

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: March 28, 2007

FROM: Department of Community PREPARED BY: Jennifer Backensto, AICP
Development Planner II

TITLE

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

GENERAL INFORMATION

Petitioner: Randy Pruyn
 407 S. Edson Ave
 Lombard, IL 60148

Property Owner : Mr. & Mrs. Ken Esterly
 208 S. Elizabeth St
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residential

Size of Property: Approximately 17,153 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences

South: R2 Single Family Residential District; developed as Single Family Residences

East: R2 Single Family Residential District; developed as Single Family Residences

West: R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on March 7, 2007.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by residential Surveying Service, dated September 16, 1999.
4. Site Plan, Floor Plan, and Proposed Building Elevations, prepared by Randy B. Pruyn, dated March 6, 2007.

DESCRIPTION

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, is legal nonconforming with a 20.5-foot front yard setback.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works Engineering

Public Works has no comments on this petition.

Private Engineering

Public Works has no comments on this petition.

Planning

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". The following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.* 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.

2. *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 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.

3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.* 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.

4. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.* 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.

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.

Case No.	Address	Relief Requested	ZBA Vote	BOT Action
ZBA 07-02	206 E. Hickory	Corner side yard reduced from 20’ to 15’	Approval	Approval
ZBA 06-17	197 S. Craig	Corner side yard reduced from 20’ to 9’	Approval	Approval
ZBA 06-03	121 N. Lincoln	Front yard reduced from 30’ to 23.5’	Approval	Approval
ZBA 04-03	340 W. Morris	Corner side yard reduced from 20’ to 16’	Approval	Approval
ZBA 03-07	314 W. Windsor	Interior side yard reduced from 6’ to 3.5’	Approval	Approval
ZBA 02-15	532 S. Lombard	Front yard reduced from 30’ to 26’	Approval	Approval

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested variation. 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 variation:

Based on the submitted petition and the testimony presented, the requested variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 07-05.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:JB

att-

c: Petitioner