

August 26, 1999

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

Subject: ZBA 99-21: 1619 Charlotte Court

Dear President and Trustees:

Your Zoning Board of Appeals transmits for your consideration the above-referenced petition. The petitioner requests a variation to the Lombard Zoning Ordinance to reduce the side yard (east) setback to 5.2', where six feet (6') is required in the R2 Single Family Residence District.

Eric Carlson of Polo Builders presented the petition. He stated that the lot in question was at one time a larger lot that was recently subdivided into four (4) smaller lots. He stated that Polo Builders had applied for and received a building permit to construct the house. However, when digging the foundation, some stakes must have been kicked over or removed in some way. When they were replaced, they were in the wrong place. Therefore, Mr. Carlson explained, when the foundation was poured, it did not meet the side yard setbacks.

There was no one to speak in favor of the petition. Dan Grange, 1622 South Norbury Avenue, spoke against the petition. He stated that while he didn't have a problem with the variation, he believes Polo Builders has not been good contractors. He stated that in putting in utilities, Ameritech had placed their lines in the wrong place, making it difficult for Polo Builders to meet the setbacks on the lot in question. He stated that Ameritech had warned him about this variation in May, 1999. Mr. Grange stated he contacted the Village but was assured that no variation was necessary. He stated he was shocked when he learned of the variation request. Mr. Grange stated he was not happy with Polo Builders and Ameritech.

Ms. Hill warned that Mr. Grange should be discussing this variation only, and not any concerns he may have with the work done by Ameritech and Polo Builders.

Margaret Gibbs, Seasonal Code Enforcement Officer, presented the staff report. She stated that when the petitioner submitted plans for a building permit for a

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single-family residence in the Falcon Meadows Subdivision, the plans stated that the side yard setback would be six feet (6'), which is the required setback for a single-family home in the R2 District. Recently, a spot survey of the existing foundation for the building was submitted to the Community Development Department and Building Inspectional Services Division for approval. The survey indicates that the foundation has a side yard setback of five feet, two and one-half inches (5'2-1/2"). A variation is necessary in order to continue building the house as proposed.

Ms. Gibbs then stated that the Private Engineering Services Division and Fire Department have no concerns regarding this petition and the Planning Staff recommends approval of ZBA 99-21.

Mr. Young asked the petitioner if all the stakes had been moved. Mr. Carlson stated that only two stakes on the east side of the property had been moved. Mr. Young asked if the points of reference on the west side of the building were correct when pouring the foundation. Mr. Carlson responded by stating yes.

Dr. Corrado made a motion to approve ZBA 99-21 as stated in the staff report. Mr. Young then seconded the motion. With a roll call vote of three to one (3-1) the motion failed. According to the ZBA By-laws a concurring vote of four members is necessary. The ZBA took no further action on this item and decided to forward to the Board of Trustees without a recommendation.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco, Chairperson
Zoning Board of Appeals

JD:NMH:jd