

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : November 5, 2020 (BOT) **Date:** November 19, 2020

SUBJECT: ZBA 20-06: 353 E. Washington Blvd

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20') to five feet (5.0') for a front porch on the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals made the recommendation of approval by a 6-0 vote. Please place this petition on the November 19, 2020 Board of Trustees agenda with a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: November 19, 2020

SUBJECT: **ZBA 20-06, 353 E. Washington Boulevard**

Please find the following items for Village Board consideration as part of the November 19, 2020 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 20-06; and
3. An Ordinance granting approval of the requested variation.

The Zoning Board of Appeals made the recommendation of approval by a 6-0 vote. Please place this petition on the November 19, 2020 Board of Trustees agenda with a waiver of first reading.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

November 19, 2020

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Anthony Puccio, Dist. 2
Reid Foltyniewicz, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 20-06 – 353 E. Washington Blvd

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20') to five feet (5.0') for a front porch on the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals conducted a public hearing on October 28, 2020. Pursuant to Governor Pritzker's Executive Order No. 2020-07 which suspends the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, multiple members of the Zoning Board of Appeals participated in the meeting through a virtual meeting platform.

Susan Crowell and Kathleen Cooke, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Ms. Crowell said that she has lived in the house on the subject property for 18 years. The porch needs to be replaced, and does not currently meet the corner side yard setback requirement. The petitioners plan to build a porch that is wider than the existing porch, but the new porch will not be any closer to the right-of-way than the existing porch.

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner.

Chairperson DeFalco asked for the staff report.

Anna Papke, Senior Planner, presented the staff report, which was entered into the record in its entirety. The subject property is developed with a single-family home. The home has an existing porch that encroaches into the corner side yard along Washington Blvd. The porch is set back five feet from the corner side property line, where Village Code requires a 20-foot setback. The petitioner proposes to remove the existing front porch and replace it with a larger front porch. The new porch will be wider than the existing porch, but will maintain the same five-foot corner side yard setback as the existing porch. A variance is required.

In consideration of the petition, staff notes that the existing house and porch were constructed prior to the adoption of the current setback regulations. Staff recognizes that this development sequence creates a hardship for the property owner attempting to reconstruct or modify the porch. Staff further notes that the Washington Boulevard right-of-way is unusually wide at the point adjacent to the subject property. Due to the extra width in the right-of-way, the separation between the porch and the sidewalk is similar to the separation between porches and sidewalks on streets with more typical widths.

Staff recommends approval of the request.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Bedard asked why the Washington Boulevard right-of-way is wider than standard rights-of-way in the Village. Ms. Papke was not sure why the street had been platted that way, but noted that there are several streets in the Village that are similarly wide.

Chairperson DeFalco noted that due to the width of the right-of-way and the position of the public sidewalk relative to the house, the proposed porch would not impact the view of the neighborhood from the perspective of someone on the sidewalk or driving down the street.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

On a motion by Ms. Johnson, and a second by Ms. Newman, the Zoning Board of Appeals voted 6-0 that the Village Board approve the petition associated with ZBA 20-06, subject to the following five (5) conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation;

4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located, and
5. The roofed-over porch shall remain unenclosed.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

October 28, 2020

Title

ZBA 20-06

Petitioner

Susan M. Crowell
353 E. Washington Blvd.
Lombard, IL 60148

Property Owner

Susan M. Crowell
353 E. Washington Blvd.
Lombard, IL 60148

Property Location

353 E. Washington Blvd

Zoning

R2 Residential Single Family

Existing Land Use

Residential Single Family

Comprehensive Plan

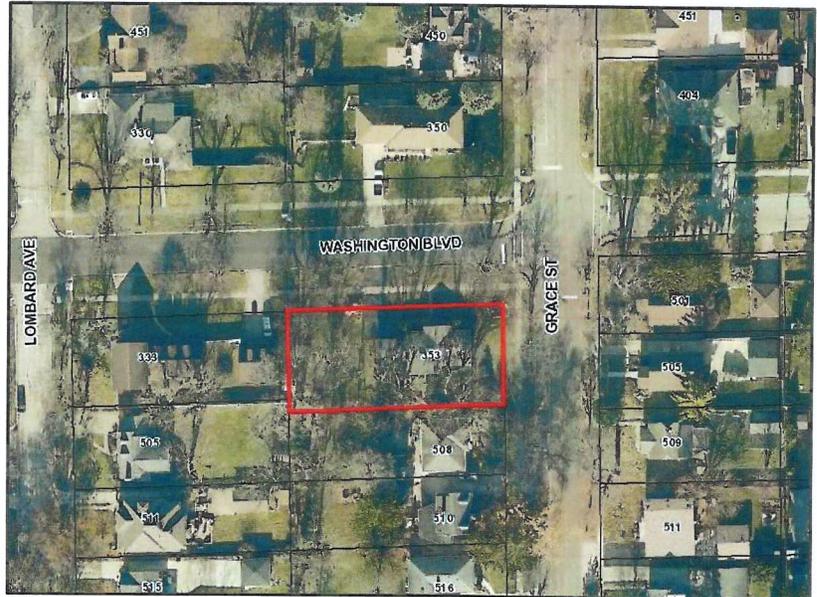
Low Density Residential

Approval Sought

A variation to reduce the required corner side yard setback from 20 feet to five feet, to allow for a front porch on the subject property.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is located in the R2 Residential Single Family District. The subject property is developed with a single-family home. The home has an existing porch that encroaches into the corner side yard along Washington Blvd. The porch is set back five feet from the corner side property line, where Village Code requires a 20-foot setback. The property owner would like to rebuild the porch. The proposed porch will maintain a five-foot setback from the corner side property line, though the new porch will be wider than the existing porch (10 feet wide, where the existing porch is approximately five feet wide).

As the proposed porch will not meet the minimum required 20-foot setback from the corner side property line, a variance is required.

APPROVAL(S) REQUIRED

The petitioner requests that the Village approve a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20') to five feet (5.0') for a front porch on the subject property located within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains a one-story single-family residence with an existing porch in the corner side yard.

PROJECT STATS

Lot & Bulk

Parcel size: 11,914 sq. ft.

Existing porch footprint: 5' deep x 5' wide

Proposed porch footprint: 5' deep x 10' wide

Setbacks with proposed porch

Front (east) 30.0 feet

Corner Side (north) 5.0 feet

Side (south) 35.0 feet

Rear (west) 50.0+ feet

Surrounding Zoning & Land Use Compatibility

North, east, south and west:
R-2, Single Family Residential

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey and site plan; and
4. Building plans, submitted by contractor.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Public Works:

Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The Zoning Ordinance requires single-family residences in the R2 District to maintain a minimum setback of 20 feet from the corner side property line. Existing development on the subject property is not meeting this setback. Per the petitioner's plat of survey, the façade of the house is set back approximately 10 feet from the corner side property line. The existing porch extends five feet from the wall of the principal structure, with a setback of five feet from the corner side property line.

The petitioner proposes to remove the existing front porch and replace it with a larger front porch. The new front porch will maintain the same five-foot corner side yard setback as the existing porch. The new porch will be wider than the existing porch, extending along a larger portion of the façade of the house.

According to the York Township Assessor, the home on the subject property was built in 1950. Staff finds no record of building permits issued for substantial additions to the house, and therefore concludes that the existing setbacks of the house and porch were features of the original 1950 construction. The current Village Code went into effect after the home was constructed and contains corner side yard setback provisions that the existing porch does not meet. This creates a hardship for the property owner, who cannot reconstruct a porch that is consistent with the original house as a result of the current setback regulations. Granting a variance in order to allow the proposed open porch would be consistent with previous variations granted by the Village Board for reconstructing porches on older homes (ZBA 16-05, ZBA 19-03).

Staff further notes that the configuration of the subject property with respect to the Washington Boulevard right-of-way is unusual. Figure 1 shows the subject property and surrounding neighborhood. Where adjacent to the subject property, the Washington Boulevard right-of-way is approximately 92 feet wide. This is substantially wider than most Village rights-of-way, where 66 feet is a common width. Due to the extra width of Washington Boulevard, the public sidewalk in front of the subject property is approximately 17 feet beyond the corner side property line (Figure 2). Typical right-of-way configurations in the Village place the sidewalk approximately one foot beyond the property line. This more typical development pattern is visible in the lots along Grace Street and the lots on Washington Boulevard east of Grace Street in Figure 1. The wider right-of-way with extra space between the sidewalk and property line provides for separation between the sidewalk and the porch that is similar to the separation between sidewalks and property lines on streets with standards rights-of-way widths.



Figure 1. Right-of-way configuration in immediate neighborhood.

c. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

This standard is affirmed.

d. *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.*

This standard is affirmed. The subject property is a 70-year-old home that was built in 1950. The Zoning Ordinance, adopted after the home was constructed, includes corner side yard setback requirements that the existing home and porch do not meet. Therefore, the Zoning Ordinance limits the property owner's ability to reconstruct a porch consistent with architecture of the existing home.

e. *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.*

This standard is affirmed. Staff finds that granting the request would not be injurious to neighboring properties.

f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed. Staff notes that the requested variance will result in a porch that is similar to the existing porch in terms of proximity to the public sidewalk and paved roadway. Staff also observes that other properties along this stretch of Washington Boulevard appear to have a similar setback from the Washington Boulevard right-of-way as does the subject property. The proposed porch will not alter the character of the immediate area.

g. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood*

This standard is affirmed.

In recent years there have been ten other ZBA petitions requesting relief for unenclosed, roofed-over front porches. Village Code contains specific standards for unenclosed roofed-over porches that encroach into front yards, but does not speak to porches encroaching into corner side yards. However, staff considers that porch on the subject property to be similar in nature to front porches.

All of the following ZBA cases are related to the construction of front porches. The ten variations were ultimately granted.

Case No.	Address	Front Yard Relief Requested	ZBA Vote	BOT Action
ZBA 19-03	103 N. Chase	Encroachment reduced from 25' to 22'	Approval	Approval
ZBA 16-05	172 S. Stewart	Encroachment reduced from 25' to 21'	Approval	Approval
ZBA 13-08	353 N. Grace	Encroachment reduced from 25' to 22'	Approval	Approval
ZBA 13-07	330 W. Potomac	Encroachment reduced from 25' to 22'	Approval	Approval
ZBA 13-04	616 E. Madison	Encroachment reduced from 25' to 23'	Approval	Approval
ZBA 13-02	225 W. Potomac	Encroachment reduced from 25' to 23'	Approval	Approval
ZBA 10-12	544 S. Highland	Encroachment reduced from 25' to 22.5'	Approval	Approval
ZBA 07-05	208 S. Elizabeth	Encroachment reduced from 25' to 14.5'	Approval	Approval
ZBA 06-17	197 S. Craig	Corner side yard reduced from 20' to 9'	Approval	Approval
ZBA 06-03	121 N. Lincoln	Encroachment reduced from 25' to 23.5'	Approval	Approval

The proposed rebuilding of a porch in the corner side yard on the subject property would not alter the essential character of the neighborhood. Staff is able to support the requested variation based upon established precedent for allowing unenclosed roofed-over porches to encroach into required setbacks.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented has 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 setback variation to allow an unenclosed roofed-over porch:

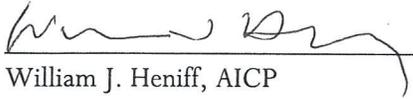
Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals adopt that the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 20-06, subject to the following conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation;
4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter

conform to all regulations of the zoning district in which such building or structure and use are located.

5. The roofed-over porch shall remain unenclosed.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

H:\CD\WORDUSER\ZBA Cases\2020\ZBA 20-06\ZBA 20-06_IDRC Report.docx

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VARIATION FROM TITLE XV, CHAPTER 155, SECTION 155.407(F)(2) OF THE LOMBARD VILLAGE CODE TO REDUCE THE REQUIRED CORNER SIDE YARD SETBACK FOR A PORCH IN THE R2 SINGLE-FAMILY RESIDENCE DISTRICT

(ZBA 20-06; 353 E. Washington Boulevard)

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

WHEREAS, the property, as described in Section 4 below (the “Subject Property”), is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village requesting approval of a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20’) to five feet (5.0’) for a front porch on the subject property located within the R2 Single-Family Residence Zoning District, and;

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on October 28, 2020, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Village Board with a recommendation of approval 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;

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 Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20’) to five feet (5.0’) for a front porch on the subject property located within the R2 Single-Family Residence Zoning District.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The porch shall be developed in accordance with the submitted plans and elevations made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the proposed plans;
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation;
4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located, and
5. The roofed-over porch shall remain unenclosed.

SECTION 3: This Ordinance is limited and restricted to the property located at 353 E. Washington Boulevard, Lombard, Illinois, and legally described as follows:

LOT 148 IN H. W. ELMORE AND CO'S RIDGE VIEW, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1925, AS DOCUMENT 194671, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-08-316-010

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 _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Ordinance No. _____

Re: ZBA 20-06

Page 3

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2020

Sharon Kuderna, Village Clerk