

April 19, 2007

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

**Subject: ZBA 07-05; 208 S. Elizabeth Street**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.406 (F) (1) to reduce the front yard setback from thirty feet (30') to fourteen and one half feet (14.5') to allow for the construction of a front porch on an existing legal non-conforming residence in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on March 28, 2007. The petitioner, Barbara Esterly, shared a statement signed by four neighbors wherein they gave their support to the requested variation. She stated that there is now a six-foot stoop in front of their house and they just want to extend a porch out from there. They have already made numerous improvements to the house's windows, roofing, soffit, and foundation. There was previously a porch on the house but they could not find any pictures of it.

Ms. Esterly then provided the Zoning Board of Appeals members with an older photograph of the subject property as well as the signed statement from her neighbors with an attached photograph of a porch that had previously existed on the house immediately to the north of the subject property. She stated that people get their driveway confused with their neighbor's driveway due to the location of the entrance. She noted that numerous homes in the neighborhood have porches.

Chairperson DeFalco then opened the meeting for public comment.

Shannon Vetter, 202 S. Elizabeth, stated that the petitioners have made a substantial investment in their home. She loves the characteristics of older homes. The previous owner remembered that there had been a porch on the house at one time. She is in agreement with the proposed new porch.

Chairperson DeFalco then requested the staff report.

Jennifer Backensto, Planner II, presented the staff report. The petitioner is requesting a variation to reduce the required front yard setback from 30 feet to 14.5 feet to construct a roofed-over, unenclosed front porch. The existing residence, which was built in 1926 according to Township Assessor's records, is legal nonconforming with a 20.5-foot front yard setback.

Ms. Backensto stated that the existing residence is considered legal nonconforming relative to the front yard setback. Staff has generally been supportive of variations to construct additions that maintain an existing nonconforming building line. In this case, a smaller entry porch could be constructed to maintain the existing 20.5-foot setback. This smaller porch would create less of a visual obstruction than the proposed 226-square foot porch. The hardship in this circumstance is a personal preference for the proposed design.

Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation." Staff finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance. While the existing setback does present an obstacle, it does not create the need for a further reduction of the front yard setback. Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village of Lombard. Furthermore, the existing setback of the house on the subject property is very similar to the setbacks of the existing older homes to the north and south. Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner's preference for the proposed design. Staff finds that granting the request could be injurious to neighboring properties because overbuilding single-family lots contributes to a loss of the neighborhood's suburban character. Granting the requested relief would set an undesirable precedent for further setback variations in the immediate area.

Ms. Backensto stated that staff does not find any undue hardship in this case that would justify the requested setback variation. However, within the past five years there have been six other ZBA petitions requesting relief for roofed-over, unenclosed front porches. One of these cases, ZBA 06-17, involved a request to reduce the setback to less than 50% of that required by the Zoning Ordinance. All six variations were ultimately granted.

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

Mr. Polley asked if the residence was currently nonconforming. Chairperson DeFalco stated that it was.

Mr. Polley stated that there is a need for some shelter by the doorway, but the petitioner's proposal carries it a bit too far. Chairperson DeFalco noted that the porch would extend no closer to the property line than the existing stoop, but the porch would continue further to the south.

Mrs. Newman noted that replacing a stoop with a larger, roofed-over porch would increase the bulk at the front of the property.

Mr. Bedard asked if the six other variations mentioned in the staff report were replacing existing structures or increasing a nonconformity. Ms. Backensto stated that they were a mixture of both types of variations.

Chairperson DeFalco discussed the case in ZBA 02-15, wherein the front yard setback was reduced to 26 feet to allow for a front porch. He mentioned that there had been a subsequent text amendment to allow for such limited encroachments into the front yard.

Mr. Young referred to the garage shown in the photo provided by the petitioner and stated that it appeared closer to the front property line than the petitioner's house. The petitioner stated that the garage is actually in line with the front of their house.

Mr. Bedard asked if they were certain that there was previously a porch on the subject property. The petitioner stated that they were sure of it but could not find any pictures.

Chairperson DeFalco stated that the ZBA has typically supported requests that maintain an existing building line and discussed how the petitioner could construct a covered front entrance without going further into the front yard. The petitioner stated that shifting the front door would hurt the interior flow of the rooms.

Chairperson DeFalco stated that, in the past, the ZBA has allowed coverings over a door. The petitioner added that their neighbors to the south have a similar home except they have stairs going down to their own driveway.

After due consideration of the submitted petition and the testimony presented for ZBA 07-05, a motion was made by Mr. Young to approve the requested variation with conditions limiting the variation to the existing residence, requiring that the petitioner receive a building permit, and that the petitioner shall follow the submitted plans. The motion was seconded by Mr. Bedard. The result of the roll call vote was 3 to 2. However, that was not sufficient for a recommendation to the Board. A motion to deny the requested variation was made by Mrs. Newman and seconded by Mr. Polley. The result of the roll call vote was 2 to 3. As such, the ZBA forwards no recommendation relative to the requested relief.

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Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson  
Zoning Board of Appeals

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