



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on July 29, 2009.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Lambert and Associates, dated June 23, 1994.

### **DESCRIPTION**

The petitioner is requesting a variation to replace a previously existing enclosed front porch. Text amendments adopted in October 2008 established average front yard setbacks for detached single-family dwellings on residentially zoned properties. As a result, the required front yard setback for the subject property increased from thirty (30) feet to 33.93 feet. Since the petitioner is seeking to replace the enclosed porch in the same location, a variation is required.

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

#### **PRIVATE ENGINEERING SERVICES**

The PES Division has no comment on this petition.

#### **PUBLIC WORKS**

##### **Engineering**

Public Works Engineering has reviewed the petition and has no comments.

##### **Utilities**

The Utilities Division of the Department of Public Works does not have any comments on the subject petition.

#### **BUILDING DIVISION**

Upon review of the above referenced request for variation for a front yard setback from 33.93' to 30' to allow for an enclosed front porch, the Building Division has no comments at this time.

#### **FIRE DEPARTMENT**

The Fire Department has reviewed the petition and has no comments.

**PLANNING**

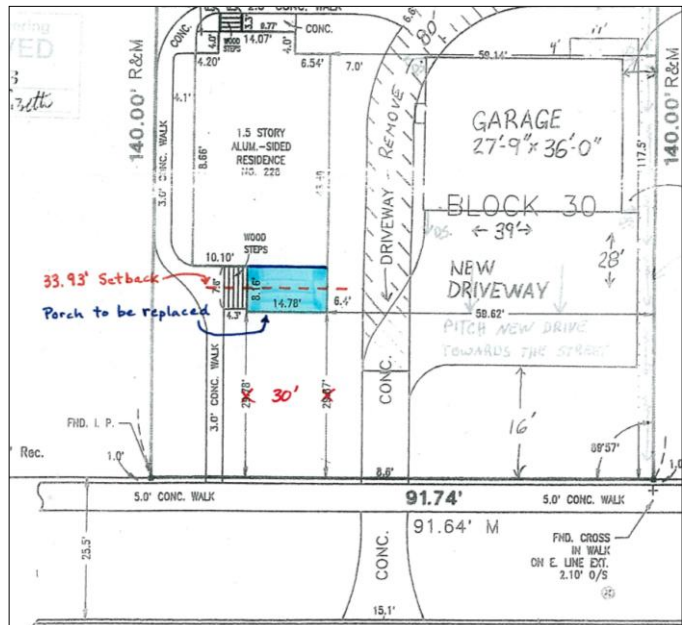
The petitioner is requesting this variation to replace a previously existing legal non-conforming enclosed front porch with a new porch that will have almost identical dimensions. The previous front porch had a front yard setback of 29.78 feet where thirty (30) feet was previously required. This corresponds to a front yard setback encroachment of approximately 2.5 inches. However, the porch would have been considered legal non-conforming as Section 155.801(E) of the Zoning Ordinance permits all “measured distances” to be rounded to the nearest whole foot. The petitioner has agreed to reduce the depth of the proposed porch in order to meet a setback of thirty (30) feet.

In October 2008, the Village Board approved text amendments to the Lombard Zoning Ordinance establishing average front yard setbacks for detached single-family dwellings on residentially zoned properties. For the subject property, these text amendments had the effect of increasing the required front yard setback from thirty (30) feet to 33.93 feet. This setback is formulated as the average of the front yard setbacks of the residence to the west, which is 37.78 feet, and the residence to the east, which is 30.07 feet.



• Previously existing front porch.

As a result of the aforementioned text amendments, the existing enclosed porch became legal non-conforming as it then encroached 4.15 feet into the front yard setback. After the new code was adopted, the petitioner submitted a permit application to replace the porch at the same dimensions, along with adding a second story addition on the home. The proposed second story addition does not meet the setback requirements. However, in order to receive a permit to begin construction on the second story, the petitioner altered his plans to show an unenclosed front porch projecting seven (7) feet from the principal structure which is a permitted encroachment in the front yard. Following issuance of the permit, the existing front porch was demolished. If the Village Board were to act favorably upon the petitioner’s request, the petitioner plans to amend this permit to show the proposed enclosed front porch.



• Site plan showing required and proposed setbacks.

The previously existing front porch had acted as the front entrance to the home. In order to meet the current setback requirement, the enclosed porch would have to project from

the home no more than four (4) feet. The petitioner has stated that such a reduction in the porch's size would be a detriment to both its functionality and the home's character. He states that it would also restrict access at the front entrance of the residence.

The petitioner has also indicated that he is proposing to construct essentially the same structure, adding new construction elements that will allow for greater efficiency and safety. In order to address the previous .22 feet encroachment, the new enclosed porch would be reduced to a width of approximately seven (7) feet, eleven (11) inches.

Within the PC 08-21 staff report

, several reasons were identified for establishing average front yard setbacks. Among these reasons was the protection of the viewshed of neighboring properties by preventing new homes and additions from being built too far in front of existing homes. This concern does not seem to be applicable in this case. The front yard setback for the principal structure to the west, 230 W. Willow Street, is 37.78 feet. However, projecting from this residence is an unenclosed front porch which has a setback of thirty (30) feet and steps which project still further from the porch. The front yard setback for the principal structure to the east, 220 W. Willow Street, is 30.07 feet. These homes effectively have the same setback as is proposed as part of this variation and, therefore, are unlikely to experience a negative impact on their viewshed.



Staff also stated, “The intent of the proposed relative setback text is to maintain the character of existing neighborhoods and to establish status quo for any new developments.”

It is staff's opinion that in this particular case, the variation would allow the petitioner to maintain the status quo and the character of existing neighborhood.

- **Aerial photograph approximating the effect on neighboring viewsheds.**
  - **Red line: 30' Setback.**
  - **Blue box: Approximate location of proposed porch.**

Staff notes that at least one neighbor has expressed concern over the height of the vertical addition being added to the residence. Though the height of the structure has no direct effect on this variation request, staff would like to address the resident's concern. Staff's review has shown that the submitted plans do meet the height requirements of the R2 zoning district:

No buildings or structures shall exceed two and one-half stories or 30 feet in height, whichever is less.

The proposed addition will have a height of 29.75 feet, taken as the mean between the eaves, twenty-three and one-half (23.5) feet, and the ridge of the roof, thirty-six (36) feet. Also, the portion of the residence above the second story meets the definition of a half-story. To be

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considered a half-story, two opposite exterior walls must not exceed four and one-half (4.5) feet above the finished floor of the story immediately below. The proposed half-story has opposite exterior walls of one (1) foot in height on the east and west sides of the residence.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested petition. 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 aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for variations by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 09-08, subject to the following conditions:

1. The variation shall be limited to the single-story enclosed front porch as depicted Plat of Survey, prepared by Lambert and Associates, dated June 23, 1994, with the stipulation that a front yard setback of thirty (30) feet be met.
2. The variation shall be limited to the existing residence. Should the existing residence be reconstructed due to damage or destruction by any means, any new buildings or structures shall meet the applicable underlying R2 Single Family Residential District setback requirements.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Director of Community Development

c: Petitioner