

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 29, 2006 (B of T) Date: September 7, 2006

TITLE: ZBA 06-17: 197 S. Craig Place

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition 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 seven feet (7') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District. (DISTRICT #4)

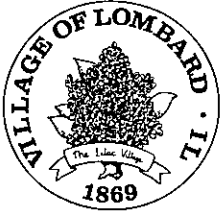
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>William T. Lichter</i>	Date <i>8/30/06</i>

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *Datt*

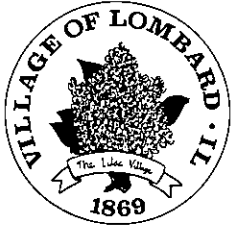
DATE: September 7, 2006

SUBJECT: ZBA 06-17: 197 S. Craig Place

Attached please find the following items for Village Board consideration as part of the September 7, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-17;
3. An Ordinance granting approval of the requested variation;
4. Plans associated with the petition

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

September 7, 2006

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

Subject: ZBA 06-17; 197 S. Craig Place

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests approval of a variation to Section 155.406 (F)(2) of the Lombard Zoning Ordinance to reduce the minimum corner side yard setback from twenty feet (20') to approximately seven feet (7') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on September 7, 2006. Frank Trombino, owner of the property, presented the petition. He stated that he purchased the property in 1988 and did a major interior renovation project that took two years to complete. He noted that in 2000 he built a 3.5 car detached garage on the property. He mentioned that he now plans on refinishing the exterior to complete the restoration. He noted that at some point, an enclosed porch front porch was built which did not fit with the character of the house as it was built in 1893. Mr. Trombino submitted current photographs of the house and photographs taken during the 1930's that he received from the previous property owner.

Mr. Trombino noted that he applied for a building permit and started demolition of the enclosed porch. He discovered during the demolition that the porch foundation was not in good condition, and he wasn't aware that the grandfathered rights would be lost if the porch was rebuilt. He also realized that he would have to deviate from the original plan and move the turret over thirty-three inches (33") so the roof line would not intersect with the bedroom windows. Mr. Trombino displayed a full scale drawing/template of the porch showing the location of the footings. He noted that he would use two of the existing piers, which is why he had to extend the porch to eight feet (8') instead of seven feet (7'). He mentioned that only 19 square feet of the porch would extend beyond the original porch. He stated that the house is already non-conforming with a setback of seventeen and ninety-three hundredths feet (17.93'). He noted that only 145 square feet of the porch would be in the corner side yard whereas the old porch included 168 square feet in the corner side yard. He also mentioned that the old porch was enclosed whereas the new porch would be open.

Chairperson DeFalco then opened the meeting for public comment.

Denise Rubimstein, who resides at 211 S. Craig Place, stated that the petitioner's house is a really neat house and she thinks that the porch will look nice.

Jim Krawczykowski, who resides at 177 S. Craig Place, stated that the porch will enhance the house and he believes that the house would be considered a cornerstone in the neighborhood.

John DeLaurie, who resides at 205 S. Stewart Avenue, stated that their neighborhood is dangerous. He mentioned that there have been five accidents on Maple Avenue, one where the car ran into a house. He noted that too many people speed on Maple Avenue. He stated that the petitioner is a professional and is very protective of the neighborhood.

Chairperson DeFalco noted Mr. DeLaurie's safety concerns and asked whether he felt that the porch would make the situation worse. Mr. DeLaurie stated that the porch would not.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject property is located at the northeast corner of Maple Street and Craig Place and is legal non-conforming with respect to the corner side yard setback as the existing residence is setback 17.93' and the attached porch was only setback 10.10'. She noted that the petitioner received a building permit for a porch repair and addition on a legal-nonconforming porch. She stated that the petitioner removed the porch, and doing so lost all non-conforming rights associated with the porch. She mentioned that the petitioner is requesting a variation to reestablish the nonconforming rights to construct a new porch.

Ms. Kulikowski stated that at the June 28th Zoning Board of Appeals meeting, the Zoning Board of Appeals continued the public hearing for ZBA 06-17 in order to allow the petition to be re-advertised. She explained that the advertised request was to reduce the corner side yard to nine feet (9') and was based off of plans that were submitted for permit. She mentioned that the petitioner submitted the Zoning Board of Appeals application after staff had submitted the public hearing notice for publication and the application included revised plans with different dimensions for the porch and an eight and one half foot (8.5') setback. She noted that upon further review of the revised plans, staff found that some of the setback measurements were inaccurate. Staff determined that the proposed porch would actually be setback seven feet (7') from the corner side property line, and because the amount of relief needed was greater than what was originally advertised, the petition had to be re-advertised as a request to reduce the corner side yard to seven feet (7').

Ms. Kulkowski provided background regarding the petition. She noted that the petitioner applied for a building permit for a porch on May 26, 2006, and 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. She stated that 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. She mentioned that 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. She mentioned that 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'). She stated that 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.

Ms. Kulikowski noted that the original plans submitted for permit showed the porch extending seven feet (7') from the south wall of the residence with a turret element at the southwest corner projecting an additional twelve inches (12") from the porch. She mentioned that the plans submitted with the application for a variance were revised showing the porch extending eight feet (8') from the south wall of the residence with the turret at the southwest corner projecting an additional thirty-three inches (33") from the porch. She pointed out that the setbacks indicated on the revised plans are incorrect because the petitioner measured the setbacks from the sidewalk rather than from the property line. She noted that the correct setback measurements are circled on the proposed site plan in the addendum to the staff report.

Ms. Kulikowski stated that staff has typically supported setback variances in circumstances where the proposed improvements will maintain the existing building line or where the lot width is less than the minimum required sixty feet (60'). She noted that a portion of the proposed porch would maintain a ten foot (10') setback, the same as the previous porch, but the turret located at the southwest corner of the porch that would be set back only seven feet (7') from the corner side property line, thus increasing the degree of non-conformity. She mentioned that in the staff report prepared for the July 26th Zoning Board of Appeals meeting, staff recommended approval of a variance to reduce the corner side yard setback to nine feet (9'). She stated that staff did not object to the minor increase in the degree of non-conformity because the turret projection was intended to add an architectural feature to the porch rather than gain additional space. She noted that staff does not support a variation for the revised plans for the porch with a seven foot (7') setback from the corner side property line. She stated that staff finds that the additional encroachment will have a more significant impact.

Ms. Kulikowski pointed out that in a review of past corner side yard variance petitions since 2000, staff found only one case where a variation was granted to reduce the corner side yard setback to less than seven feet (7'). She noted that in this case (ZBA 06-01), the variation was granted to reduce the setback to six feet (6') to allow for the construction of a roof over an existing four foot (4') by six foot (6') entry stoop on a legal non-conforming structure. She mentioned that of the nineteen corner side yard variation petitions since 2000, seventeen petitions were requesting relief for encroachments of ten feet (10') or less. She noted that prior to the current twenty foot (20') minimum corner side yard requirement, the Zoning Ordinance formulated the required corner side yard based on the width of the property with every property required to have at least a ten foot (10') setback.

Ms. Kulikowski noted that the petitioner can still construct a front porch that complies with the setback regulations. She pointed out that a porch can be built across the front (west) wall of the residence extending to three feet (3') from the southwest corner of the residence and meet the

twenty-foot (20') corner side yard setback. She also mentioned that the petitioner could also relocate the turret to another part of the porch such as the northwest corner. Ms. Kulikowski reviewed the standards for variations, noting that staff did not find that the requested variation complied with the standards.

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

Mr. Young stated that the petitioner obviously did the measuring on the revised plans rather than a professional surveyor. He confirmed the correct measurements on the revised plans. Ms. Kulikowski explained that the original plat of survey noted that the house was setback 17.93 feet from the southern property line and the petitioner wrote in the setback as 19.25 feet on the revised drawings.

Chairperson DeFalco asked if the measurements on the original plans were inaccurate. Ms. Kulikowski stated that the original plans were based off of the measurements on the plat of survey and were accurate. She noted that on the revised plans, the petitioner removed the surveyor's annotated measurements and included his measurements that were taken from the sidewalk, not the property line.

Chairperson DeFalco noted that there are shrubs to the south of the residence that would block the view of the porch. He asked the petitioner whether the shrubs would stay after the porch was completed. Mr. Trombino stated that he wasn't sure if all of the shrubs would stay, but the larger tree would definitely stay.

Chairperson DeFalco noted that the older photographs of the home from the 1930's showed a porch, but did not show a turret. He mentioned that the picture must have been taken before the porch was enclosed. He noted that the petitioners plan would reduce the projection of the porch to the front to get a greater roof slope.

Mr. Bedard noted that the front yard setback was forty feet (40') which would help to reduce the impact of the porch encroachment in the corner side yard. Chairperson DeFalco noted that the front of the property was wide open.

Mr. Young asked if the provision in the Zoning Ordinance required construction associated with an approved variance to start within one year or finish within one year. Ms. Kulikowski stated that construction must start within one year from the approval date of the variance.

Chairperson DeFalco noted that a permit was already issued. He asked whether the petitioner would have to reapply for a permit if the variation were granted. Ms. Kulikowski stated that typically staff can just amend the permit if the plans change.

Mr. Young stated that he does not see a whole lot of harm in granting this variation.

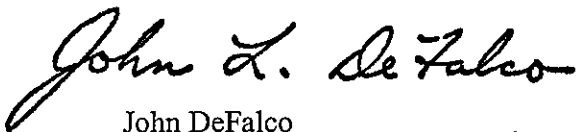
Re: ZBA 06-17
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After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Bedard, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 06-17 by a roll call vote of 6 to 0, subject to the following conditions:

1. The petitioner shall submit final plans for the porch to the Bureau of Inspectional services for review and documentation.
2. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.
3. The petitioner shall submit a Plat of Resubdivision to the Community Development Department so that the subject property can be recorded as a lot of record.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

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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 property is legal non-conforming with respect to the corner side yard setback as the existing residence is setback 17.93' and the attached porch was only setback 10.10' from the corner side property line. The petitioner received a building permit for a porch repair and addition on a legal-nonconforming porch. Subsequently, the petitioner removed the porch, and doing so lost all non-conforming rights associated with the porch. The petitioner is requesting a variation to reestablish the nonconforming rights to construct a new porch.

At the June 28th Zoning Board of Appeals meeting, the Zoning Board of Appeals continued the public hearing for ZBA 06-17 in order to allow the petition to be re-advertised. The advertised request was to reduce the corner side yard to nine feet (9') and was based off of plans that were submitted for permit. The petitioner submitted the Zoning Board of Appeals application after staff had submitted the public hearing notice for publication. The application included revised plans with different dimensions for the porch and an eight and one half foot (8.5') setback. Upon further review of the revised plans, staff found that some of the setback measurements were inaccurate. Staff determined that the proposed porch would actually be setback seven feet (7') from the corner side property line. Because the amount of relief needed was greater than what was originally advertised, the petition had to be readvertised as a request to reduce the corner side yard to seven feet (7').

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.

The original plans submitted for permit showed the porch extending seven feet (7') from the south wall of the residence with a turret element at the southwest corner projecting an additional twelve inches (12") from the porch. The plans submitted with the application for a variance were revised showing the porch extending eight feet (8') from the south wall of the residence with the turret at the southwest corner projecting an additional thirty-three inches (33") from the porch. The setbacks indicated on the revised plans are incorrect because the petitioner measured the setbacks from the sidewalk rather than from the property line. The correct setback measurements are circled on the proposed site plan below.

Standards for Variations

Staff has typically supported setback variances in circumstances where the proposed improvements will maintain the existing building line or where the lot width is less than the minimum required sixty feet (60'). A portion of the proposed porch would maintain a ten foot (10') setback, the same as the previous porch. However, the petitioner is proposing a turret element to be included at the southwest corner of the porch that would be set back only seven feet (7') from the corner side property line, thus increasing the degree of non-conformity.

In the staff report prepared for the July 26th Zoning Board of Appeals meeting, staff recommended approval of a variance to reduce the corner side yard setback to nine feet (9'). Staff did not object to the minor increase in the degree of non-conformity because the turret projection was intended to add an architectural feature to the porch rather than gain additional space. However, staff does not support a variation for revised plans for the porch with a seven foot (7') setback from the corner side property line. Staff finds that the additional encroachment will have a more significant impact.

In a review of past corner side yard variance petitions since 2000, staff found only one case where a variation was granted to reduce the corner side yard setback to less than seven feet (7'). In this case (ZBA 06-01) the variation was granted to reduce the setback to six feet (6') to allow for the construction of a roof over an existing four foot (4') by six foot (6') entry stoop on a legal non-conforming structure. Of the nineteen corner side yard variation petitions since 2000, seventeen petitions were requesting relief for encroachments of ten feet (10') or less. Prior to the current twenty foot (20') minimum corner side yard requirement, the Zoning Ordinance formulated the required corner side yard based on the width of the property with every property required to have at least a ten foot (10') setback.

Staff notes that the petitioner can still construct a front porch that complies with the setback regulations. A porch can be built across the front (west) wall of the residence extending to three feet from the southwest corner of the residence and meet the twenty-foot (20') corner side yard setback. The petitioner could also relocate the turret to another part of the porch such as the northwest corner.

In order to be granted a variation the petitioner 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 there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent the owner from meeting the intent of the ordinance. The subject property has a sufficient width of one hundred feet (100').

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 corner side yard setback restrictions have been consistently applied throughout the Village.

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 ordinance has not caused the hardship, as the porch could have been repaired without the need for a variation. The hardship is based on the petitioner's desire to incorporate the turret element at the southwest corner of the porch. A turret element can be placed elsewhere in compliance with the setback requirements.

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 believes that the granting of the requested relief will set an undesirable precedent.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the requested 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 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 **denial** of ZBA 06-17.

Alternate Recommendation:

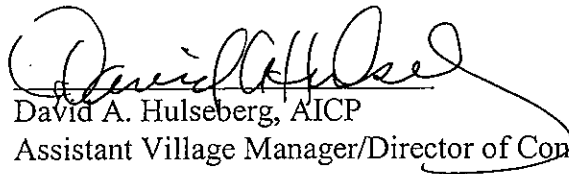
In the event the Board chooses to recommend approval of the requested relief or approval of a lesser degree of relief associated with ZBA 06-17, staff recommends that the following conditions be added to the approval, as follows:

1. The petitioner shall submit final plans for the porch to the Bureau of Inspectional services for review and documentation.
2. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty

percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.

3. The petitioner shall submit a Plat of Resubdivision to the Community Development Department so that the subject property can be recorded as a lot of record.

Inter-Departmental Review Group Report Approved By:



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

att-

c: Petitioner

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 addition 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).

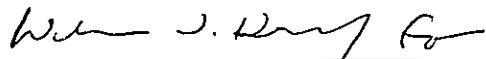
FINDINGS AND RECOMMENDATIONS

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

8/10/2006

In lieu of my variance application and Board meeting of the property described as 197 So. Craig Pl. for which Frank & Jan Trombino are the owners please accept my responses to questions necessary Section 155.103.C7 of the Lombard Zoning Ordinance.

- 1) In the event of an unfavorable decision on the Boards behalf, the Architectural design and character of the property will be greatly compromised. The addition of this structure blends well with the end of Victorian era. Preservation of History will be appreciated for many years to come by all. With the new generation of Lombard this could be one of the very few remaining landmarks built by our for-fathers circa (1893).
- 2) In 1893, zoning regulations were not established as a uniform and controlling method to format community/neighborhood standards. Our house had setbacks that are not conforming by today standards. The previous porch (not original 1893) had projected 96" from the South elevation of the house with a straight hip style roof line. Our new roof line will show an octagon turret on the Southwest corner. With a balance in design from my two story bay front, this additional projection of approx. 33" of the "turret only" and the balance of the porch will maintain original projection of 96". An important reason from an architectural standpoint for additional projection is to allow a roof line that does not intersect the second story bedroom windows located on the Southwest corner and to allow an unhindering view to the West from our master bedroom.
- 3) The addition of this architectural embellishment will blend well to the bygone era of yesteryear and Lombard's rich history, when houses of this time period had distinctive character and charm. We have owned, renovated, and maintained this property since 1987. **Preservation of History** is the main focus here.
- 4) We are the said owners of this property. This addition would have been allowed had it been on a middle lot or in the back area of any residential property in town, instead of our corner lot location.
- 5) This porch addition will in no way impede or become detrimental to the welfare of the public in any way shape or form. Additionally there is a large diameter Norwegian Fir tree that stands between the porch and the sidewalk allowing plenty of a buffer.
- 6) Only enhance and preserve one of the few remaining historic structures originally built on Maple Street, one of the oldest streets in Lombard. Being directly on the route of our Lilac parade, this preservation will be viewed by many townspeople and guests for years to come.

- 7) The proposed variation will not impair, change supply of light, air circulation to any adjacent properties. It will not cause congestion in the streets, nor increase the risk of fire or drainage to our neighbors being the highest elevation on the block. This structure shall cause no public harm for any, nor diminish the values of any properties in this community.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 06-17: 197 S. Craig Place)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to seven feet (7') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 23, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to seven feet (7') to allow for the construction of wrap-around porch in the R2 Single-Family Residence District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 197 S. Craig Place, Lombard, Illinois, and legally described as follows:

LOTS 8 AND 9 (EXCEPT THE NORTH 10 FEET OF LOT 9 IN BLOCK 3 IN TOWER PARK, A SUBDIVISION IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

Parcel No. 06-08-118-019

Ordinance No. _____

Re: ZBA 06-17

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SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall submit final plans for the porch to the Bureau of Inspectional services for review and documentation.
2. That the variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of the residence, than any new structures shall meet the full provisions of the Zoning Ordinance.
3. The petitioner shall submit a Plat of Resubdivision to the Community Development Department so that the subject property can be recorded as a lot of record.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____, 2006.

Passed on second reading this _____ day of _____, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2006.