

August 19, 2004

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

Subject: ZBA 04-09; 345 S. Stewart

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 take the following actions for the subject property located within the R2 Single Family Residence District:

Approve a variation from Section 155.406 (H) of the Lombard Zoning Ordinance to decrease the required open space from 50% of the lot area to 47.4% of the lot area, allowing the petitioner a total variation of 210 square feet of impervious area.

The Zoning Board of Appeals conducted a public hearing on July 28, 2004. Mr. Leonard J. Flood, property owner, presented the petition. Mr. Flood stated that he and his family have been residents of the Village for twenty-seven years and resided at the subject property for the last twenty years. He stated that the house is ninety-five years old and is the second oldest home on the block. Mr. Flood stated that he wanted to replace a two and a half car garage with a new garage and noted the dimensions. He stated that the existing garage is eighty to eighty-five years old. They intended to build the new garage in the same location as the existing however there's an existing utility easement in the rear of the property so the new garage would be located slightly closer into the yard creating an increase in ninety-six square feet of open space. He stated that the actual increase in coverage for the garage would be seventeen square feet. He stated that they would also provide a new driveway slope and drainage. Mr. Flood stated that the net increase with the driveway and garage would be one hundred and eight square feet combined. He referred to the staff report mentioning that when he purchased the property it was over the fifty- percent lot coverage and noted the subsequent improvements including an addition and replacement of a front porch. He stated that he was not notified that the lot exceeded the fifty- percent lot coverage when those building

permits were issued. He stated that all of the garages in the neighborhood were in the rear of the lots and the new garage would be an improvement functionally and aesthetically.

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

Angela Clark, Planner I, presented the staff report. She stated that the lot exceeded fifty-percent lot coverage when the petitioner purchased the property. She mentioned that the zoning regulations regarding lot coverage were instituted in 1990 and previous building permits that the petitioner obtained were issued in error. Ms. Clark stated that there were no comments from the Inter-departmental Review Committee. She stated that the fifty percent open space requirement identified open space as a portion of a lot or property maintained as lawn, garden, field, woods, wetland, or other natural landscape area and is free of buildings, structures, and impervious surfaces. She stated that the petitioner is moving the new garage forward and modifying the driveway for a total of 109 square feet of new coverage. She stated that the additional square footage noted within the request was meant to address the existing nonconformity. Ms. Clark referred to the table in the staff report noting that there have been three requests approved since the year 2000 to exceed open space. She noted that two of the approvals were for replacement structures and one was for a new addition to a lot that already exceeded the open space requirement. Ms. Clark stated that given staff's close working relationship with the petitioner the report was submitted without a recommendation to avoid the appearance of any impropriety.

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

Mr. Polley asked if the petitioner owned the vacant property to the south of the subject property. Mr. Flood stated that the neighbors on the corner owned the property.

Mr. Bedard asked if Mr. Flood had an elevation of the garage. Mr. Flood stated that he did not submit one for the petition, but the garage would be a standard two and a half car garage with a sixteen-foot door with a side door for access. He stated that the garage would have a gable roof style to match the existing style of the house. Mr. Flood said that it was not a garage with a second floor with rafters.

Dr. Corrado asked why the petitioner was planning on a larger garage. Mr. Flood stated that the additional space would be for storage.

Mrs. Newman asked if it was possible to move the garage in an additional two feet. Ms. Clark stated that new code requirements would require garages to be located ten feet from the rear and five feet from the side property lines. Mr. Flood stated that the existing garage was built within a utility easement. Mrs. Newman stated that she was referring to the north side of the garage. Mr.

Flood stated that they considered moving to the side property line, but there was a tree that would have to be removed to accommodate that.

Mr. Bedard asked if the garage could be moved forward. Mr. Flood stated that he believed that would change the character of the neighborhood as well as provide him with less usable space in the backyard.

Chairperson DeFalco asked about the status of the current review on the ten-foot rear yard setback for garages. Ms. Clark stated that the requirements were awaiting the Board of Trustee's approval.

Chairperson DeFalco asked if the requirement were passed would the petitioner have to move the garage an additional four feet forward. Mr. Flood stated that it was his understanding that the garage could be approved without moving it forward if the permit were submitted prior to the passage of the requirement. Ms. Clark stated that anyone that had applied for a permit prior to adoption of the new requirement would be subject to the current setback requirements.

Chairperson DeFalco stated that very soon the ten-foot requirement would be the mandate of the neighborhood and other replacement garages would be subject to the new requirements, thereby changing the look of the neighborhood. Mr. Flood stated that the properties that currently exist on Stewart and Lombard have had new garages built six feet off of the property line.

Chairperson DeFalco asked if the property to the south were to rebuild a garage after the new requirements they would be subject to the ten-foot rear yard setback requirement. Mr. Flood stated that was true. Chairperson DeFalco asked if a two-car garage wouldn't be adequate due to storage issues. He noted that another petition appeared before the Zoning Board and stated that the increased space was identified as necessary for storage. He noted that the ZBA had suggested using a pulley system for overhead storage rather than creating a second floor. He asked if the petitioner had considered such a system. Mr. Flood stated that they had not. Chairperson DeFalco stated that the ZBA did recommend approval for a replacement pool that was of the exact same dimensions and for an existing garage with a slight increase in area. He stated that this request was for a replacement garage with an increase in size of over twenty percent. Mr. Flood mentioned the amendments that are before the Board of Trustees noting that they are for maximum size of garages and that his proposed garage is smaller than the maximum allowed within the new requirements.

Mr. Young stated that moving the garage forward was only going to be an increase of seventeen square feet of impervious surface and the rest is due to the driveway being larger. He stated that they should not get hung up on an issue that is seventeen square feet. Mr. Bedard stated that the existing garage would be considered a semi dilapidated structure and the new structure would be

Re: ZBA 04-09
August 19, 2004
Page 4

an increase of seventeen square feet. Mr. Flood stated that the driveway would be increased to straighten it out.

Chairperson DeFalco questioned the comment in the petitioner's response to the Standards for Variation regarding drainage in the basement. He asked what the petitioner was planning to do for additional drainage relief. Mr. Flood stated that in the northeast corner of the house they currently get seepage due to water accumulating in the cracks. He stated that when the driveway is redone that should alleviate the water leakage. Chairperson DeFalco stated that he was concerned about water run off on other properties and asked if there was anything that staff could do to address that. Ms. Clark stated that Private Engineering Services reviewed all garage permits and if there were additional drainage provisions needed they would address them during the permitting process.

After due consideration of the petition and testimony presented the Zoning Board of Appeals found that the proposed variation does comply with the Standards of the Zoning Ordinance. Therefore the Zoning Board of Appeals recommended approval of ZBA 04-09 by a roll call vote of 6 to 0.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

att-