

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

Resolution or Ordinance (Blue) X *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: February 7, 2006 (B of T) Date: February 16, 2006

TITLE: ZBA 06-01: 151 E. Berkshire Avenue

SUBMITTED BY: Department of Community Development *2/4*

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 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to six feet (6') to allow for the construction of a roof over an entry stoop on an existing legal non-conforming structure in the R2 Single Family Residential District. (DISTRICT #4)

The petitioner is requesting a waiver of first reading.

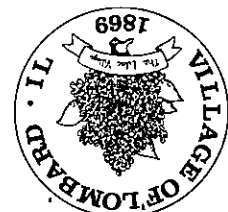
The Zoning Board of Appeals recommended approval subject to amended conditions.

Please place this item on the February 16, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:
Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<i>J.M. L. Clark</i>	Date	<i>2/8/06</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 *DH*

DATE: February 16, 2006

SUBJECT: ZBA 06-01: 151 E. Berkshire Avenue

Attached please find the following items for Village Board consideration as part of the February 16, 2006 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 06-01;
3. An Ordinance granting approval of the requested variation;
4. Plans associated with the petition.

The petitioner is currently constructing home renovations on their property at the present time and would like to include the proposed porch addition as part of their project. As such, the petitioner is requesting that the Village Board waive a first reading of the aforementioned Ordinance.

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

Dear President and Trustees:

Subject: ZBA 06-01; 151 E. Berkshire Ave.

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

February 16, 2006

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to six feet (6') to allow for the construction of a roof over an entry stoop on an existing legal non-conforming structure in the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on January 25, 2006. Karen Herbert, owner of the subject property, presented the petition. She stated that a roofed-over entryway was needed for safety reasons. She noted that the roof would prevent ice from forming on the concrete stoop, and the railings would give her something to grab on to. She also mentioned that their neighbors had a similar roofed-over entry stoop. She stated that they liked the way that it looked and wanted to incorporate a similar roof over their entryway.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the subject existing house was setback approximately thirty feet (30') from the front property line along Garfield Street and ten and one-half feet (10.5') from the corner side property line along Berkshire Avenue. She noted that the house was built in 1955 and is considered legal non-conforming with respect to the corner side yard setback. She mentioned that the petitioner is proposing several renovations to the house, which include adding a roof over the existing entry stoop located within the corner side yard. Ms. Kulikowski noted that the existing stoop is a permitted encroachment in the corner side yard, but by adding a roof, the stoop will then be considered a roofed-over porch. She stated that the roofed-

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

"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."

over porches are not a permitted encroachment in the corner side yard, and therefore, the petitioner is seeking a variation.

Ms. Kuilickowski described the proposed roofed-over entry stoop. She stated that the petitioner is proposing to replace an existing stoop with a stoop that is six feet (6') wide and projects four feet (4') from the house. She noted that the stoop will be one step above grade level and will have a gable roof supported by two columns. She mentioned that the gable roof will match the dormers that the petitioner is proposing on the second floor above the entry stoop.

She noted that the adjacent property to the east (199 E. Berkshire Avenue) has a similar roof over the entry in the corner side yard, and the petitioner has stated that they liked the way the neighbor's entry looked and wanted to incorporate a similar entry roof with their renovations. She noted that staff was unable to determine when that entry roof was constructed and if it was originally part of the house.

Ms. Kuilickowski stated that the property owner of 199 E. Berkshire received a variation (ZBA 98-10) from the corner side yard setback requirements and a building permit for an addition. She noted that the plans submitted as part of the permit indicated that the entry roof was existing and that the roof shingles would be replaced in conjunction with the construction of the addition. She mentioned that their house is also legal non-conforming with respect to the corner side yard setback, as the house is only setback ten feet (10') from the corner side property line, and that code would require that the new addition meet the twenty foot (20') corner side yard setback. She stated that the variance was necessary in order to allow the addition to be built maintaining the existing building line. She noted that the variance did not grant any relief for the existing roofed-over entry stoop. She mentioned that the building plans for the addition show that the roofed-over entry stoop is five and one half feet (5.5') wide and projects approximately four feet from the house, thus maintaining only a six foot (6') corner side yard setback.

Ms. Kuilickowski stated that staff is able to support the variation request for several reasons. She pointed out that all of the homes along Berkshire Avenue between Main Street and Grace Street are corner lots with their corner side yards abutting Berkshire Avenue. She mentioned that most of these homes are also legal non-conforming with respect to the corner side yard setback. She stated that the proposed improvements will not alter the essential character of the neighborhood. She noted that there is a precedent for corner side yard variations in the area as the adjacent property (199 E. Berkshire) received a variation in 1998. She mentioned that the proposed roofed-over entry will be very similar in size and appearance to the entry on the adjacent property. She noted that while the requested relief is substantial relative to the twenty-foot (20') setback requirement, staff finds that the proposed improvements will not have a negative impact. She stated that the entry will remain unenclosed and will not add visual bulk within the corner side yard or impair supply of light and air to adjacent properties. She also noted that staff finds that the roof element over the entry stoop will be an aesthetic enhancement to the house.

Chairperson Defalco opened the meeting for discussion among the members.

Chairperson Defalco suggested that a condition of approval be added that would prevent the property owner from enclosing the entryway.

Mr. Polley agreed with the suggested condition and stated that enclosing the porch would have a different visual impact on the property and the neighborhood.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation of approval of ZBA 06-01 by a roll call vote of 4-0, subject to the following amended conditions:

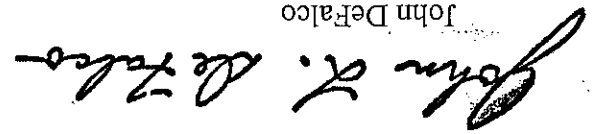
1. That the petitioner shall apply for and receive a building permit for the roof over the entry stoop.

2. 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 twenty foot (20') corner side yard provisions.

3. That the roofed-over entry-way stoop shall remain unenclosed.

Respectfully,

VILLAGE OF LOMBARD



John Defalco

Chairperson

Zoning Board of Appeals

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals
FROM: Department of Community Development
PREPARED BY: Michelle Kulikowski
Planner I

TITLE

ZBA 06-01: 151 E. Berkshire Avenue: The petitioner requests a variation to Section 155.415(F)(2) to reduce the corner side yard setback from twenty feet (20') to six feet (6') to allow for the construction of a roof over an entry stoop on an existing legal non-conforming structure in the R2 Single Family Residential District.

GENERAL INFORMATION

Petitioner/Property Owner:

Karen Herbert
151 E. Berkshire Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use:

Single-Family Residence

Size of Property:

Approximately 9,340 Square Feet

Surrounding Zoning and Land Use:

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

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on December 20, 2005.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Kabal Engineering Company, dated February 24, 1973
4. Drawings of Proposed Improvements

DESCRIPTION

The subject property is a corner lot, sixty feet (60') wide by approximately one hundred fifty-six feet (156') deep. The house is setback approximately thirty feet (30') from the front property line along Garfield Street and ten and one-half feet (10.5') from the corner side property line along Berkshire Avenue. The house was built in 1955 and is considered legal non-conforming with respect to the corner side yard setback. The petitioner is proposing several renovations to the house, which include adding a roof over the existing entry stoop located within the corner side yard. The existing stoop is a permitted encroachment in the corner side yard. However, by adding a roof, the stoop will then be considered a roofed-over porch. Roofed-over porches are not a permitted encroachment in the corner side yard, and therefore, the petitioner is seeking a variation.

ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

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

PLANNING

The petitioner is proposing to replace an existing stoop with a stoop that is six feet (6') wide and projects four feet (4') from the house. The stoop will be one step above grade level and will have a gable roof supported by two columns. The gable roof will match the dormers that the petitioner is proposing on the second floor above the entry stoop. The adjacent property to the east (199 E. Berkshire Avenue) has a similar roof over the entry in the corner side yard. The petitioner has stated that they liked the way the neighbor's entry looked and wanted to incorporate a similar

entry roof with their renovations. Staff was unable to determine when the entry roof was constructed and if it was originally part of the house.

The property owner of 199 E. Berkshire received a variation (ZBA 98-10) from the corner side yard setback requirements and a building permit for an addition. The plans submitted as part of the permit indicated that the entry roof was existing and that the roof shingles would be replaced in conjunction with the construction of the addition. Their house is also legal non-conforming with respect to the corner side yard setback, as the house is only setback ten feet (10') from the corner side property line. Code would require that the new addition meet the twenty foot (20') corner side yard setback. The variance was necessary in order to allow the addition to be built maintaining the existing building line. The variance did not grant any relief for the existing roofed-over entry stoop. The building plans for the addition show that the roofed-over entry stoop is five and one half feet (5.5') wide and projects approximately four feet from the house, thus maintaining only a six foot (6') corner side yard setback.

Staff is able to support the variation request for the following reasons. All of the homes along Berkshire Avenue between Main Street and Grace Street are corner lots with their corner side yards abutting Berkshire Avenue. Most of these homes are also legal non-conforming with respect to the corner side yard setback. Therefore, staff finds that the proposed improvements will not alter the essential character of the neighborhood. Also, there is a precedent for corner side yard variations in the area as the adjacent property (199 E. Berkshire) received a variation in 1998. Also, the proposed roofed-over entry will be very similar in size and appearance to the entry on the adjacent property. While the requested relief is substantial relative to the twenty-foot (20') setback requirement, staff finds that the proposed improvements will not have a negative impact. The entry will remain unenclosed and will not add visual bulk within the corner side yard or impair supply of light and air to adjacent properties. Staff also finds that the roof element over the entry stoop will be an aesthetic enhancement to the house.

FINDINGS AND RECOMMENDATIONS

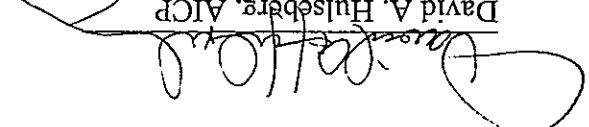
The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending approval of the 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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-01 subject to the following conditions:

1. That the petitioner shall apply for and receive a building permit for the roof over the entry stoop.

2. 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 twenty foot (20') corner side yard provisions.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:MK

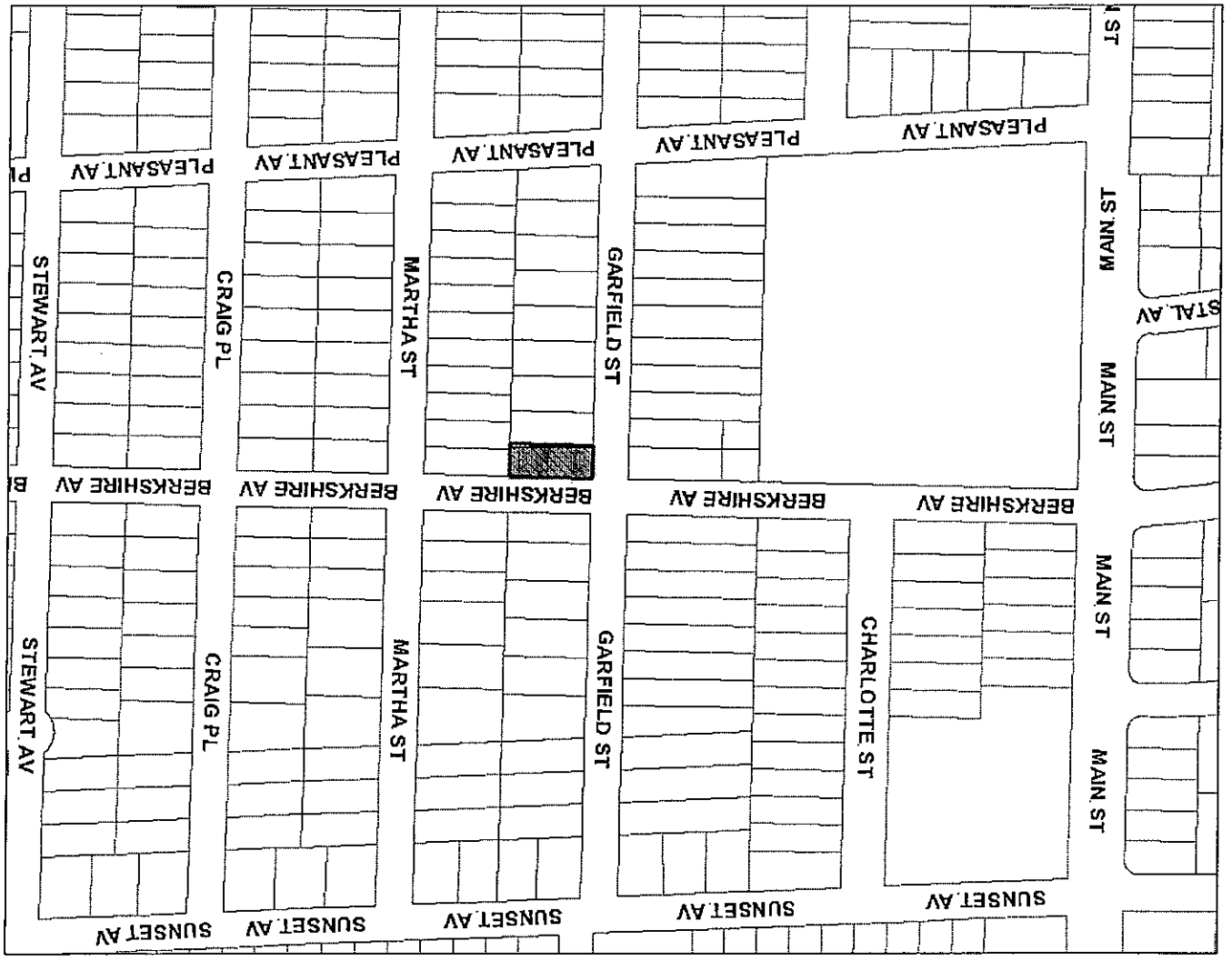
att-

c: Petitioner

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Location Map

ZBA 06-01
151 E. Berkshire Avenue



1. The location of the existing house on the corner lot causes a front entry roof from being built due to the 20' corner side yard setback for R2 zoned houses, regulation 155.406(F)(2). The existing house is set back 10.6' from the north side lot line, and a proposed 4' deep roof for adequate coverage over a front stoop will leave a 6.6' setback. The owner is seeking to add a roof over the front stoop not only to enhance the aesthetic of the front elevation but also to add a much needed safety feature in allowing the owner, who has arthritic knees, and her aged mother-in-law to ascend the steps with reasonable security from ice, snow & other hazardous elements. The roof will incorporate columns and handrails as well for the aforementioned reasons.
2. These conditions are unique to the property due to the location of the house on its lot and not generally applicable to other property within the R2 zoning classification.
3. The purpose of requesting this variance is to provide a much desired element of safety to the house and is not based primarily upon a desire to increase financial gain.
4. No person involved with the project has caused this practical hardship of setbacks.
5. Granting the variance will aid the public welfare and will not be injurious to other property in the neighborhood as it will enhance the safety of the owner and visitors and at the same time improve the look of the house.
6. Adding the front porch roof will not alter the essential character of the neighborhood, and in fact will bring the house more into keeping with the character, as the next door neighbor has a similar house & front entry.
7. As the house faces the street along the long side, this entry roof will not cause adjacent property to suffer impaired light, air, fire resistance or natural drainage. As this is an existing front entry, congestion on public streets will not be altered. Adding the roof will enable the home to increase public safety and bring the character of the house more into keeping with the neighborhood and thus improve property values in the neighborhood.



Karen Herbert
<knitterqueen@sbcglobal.net>
02/07/2006 01:13 PM

To: kulikowskim@villageoflombard.org
cc
bcc
Subject: My variance

Michelle:

Thank you for reminding me about the needed letter. It's just me doing what I do best.....procrastinating.

To the Lombard Board of Trustees:

As the owner of the home at 151 E. Berkshire and the petitioner for a variance for a roof over an existing stoop, I would like to make a formal request for the waiver of the first reading on this variance at the Board of Trustees meeting on February 16. The entire roof on my home is being replaced and being able to receive a final approval from you would allow my contractor to add on the roof over the porch at the same time, rather than later. This would be extremely helpful and timely.

Thank you for your consideration in this matter.

Karen L. Herbert, Owner
151 E. Berkshire
Lombard, IL 60148
630/620-8022

ORDINANCE NO. _____

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

(ZBA 06-01: 151 E. Berkshire Ave.)

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 six feet (6') to allow for the construction of a roof over an entry stoop on an existing legal non-conforming structure in the R2 Single Family Residential District.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on January 25, 2006 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings without a recommendation 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 six feet (6') to allow for the construction of a roof over an entry stoop on an existing legal non-conforming structure in the R2 Single Family Residential District.

SECTION 2: This ordinance is limited and restricted to the property generally located at 151 E. Berkshire Avenue, Lombard, Illinois, and legally described as follows:

LOT 22 IN BLOCK 6 IN LILAC SQUARE ESTATES SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-119-001

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

1. That the petitioner shall apply for and receive a building permit for the roof over the entry stoop.
2. 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 twenty foot (20') corner side yard provisions.
3. That the roofed-over entry-way stoop shall remain unenclosed.

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.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk