



## ANALYSIS

### SUBMITTALS

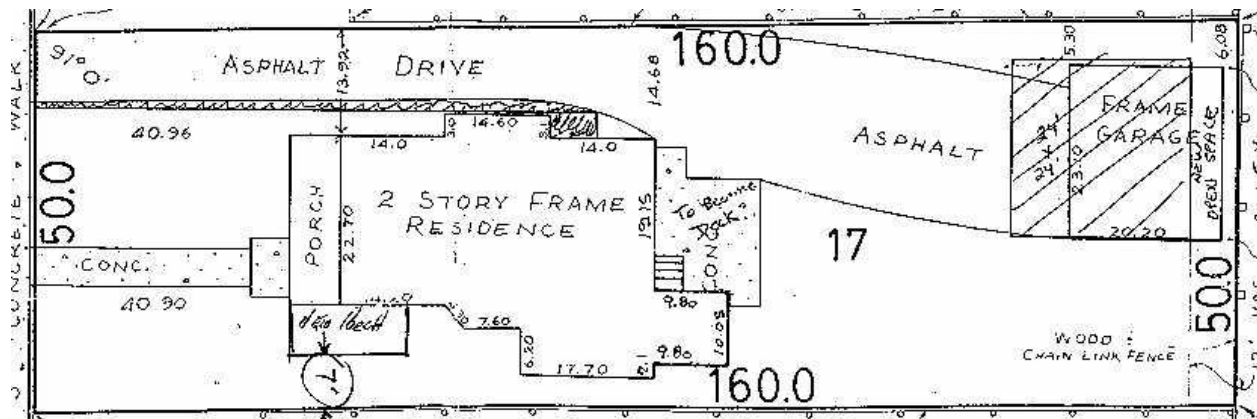
This report is based on the following documents, which were filed with the Department of Community Development on June 17, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Undated Plat of Survey

### DESCRIPTION

The petitioner's property had more than 50% lot coverage when purchased in 1983. The fifty-percent open space provision was added to the Zoning Ordinance in 1990. The petitioner applied for and received two permits since the open space requirements were instituted. Both permits were issued in error since the lot was already beyond the maximum allowable coverage. When the petitioner recently applied for a building permit for the construction of a new garage staff informed him that the lot exceeded the open space requirement and that a variation would be necessary to proceed.

### Site Plan



### ENGINEERING

#### Private Engineering Services

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

#### Public Works Engineering

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

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

## **PLANNING**

The Zoning Ordinance requires that each permitted use in the R2 Single Family Residence District shall preserve a minimum of 50% of the lot in open space. The Zoning Ordinance identifies 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.” As the petitioner’s property currently exceeds the open space requirement, he is pursuing a variation to accommodate the replacement garage as well as address the existing non-conformity.

The petitioner’s existing garage is approximately 467 square feet in area and the proposed garage will be 576 square feet. While the difference in square footage is 109 square feet, the petitioner intends to move the garage forward approximately six feet from the current location. This relocation will create an additional 92 square feet of open space. A portion of the new location is existing asphalt - therefore the actual additional covered area for the proposed garage will be 17 square feet.

The petitioner also proposes to expand the driveway that will result in an additional 91 square feet of lot coverage. The total increase in lot coverage for the new garage and driveway expansion would be 108 square feet. The total lot coverage with the proposed garage and driveway improvements would be approximately 4,210 square feet, thereby reducing the lots open space to 47%. The new garage would meet all other aspects of the zoning requirements and there are no reported flooding issues from neighboring properties.

Since the year 2000 there have been three requests for reduction of open space in single family residential districts. The Village Board of Trustees granted all of the requests. The table below shows the requests and resulting open space upon approval.

**Single Family Residential Open Space Variation Requests Since 2000**

<b>Address</b>	<b>Request</b>	<b>% Open Space</b>	<b>Board Decision</b>
528 S. Lalonde (ZBA 01-14)	Replacement of pool with same dimensions as previous structure.	43	Approved
112 N. Main (ZBA 02-11)	Replacement of an existing garage. The new structure increased the non-conformity by 42 square feet.	42	Approved
342 N. Martha (ZBA 02-27)	New deck addition that increased the non-conformity by 313 square feet.	46	Approved

Zoning Board of Appeals

Re: ZBA 04-09

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Given the petitioner's close working relationship with staff, staff submits the report without a recommendation to avoid any appearance of impropriety or conflicts of interest.

## **FINDINGS AND RECOMMENDATIONS**

Based on the above considerations, the Inter-Departmental Review Committee **makes no recommendation** to the Zoning Board of Appeals regarding the requested variation.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

att-

c: Petitioner

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