

March 29, 2007

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

Subject: ZBA 07-04: 314 S. Brewster

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 (H) to reduce the amount of open space on the subject property to forty-six (46) percent where a minimum of fifty (50) percent open space is required, to allow for the construction of a detached garage and within the R2 Single Family Residential District.

The Zoning Board of Appeals conducted a public hearing on March 28, 2007. Bob Janetka, owner of the property, presented the petition. Mr. Janetka stated that he is proposing to build a detached garage on his property that would be the same size as his current garage. Mr. Janetka mentioned that his lot is only 4,400 square feet, so he does not have adequate space available to construct a larger detached garage. He stated that the new garage will be the same footprint as the garage being replaced, but he said that he will also move the garage six inches (6") in from the northern property line to meet the side yard setback requirement. Mr. Janetka also mentioned that the present detached garage is old and trees have fallen on it in the past, so it not only very unsightly, but also very unsafe.

Chairperson DeFalco then opened the meeting for public comment.

Park Basham wished to speak against the petition. Mr. Basham is a resident of Lombard and lives behind the petitioner's property. Mr. Basham stated that there have been some drainage issues on his property, which concerned the petitioner's property. He said that there haven't been any flooding issues in the twelve (12) years that he has lived there but the construction of new larger garage concerns him. Mr. Basham went on to explain to the Board that he had the opportunity to speak with the petitioner before the meeting and the petitioner explained to him that the new garage would be the same size as the original. Next Mr. Basham declared that he was no longer speaking against the petitioner's proposals. Lastly, Mr. Basham

stated that the current garage located on the petitioner's property is in need of repair or replacement.

Michael Toth, Associate Planner, presented the staff report. He stated that the subject property currently has approximately 2,312 square feet of lot coverage, leaving 46 percent open space. He then stated that the petitioner is proposing to replace the 280 square foot detached garage with a new garage of a similar size, to be located on the northwest portion of the property.

Mr. Toth mentioned that staff typically has not recommended approval for open space variations unless there is an existing legal nonconforming situation and the amount of open space is not being increased. Mr. Toth stated that in the case of the subject property, there will be no expansion of any non-conformity. Mr. Toth explained that the petitioner will actually be decreasing the amount of non-conformity on the property by bringing the side yard setback to the required three (3') feet, whereas it is currently only at two and a half (2.5') feet.

Mr. Toth later stated that the subject property is only 4,400 total square feet. Mr. Toth explained that the petitioner proposes to replace the current detached garage, which is in poor condition not only for the safety of his family, but also to improve the characteristics of the neighborhood. Mr. Toth stated that after further reviewing the plat of survey, it was determined that there would be no better solution for the placement of the garage, due to the insufficient amount of space. Mr. Toth mentioned that the garage will only have enough space to accommodate one automobile at 280 square feet. Mr. Toth then stated that if the garage were to be demolished and rebuilt according the fifty (50) percent open space specification; the detached garage could only be 155 square feet, which is basically the size of a shed.

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

Chairperson DeFalco asked Mr. Basham if his concern was with lot coverage.

Mr. Basham stated that the only concern he has is related to drainage on the lot.

Mr. Young asked that staff look into the drainage issue.

Mr. Toth stated that these petitions are reviewed by Private Engineering Services and their comments are part of the IDRC Report. Mr. Toth then stated that P.E.S. made no comments pertaining to any drainage issues.

Chairperson DeFalco made a comment relating to the deck located on the subject property. Chairperson DeFalco asked if the deck was built after the garage was constructed.

Mr. Toth responded to Chairperson DeFalco's question by stating that there is no permit on record for the deck.

Mr. Janetka stated that he plans to replace the deck in the future and understands that he will have to reduce the size of the deck to adhere to the lot coverage provision of the Zoning Ordinance.

Mr. Bedard made the motion to approve the petition provided that a third condition is added.

Chairperson DeFalco made the suggestion that the third condition states that variation only applies to existing construction. He explained that if any of the structures were removed or destroyed beyond the fifty percent allowed, any lot coverage issues would be subject to a new variation.

Mr. Janetka then asked if he would be able to replace his house if it were to be destroyed beyond the fifty percent.

Chairperson DeFalco replied that in the instance the house were destroyed, the lot coverage would have to conform to Code.

Mr. Young then asked if the Zoning Board of Appeals were approving the house or the garage.

Chairperson DeFalco responded by stating that the approval of this petition only pertains to the garage being constructed. He then stated that any future construction projects shall conform to the fifty percent coverage provision outlined on the Zoning Ordinance.

Mr. Polley then made the motion to second the approval.

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. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated with ZBA 07-04 by a roll call vote of 5 to 0, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed detached garage.
2. The petitioner shall develop the site in accordance with the plans submitted as part of ZBA 07-04.
3. The approval related to this petition shall only apply to the existing construction. Any future construction on the subject property shall meet all current Code requirements.

Re: ZBA 07-04
April 19, 2007
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Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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