

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: July 26, 2006
FROM: Department of Community PREPARED BY: Michelle Kulikowski, AICP
Development Planner I

TITLE

ZBA 06-17; 197 S. Craig Place: The petitioner requests a variation to Section 155.406 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum required corner side yard setback from twenty feet (20') to approximately nine feet (9') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Owner: Frank Trombino
197 S. Craig Place
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Residential
Size of Property: 16,032 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Single Family Residences
South: R2 Single Family Residence District; Single Family Residences
East: R2 Single Family Residence District; Single Family Residences
West: R2 Single Family Residence District; Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 5, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated November 19, 1987, and prepared by Village Green Assoc., Inc.
4. Site plan, prepared by the petitioner, showing location of proposed wrap-around porch.
5. Drawings of the proposed wrap-around porch.

DESCRIPTION

The subject property is located at the northeast corner of Maple Street and Craig Place. The existing residence is legal non-conforming as it is setback 17.93' from the corner side property line. The petitioner recently removed a legal non-conforming porch that was only setback 10.10' from the corner side property line. The petitioner is proposing a roofed-over porch in generally the same location as the previous porch, except that the proposed porch will also extend further north wrapping around the northwest corner of the house to the rear entry porch. Because the legal non-conforming rights were lost when the enclosed porch was removed, a variance is needed.

ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

PLANNING

Background

The Petitioner applied for a building permit for a porch on May 26, 2006. When reviewing the permit, staff contacted the petitioner regarding setbacks and the need for a Plat of Resubdivision due to the size of the porch. The petitioner indicated that there currently was a porch at the front and rear of the house, and that he would be connecting the two with a porch addition wrapping around the bay window. Staff reviewed the construction drawings and found notes indicating an existing deck and roof elements to be replaced, and staff issued the permit as a porch repair and addition. After work was started, the petitioner stopped in to ask about the corner side yard setback, noting that the deck handout stated the corner side yard setback was twenty feet (20'). When discussing the matter with the petitioner, staff learned that the existing porch had been removed and the entire porch would be new construction. Staff notified the petitioner that the legal non-conforming rights were lost when the porch was removed, and a variation would be needed in order to construct the new porch.

Staff would like to note that there is a discrepancy with some of the measurements. The advertised variation request is to reduce the corner side yard setback to nine feet (9'). Staff prepared the request based on the plans associated with the approved permit. Although Zoning Board of Appeals applications must be submitted at least five weeks in advance of the desired meeting date, due to the circumstances of the situation, staff accepted the petitioner's application after the June 22 deadline. The petitioner submitted revised plans with the application showing the projection of the turret as thirty-three inches (33") instead of twelve inches (12") and showing the porch setback at eight and one half feet (8.5'). Staff was unable to revise the variation request to reflect the revised plans and still meet the public hearing notice deadline for the July Zoning Board of Appeals meeting. Therefore, at this time, the Zoning Board of Appeals can only consider a variation to reduce the corner side yard to nine feet (9'). If the petitioner wishes to request a variance for eight and one half feet (8.5'), the petition will have to be re-advertised. Also, on the site plan the petitioner hand-wrote some of the dimensions listed on the original plat of survey. The petitioner wrote 19.25' for the setback from the southeast corner of the house to the side property line although the original plat of survey indicates the setback as 17.93'. The porch drawings show a measurement of 19'7¹/₂" from the sidewalk to the house. However, the property line is typically inset from the sidewalk, and therefore the actual setback from the house to the property line would be less.

Standards for Variations

Staff has typically supported setback variances to re-establish legal non-conforming porches and decks that maintain the same setbacks. A portion of the proposed porch would maintain a ten foot (10') setback, the same as the previous porch. The petitioner is proposing a turret element to be included at the southwest corner of the porch that would be set back only nine feet (9') from the corner side property line. While the requested relief is an increase in the degree of nonconformity, staff does not object as it is not a significant increase and the projection is intended to add an architectural feature to the porch rather than gain additional space. The proposed porch will not have a negative impact on surrounding properties as there previously

was a porch in the corner side yard with a similar setback. The proposed porch would not be very visible from Maple Avenue because of the adjacent pine tree and large bushes. The porch will not alter the essential character of the neighborhood as there are several corner properties on Maple Avenue that do not maintain a twenty foot (20') corner side yard setback. Also, there is precedence for corner side variations in the neighborhood (ZBA 89-6: 102 E. Ash Street, ZBA 83-1: 101 E. Maple Avenue, ZBA 01-17: 322 E. Elm Street).

FINDINGS AND RECOMMENDATIONS

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

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation 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 06-17, subject to the following conditions:

1. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new structures shall meet the full provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

att-
c: Petitioner