented, the proposed planned development amendment **complies** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission finds that granting the associated relief enhances the overall planned development and is in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **approval** of the request to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition, subject to the following conditions:

1. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet, for all properties within the Providence Glen Planned Development, 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.
2. The petitioner 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.
3. The petitioner will 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.

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission	HEARING DATE: March 19, 2012
FROM: Department of Community Development	PREPARED BY: Michael S. Toth Planner I

TITLE

PC 12-09; 640 - 685 N. Charlotte Street and 2 - 23 E. LeMoynne Avenue: The petitioner requests that the Village take the following actions for the subject properties located in the R2PD Single-Family Residence District, Planned Development:

1. An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).
2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

GENERAL INFORMATION

Petitioner:	Matthew Berberich 661 N. Charlotte Street Lombard, IL 60148
-------------	---

PROPERTY INFORMATION

Existing Zoning:	R2PD - Single-Family Residence District Planned Development
Existing Land Use:	Detached Single-Family Residences
Size of Property(s):	9.48 acres
Comprehensive Plan:	Recommends Low-Density Residential

Surrounding Zoning and Land Use:

- North: B3 – Community Shopping District, developed as a gas station, known as Philips 66; and, an unimproved with vacant land; and, I Limited Industrial District; unimproved vacant land.
- South: R2 - Single-Family Residence District, developed as Single-Family Residences.
- East: R2 - Single-Family Residence District, developed as Single-Family Residences.
- West: R2 - Single-Family Residence District, developed as Single-Family Residences; and, developed as a financial institution, known as West Suburban Bank; and developed as a distributor/warehouse, known as Sid Harvey.

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on February 13, 2012:

1. Petition for Public Hearing.
2. Standards to Planned Developments

For reference purposes, documentation from ZBA 11-06 is also included, which contains the following information:

1. Petition for Public Hearing.
2. Response to Standards for Variations.
3. Plat of Survey, dated June 28, 2000.
4. Site plan prepared by petitioner.

DESCRIPTION

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 his property and that the requested relief was not consistent with the existing neighborhood.

In response to the denial, and to ensure that all properties in the neighborhood would be regulated equally, the property owner is now availing himself of another process which would change the setback regulations for all properties within the Providence Glen Subdivision. The property owner is now petitioning the Village to amend the planned development governing 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. The proposed changes would not affect the minimum 50% open space requirement.

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 included 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.

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.

Proposed Amendments

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. Staff policy is not to first examine the validity of the actual Zoning Ordinance provision, unless deemed appropriate. As the subject properties are governed by a planned development agreement, the option to amend the rear yard setbacks, without amending the Zoning Ordinance, also becomes an option. Furthermore, there are two actions being requested as part of this petition, which would allow for the amendment to the planned development agreement:

1. **An amendment to Ordinances 4566 & 4772, for the Providence Glen Planned Development, to provide exceptions to the minimum rear yard setback requirements of the R2 Single-Family Residence District. This amendment would allow for a further**

deviation from Section 155.407(F)(4), as amended by Ordinance 5083, to reduce the rear yard setback from thirty-five (35) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing attached one-story screen porches (three season rooms).

The proposed planned development amendment would allow all properties within the Providence Glen 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 2009 International Residential Code defines Sunroom as, *a one-story structure attached to a dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.*



As Illustration 1 depicts, the 32 residential lots within the Providence Glen Subdivision differ in size and shape. As such, 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, which would require that all other setback requirements and the 50% open space provision still be met. As the relief pertains specifically to screen porch additions, any other type of addition would be required to meet the underlying thirty (30) foot rear setback. Staff notes that the relief pertains only to screen porch additions 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.

Illustration 1 – Proposed Setback Amendment

2. A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.



Illustration 2 – Adjacent Land Uses

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- a) *The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

As Illustration 2 depicts, there are a total of twenty (19) lots within the Providence Glen Subdivision that directly abut properties outside of the development. Furthermore, these lots represent 63% of the 32 total residential lots in the development. The following is a breakdown of those twenty (19) lots according to adjacent land usage:

- a) Eleven (11) lots (or 34% of the 32 total lots) directly abut single-family residential properties, which are located to the east of the subject properties.
- b) Eight (8) of the lots (or 25% of the 32 total lots) abut the commercial property adjacent to the southwest portion of the development (641 N. Main St.). Staff notes that the Comprehensive Plan designates the property located at 641 N. Main St. (Sid Harvey site) as Low Density Residential; as such, there is the possibility that this property could be redeveloped in the future to accommodate residential uses.

As previously noted, 34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback.

Neighborhood Survey

In order to solicit the opinion of all properties within the Providence Glen Subdivision and to help determine the initial level of support or objection to the planned development amendment, which would affect all properties within the development, Village staff sent a brief survey (Appendix A) and map illustrating the proposed amendments to the rear yard setbacks was sent to each respective property owner in the Providence Glen Subdivision on February 24, 2012. The neighborhood survey posed one question; *would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)?* For reference purposes, the following is a summation on how the property owners responded to the survey question (as of 3/14/12):

Total Surveys Sent	# of Responses	Response Rate	Responded 'Yes'	Responded 'No'	Responded 'Unsure'	Responded 'No Opinion'
32	25	78%	13 (52%)	5 (20%)	2 (8%)	5 (20%)

Compatibility with the Comprehensive Plan

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

Findings

As previously stated, the Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. The Providence Glen subdivision received approval 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.

In order to be granted a planned development amendment (conditional use) or variation, the petitioner must demonstrate that they have affirmed the applicable standards. The following responses to standards, which have been prepared by staff, are not only intended to provide justification for staff's recommendation, but also validate which standards have not been affirmed by the petition.

Conditional Use Standards

As the establishment of the original planned development required conditional use approval and the petitioner is proposing to amend the original planned development agreement, the proposed amendment is required to meet all Standards for Conditional Uses. Staff finds that the following Standards for Conditional Uses have not been affirmed relative to the planned development 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;*

34% of the 32 lots that make up the Providence Glen Subdivision directly abut properties in the R2 – Single-Family District, located outside of the subdivision. As such, the rear yard setbacks on the perimeter of the development would be less than that required in the abutting zoning district, which is required to maintain a thirty-five (35) foot rear yard setback. Staff believes that the proposed amendment could especially have a detrimental effect on the adjacent single-family neighborhood, 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 screen porch additions (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 on a property. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the subdivision and surrounding neighborhoods.

- 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 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'), which would be a twenty (20) deficiency to that of the underlying R2 Single-Family Residence District.

Variation Standards

A variation from Section 155.508(C)(6)(a) (Planned Development Standards) to allow the rear yards on the perimeter of the planned development to be less than that required in the abutting zoning district and underlying subject properties.

Section 155.508(C)(6)(a) (Planned Development Standards) states, *That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:*

- b) The front, side or rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning district(s) or the zoning district underlying the subject site, whichever is greater.*

The petitioner did provide a response to the Standards for Planned Developments, which have also been made a part of this petition; however, staff finds that the following Standards for Variations have not been affirmed relative to the aforementioned variation from said Planned Development Standards:

- a. 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 conditions related to the Providence Glen Subdivision (as a collective whole) that prevent compliance with the rear yard setback regulations. The subdivision does not have physical surroundings, shape, or topographical features that differ substantially from any other neighborhood located within the Village as to be demonstrative of a hardship. The subdivision is relatively flat and the existing topography does not impact the ability of the property owners from meeting the setback provisions, which have already been reduced from thirty-five (35) feet to thirty (30) feet.

- b. 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 there are no conditions unique to the Providence Glen Subdivision that would differentiate it from the many other neighborhoods with a similar layout and design that have been able to meet the established rear yard setback regulations.

- d. *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.*

The Village Board denied variation requests (ZBA 11-06 & ZBA 02-21) 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 his property and that the requested relief was not consistent with the existing neighborhood. In light of the proposed amendments, there have been no other property owners within the Providence Glen Subdivision who have requested to build a screened porch addition in the required thirty (30) foot rear yard setback.

- e. *The granting of the variation will not alter the essential character of the neighborhood.*

The Providence Glen Subdivision has historically had difficulty with the placement of the single-family homes on the platted lots. Initially they were faced with issues 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.

The Providence Glen subdivision previously received approval 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 alter the essential character of the Providence Glen Subdivision, by further increasing structural bulk within the subdivision.

- g. *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.*

A further rear yard setback reduction could drastically impact the amount of structural bulk on the properties within the Providence Glen Subdivision. Additional structural bulk could impair an adequate supply of light and air to adjacent property, increase the danger of fire,

impair natural drainage, create drainage problems on adjacent properties, endanger the public safety or substantially diminish or impair property values within the neighborhood.

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 finds 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 to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition.

Alternate Recommendation

If the Plan Commission does determine that proposed amendments are desirable, staff offers a separate finding of fact. The Commissioners may want to consider attaching certain conditions to the amendment. This would help to avoid any situations that were not intended to be a part of such amendments, which could be undesirable.

FINDINGS AND RECOMMENDATIONS FOR APPROVAL

Based on the submitted petition and the testimony presented, the proposed planned development amendment **complies** with the standards required by the Lombard Zoning; and, therefore, I move that the Plan Commission finds that granting the associated relief enhances the overall planned development and is in the best interest of the Village. Therefore, I recommend to the Corporate Authorities **approval** of the request to reduce the rear yard setback from thirty (30) feet to fifteen (15) feet within the Providence Glen Planned Development, for purposes of constructing a of constructing a screen porch addition, subject to the following conditions:

1. The rear yard setback reduction from thirty (30) feet to fifteen (15) feet, for all properties within the Providence Glen Planned Development, 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.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. The petitioner will 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.

Plan Commission
Re: PC 12-09
Page 12

Inter-Departmental Review Group Report Approved By:

A handwritten signature in black ink, appearing to read "William J. Heniff", is written over a horizontal line.

William J. Heniff, AICP
Director of Community Development

WJH:MST:jd

c. Petitioner



VILLAGE OF LOMBARD

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

February 23, 2012

Village President
William J. Mueller

Re: Providence Glen - Rear Yard Setback Survey

Village Clerk
Brigitte O'Brien

Dear Property Owner:

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

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 the construction of a screened porch addition. However, during the public hearing process, the Village was made aware of individuals who did support such a reduction.

Village Manager
David A. Hulseberg

The property owner is now petitioning the Village to amend the planned development agreement, governing the entire Providence Glen Subdivision, to allow all properties within the planned development the right to a further reduction from the required thirty feet (30') to fifteen feet (15') for purposes of constructing an attached one-story screened porch addition (three season room). Please keep in mind that the proposed changes would not affect the minimum 50% open space requirement.

"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."

Village staff is conducting a survey to solicit the opinion of all properties within the Providence Glen Subdivision to help determine the initial level of support or objection to the planned development amendment. A brief survey and a map illustrating the proposed amendments to the rear yard setbacks have been included with this correspondence for your reference. We respectfully ask that you please complete the survey and return it using the provided stamped envelope, fax or email (below) by no later than **Friday, March 2nd, 2012**. Regardless of this survey, you will be receiving a separate notice of public hearing regarding this request.

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

If you have any questions, please contact me at (630) 620-5758.

Respectfully,

VILLAGE OF LOMBARD
Department of Community Development

Michael S. Toth
Planner I
Fax: (630) 629-2374
Email: tothm@villageoflombard.org



PROVIDENCE GLEN SUBDIVISION - REAR YARD SETBACK SURVEY

Would you support a rear yard setback reduction from thirty feet (30') to fifteen feet (15') for all properties within the Providence Glen Subdivision, to allow for attached one-story screen porch additions (three season rooms)?

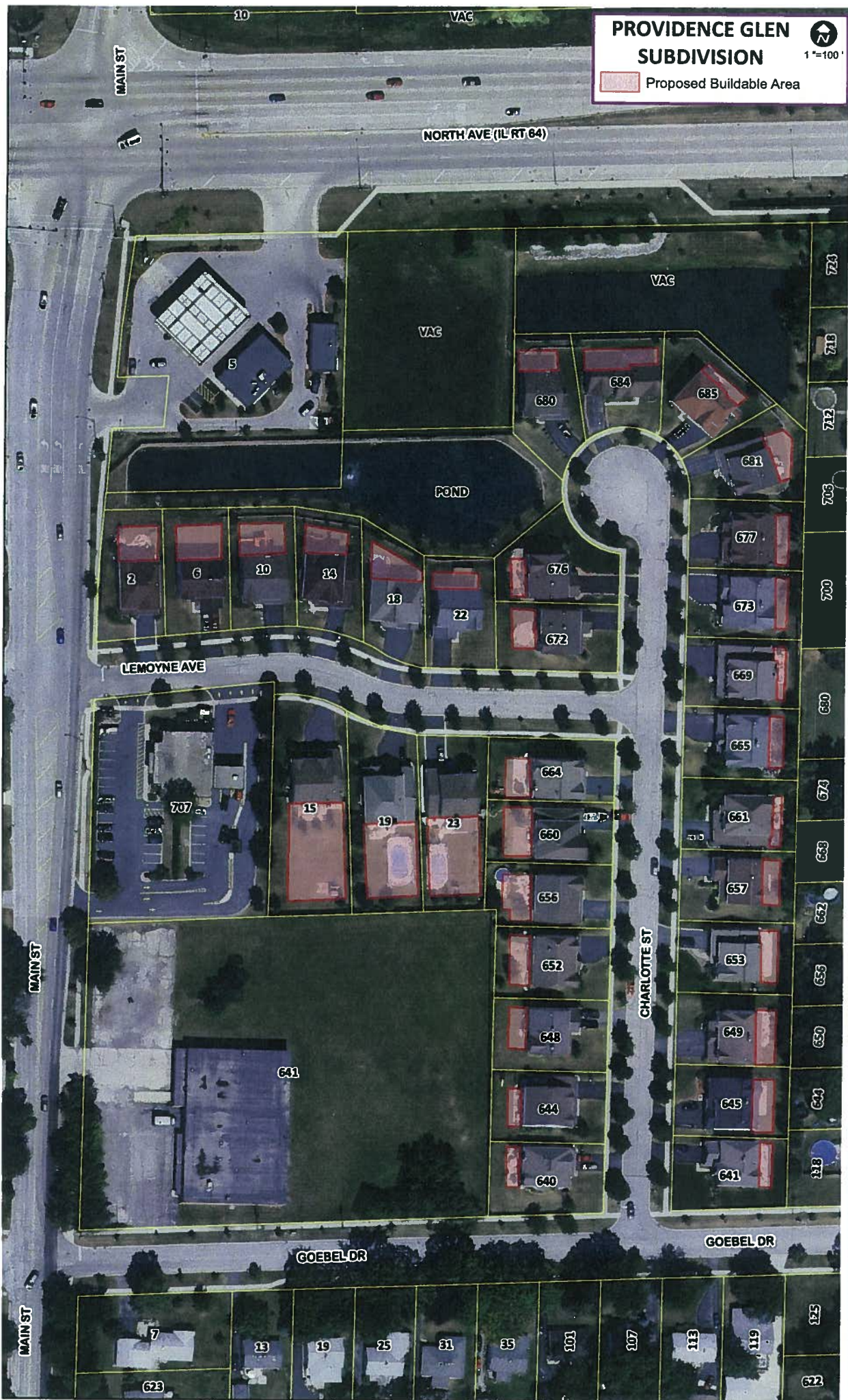
- Yes**
- No**
- Unsure**

Comments: _____

PROVIDENCE GLEN
SUBDIVISION



Proposed Buildable Area



PC 12-09: Providence Glen Subdivision



194 ft

Petitioner's Response to Standards

C. Standards for Planned Developments with Other Exceptions

1. Any reduction in the requirements of this Ordinance is in the public interest

Response: This is not a reduction in the requirements, but an enhancement to the requirements and most definitely benefits the public interest by allowing for further enjoyment of property by being able to better use the space within the boundaries, without harming the surroundings and while adding value to the property and surrounding properties.

2. The proposed exceptions would not adversely impact the value or use of any other property

Response: This exception would not adversely impact the value or use of any other property due to the fact that to the east of the neighborhood the adjacent properties all have significant cushion (setbacks) that provide considerable distance and the existence of a required screening (privacy fence). To the north is North Avenue and the cushion between that and the property are two required retention/detention ponds and a commercial gas station. To the west is a commercial property with significant open space and to the south is Goebel Ave. The characteristics and surroundings of the neighborhood with this exception will have little to no impact on the use of any other property.

3. That such exceptions are solely for the purpose of promoting better development which will be beneficial to the residents or occupants of the planned development as well as those of the surrounding areas.

Response: The requested exception will only promote better development by providing guidelines with which to better develop the property both currently and in the future as well as provide guidance from governing bodies to allow for safer more suitable development.

4. That the overall floor area of the planned development shall not exceed by more than 40% the maximum floor area permitted for the individual uses in each applicable district

Response: N/A This has been interpreted to prevent construction of a multi-story structure such as an apartment building and therefore is not relevant.

5. That in residential planned developments the maximum number of dwelling units allowed shall not exceed by more than 40% the number of dwelling units permitted in the underlying district

Response: The requested exception will not allow for an increase in dwelling units and therefore this standard is met.

6. That all buildings are located within the planned development in such a way as to dissipate any adverse impact on adjoining buildings and shall not invade the privacy of the occupants of such buildings and shall conform to the following:

- a. The front, side and rear yard setbacks on the perimeter of the development shall not be less than that required in the abutting zoning districts or the zoning district underlying the subject site, whichever is greater.**

Response: This is in fact a request for a deviation from this standard and would allow for a reduction in the rear yard setback for conditional use, but not in the sides or front. This would have no impact on the adjacent properties for the following reasons: East of the neighborhood the adjacent properties all have significant cushion (setbacks), I believe at least 60 feet, that provide considerable distance and the existence of a required screening (privacy fence). To the north is North Avenue and the cushion between that and the property are two required retention/detention ponds and a commercial gas station. To the west is a commercial property with significant open space and to the south is Goebel Ave.

- b. All transitional yards and transitional landscape yards of the underlying zoning district are complied with.**

Response: This standard is and will remain met as the request is not asking for a change to the requirements of transitional yards and transitional landscapes. This requirement will not allow for a change to the current requirement.

- c. If required transitional yards and transitional landscape yards are not adequate to protect the privacy and enjoyment of property adjacent to the development, the Plan Commission shall recommend either or both of the following requirements:**

- i. All structures located on the perimeter of the planned development must set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses**

Response: This standard was addressed in the original planned unit development requiring a perimeter fence made of board on board cedar with significant screening capabilities as to provide adequate privacy and amenity to the adjacent properties. This is a requirement of the Home Owners Association as well and is constantly monitored by the Board of the association for maintenance issues. The Board walks the property no less than 3-4 times per year, more often in the event of a storm, to

monitor the structure and appearance of the privacy fence and works quickly and decisively to make repairs/replacements. Additionally, the only part of the perimeter where there are residential properties is to the east and those properties have rear yard setbacks in most cases of at least 60 feet.

- ii. **All structures located along the entire perimeter of the planned development must be permanently screened with sight proof screening in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.**


Response: This standard was addressed in the original planned unit development requiring a perimeter fence made of board on board cedar with significant screening capabilities as to provide adequate privacy and amenity to the adjacent properties. This is a requirement of the Home Owners Association as well and is constantly monitored by the Board of the association for maintenance issues. The Board walks the property no less than 3-4 times per year, more often in the event of a storm, to monitor the structure and appearance of the privacy fence and works quickly and decisively to make repairs/replacements. Additionally, the only part of the perimeter where there are residential properties is to the east and those properties have rear yard setbacks in most cases of at least 60 feet.

- 7. **That the area of open space provided in a planned development shall be at least 25% more than that required in the underlying zone district.**

The approval of this exception would cause the current open space requirement to be unchanged therefore no impact and this standard is and would be met.

SURVEY RESULTS

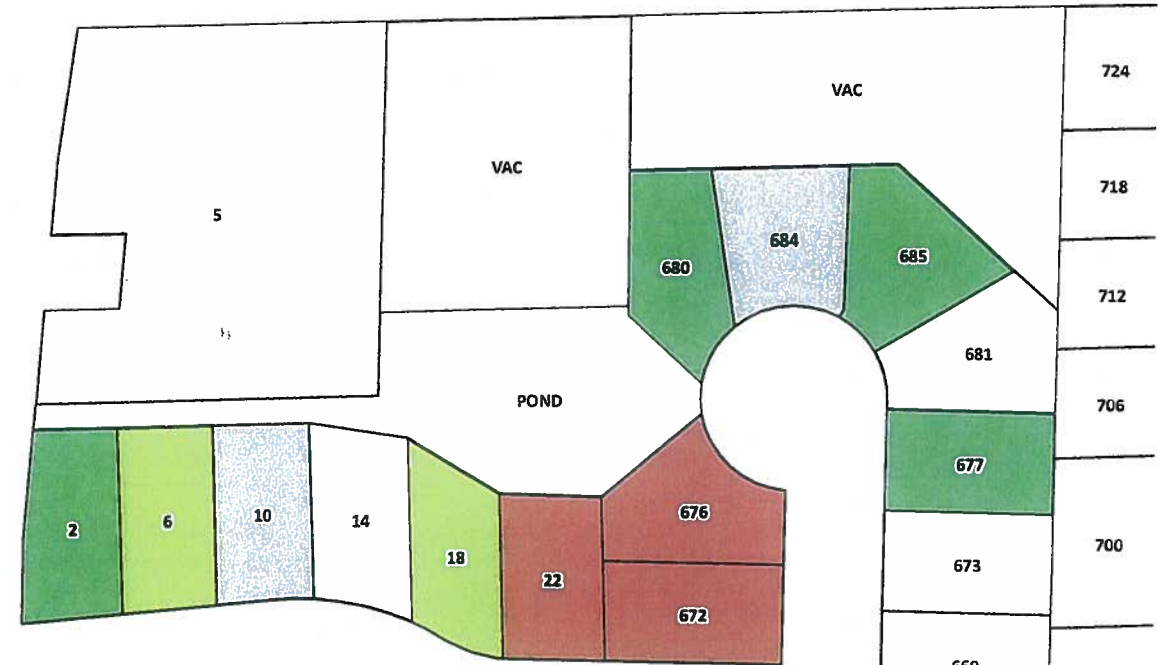
Yes
 No
 No Opinion
 Unsure


 NOT TO SCALE
 MAR 15 2012

NORTH AVE (IL RT 64)

MAIN ST

MAIN ST



LEMOYNE AVE



GOEBEL DR

GOEBEL DR

7	13	19	25	31	35	101	107	113	119	125
										622