

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

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

ANALYSIS

SUBMITTALS

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

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

DESCRIPTION

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

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

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

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

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

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

PUBLIC WORKS

Public Works Engineering has no comments.

FIRE DEPARTMENT

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

BUILDING DIVISION

The Building Division has the following comments:

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

PLANNING

Zoning History

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

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

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

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

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

Proposed Amendment

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

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

Compatibility with the Comprehensive Plan

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

Findings

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

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

Conditional Use Standards

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

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

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

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

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

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

FINDINGS AND RECOMMENDATIONS FOR DENIAL

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

Alternate Recommendation

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

FINDINGS AND RECOMMENDATIONS FOR APPROVAL

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

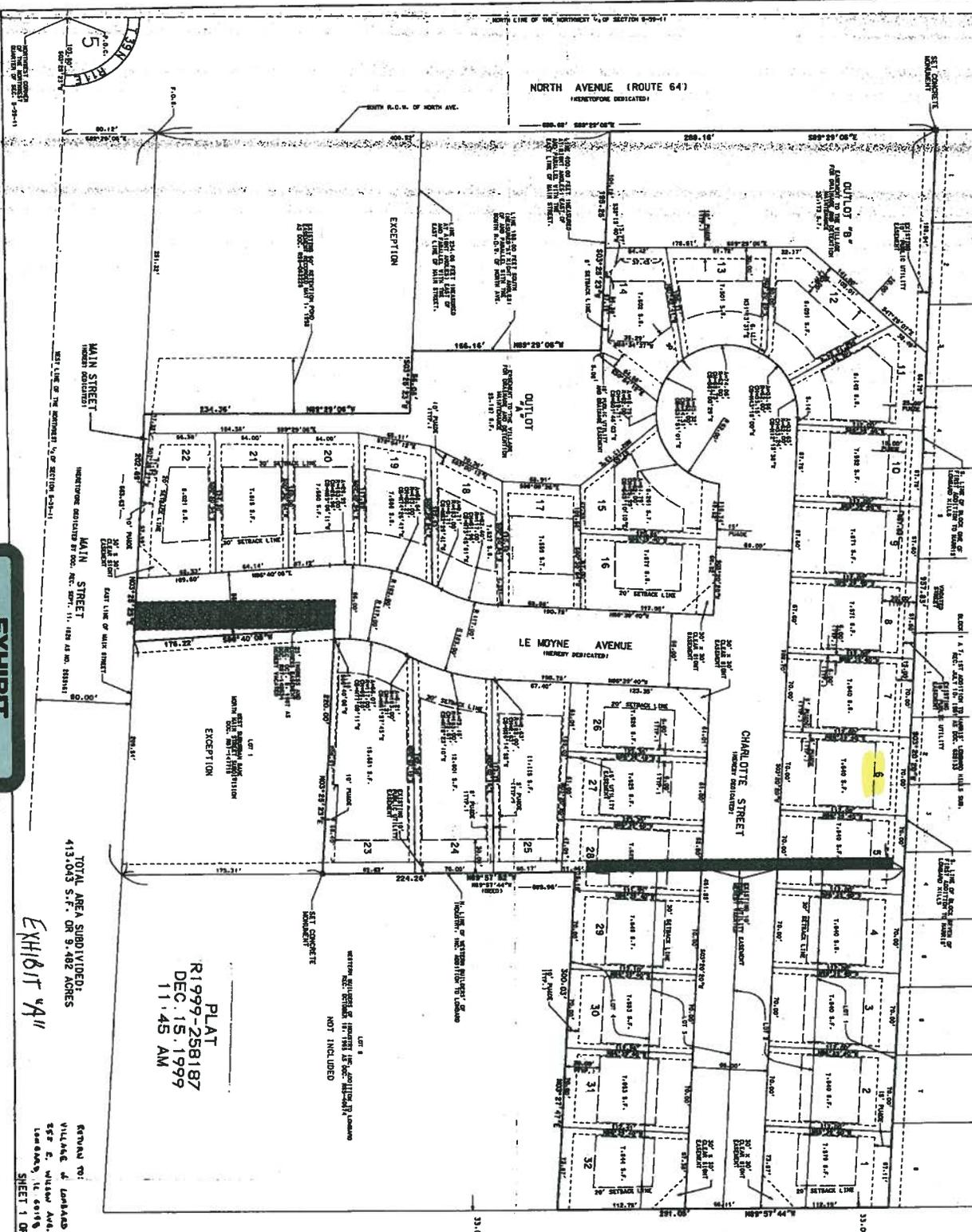
1. The proposed amendment shall only apply to 661 N. Charlotte Street within the Providence Glen Planned Development for a rear yard setback, for the north three-quarters (3/4) of lot 6 within said Planned Development, of fifteen (15) feet, instead of thirty (30) feet, for the sole purpose of constructing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

Inter-Departmental Review Group Report Approved By:



William J. Heniff, AICP
Director of Community Development

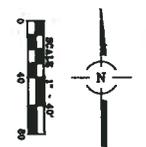
PRAIRIE PLACE OF LOMBARD
FINAL PLAT OF SUBDIVISION
 PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 29 NORTH,
 RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN



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

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

RETURN TO:
 VILLAGE OF LOMBARD
 557 S. Walnut Ave.
 Lombard, IL 60148
 SHEET 1 OF 2



06-01-00-005
 06-02-00-007
 06-03-00-009
 06-04-00-011
 06-05-00-013
 06-06-00-015

LEGEND

- LOT LINE
- RIGHT OF WAY
- 20' SETBACK LINE
- ESSEMENT (PAVED) LINE
- BOUNDARY LINE

NOTE:
 ALL REPAIR TO THE SETBACK OR ESSEMENT SURFACE SHALL BE THE RESPONSIBILITY OF THE OWNER.

REMARKS:
 THIS PLAT IS SUBJECT TO THE RECORDS OF THE VILLAGE OF LOMBARD, ILLINOIS, AND THE RECORDS OF THE COUNTY OF DUKE, ILLINOIS.

DEVELOPER:
 SPACECO, INC.
 3012 S. VANDER GRAY DRIVE
 LOMBARD, ILLINOIS 60148
 (708) 261-1100

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DATE: 12/15/99
 108-124