

June 28, 1999

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

Subject: ZBA 99-14: 644 North Martha

Dear President and Trustees:

Your Zoning Board of Appeals transmits for your consideration its recommendation on the above-referenced petition. The petitioner requests a variation to the Lombard Zoning Ordinance to reduce the required building separation between structures to three feet (3') where four feet (4') is required to allow for the construction of a garage in the R2 Single-family Residence District.

The petitioners, Douglas and Mary Thomas, presented their petition. The petitioners are proposing to construct a detached, two-car garage, measuring twenty-two feet in width and twenty-two feet in length (22' x 22'). The proposed garage would be built on an existing concrete slab. The slab was previously used as a carport; however, that structure was irreparably damaged in a snowstorm and had to be removed. Mrs. Thomas noted that building separation in question was between the proposed garage and the existing wooden deck attached to the residence. The residence itself is well within the appropriate range.

Mrs. Thomas stated that it would be very difficult and expensive to remove the concrete slab in order to move the garage back. Mr. Thomas added that because the property drops off two and one half feet (2 ½') additional work would have to be done to level the property if the slab has to be moved. Mrs. Thomas stated that the shed currently located behind the slab would be removed and not replaced, as it would be in violation of the building separation standard if the garage were constructed. Mrs. Thomas presented pictures illustrating the shed's location.

There was no one to speak for or against this petition.

Lynn Ross, Planning Intern, presented the staff report. Ms. Ross stated that this petition is a request for a variation. Approximately three feet (3') of the concrete slab is in violation of the building separation standard. Ms. Ross noted that the petitioners had been issued a building permit for the garage. However, when the petitioners realized that their plat of survey was incorrect they notified the Department of Community Development and work stopped. The permit is currently on hold pending the outcome of this petition.

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Ms. Ross also stated that the deck was constructed in 1979 and the carport was constructed in 1986. The building separation standard did not go into effect until 1990. Therefore, at the time of their original construction, the deck and carport were within code. Additionally, staff feels that the petitioner has presented a hardship due to the difficult and costly nature of removing the concrete slab. Ms. Ross stated that based on similar petitions, staff is supporting this request.

Ms. Hill, AICP, Planner II stated that this petition is similar to other cases that staff has supported in the past. Staff has supported requests to replace garages that do not meet setback requirements but will utilize an existing slab or foundation.

Mr. Young asked the petitioners if they had reported the plat of survey discrepancy themselves. Mrs. Thomas explained that when they received the permit it was stamped with the statement "must be four feet (4') of separation." Mr. and Mrs. Thomas went home and measured the separation themselves only to discover the discrepancy. They returned the permit and called their surveyor.

Mrs. Newman asked if the shed would be removed permanently. Mr. Thomas stated that it would be removed and not replaced. Ms. Ross stated that the removal of the shed was a condition of the variation.

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 for approval with the condition that the existing shed located adjacent to the southwest corner of the proposed garage shall be removed. The roll call vote was 4 to 0 to approve ZBA 99-14.

Respectfully,

VILLAGE OF LOMBARD

Eugene Polley
Vice-chairperson
Zoning Board of Appeals

EP:LMR:jd

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