

July 13, 2005

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

Subject: ZBA 05-10; 67 S. Chase

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of a detached accessory structure from seventeen (17) feet to seventeen point six (17.6) feet in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on June 22, 2005. Thomas Ludlow, property owner, presented the petition. He stated that he constructed a detached garage in light of his growing family. He stated that due to a builder's error the garage exceeded the maximum height by seven inches.

Chairperson DeFalco then opened the meeting for public comment. Scott Wendell, the contractor, stated that the error was an honest mistake. He stated that there was a recent change in the measurement of garages in the Village. He stated that the approved plans did note a maximum of seventeen (17) feet. He stated that measurements are calculated five different ways depending on the locale. Mr. Wendell said that the intent of the ordinance was to keep neighborhoods uniform. He stated that he was asking for mercy since it was a mistake. He stated that they had a signed petition from neighboring properties.

David Trucano, a neighboring property owner, stated that he lives across the street from the property. He stated that the petitioner has done lots of work on the house. He stated that he did not have a problem with the requested variation. No one spoke against the petition.

Angela Clark, Planner II, presented the staff report. Ms. Clark stated the maximum garage height allowed is seventeen feet measured from grade to the highest point on the structure. She stated that the petitioner applied for and received a building permit to construct a garage that was seventeen feet in height. Ms. Clark noted that the Village Board approved a text amendment in 2004 modifying the measurement of accessory structure height. She stated that structures were previously measured according to a formulated height, thereby giving a structure slightly more height than the measured height. She stated that due to a number of concerns from both residents and trustees regarding the increasing height of structures, the text was changed to allow an overall measurement of seventeen feet. Ms. Clark stated that staff could not support the variation, as there was not a hardship present. Ms. Clark stated that the seventeen-foot requirement was identified on the permit. She stated that staff has historically recommended denial for requests that resulted from both staff and contractor errors.

Chairperson DeFalco opened the meeting for discussion among the members.

Mrs. Newman asked if staff typically indicated that the measurement of height takes place from grade. Ms. Clark stated that the maximum height is noted on the plans if measurements are close to the maximum, however the permit did not note measurement from grade. She stated that the measurement of height from grade is identified in handouts for structures.

Chairperson DeFalco read aloud the comments from the Building Department that were included in the staff report. He stated that the Village has made builders remove incorrect foundations in the past.

Mr. Bedard asked if the height could be corrected by crowning the roof. Mr. Wendell replied that because of the gable roof it could not be done without going down to the wall.

Chairperson DeFalco asked if it could be done with an A-frame. Mr. Wendell stated that it wouldn't look right. He stated that there was a water holding situation. He stated that the Village required the installation of a dry well.

Mr. Bedard asked if the garage was completely constructed. Mr. Ludlow stated that it was.

Ms. Clark stated that the error was discovered during a final inspection. She noted that previous structures were required to be removed after exceeding height requirements.

Mr. Ludlow stated that the inspector did not know the maximum height required. He stated that the inspector asked him if the permit was approved for seventeen (17) feet or for

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nineteen (19) feet. He stated that the inspector called the office and told him that it was seventeen (17).

Mr. Wendell stated that the garage was actually only one inch above the height requirement depending on where it was measured. He described the base and foundation. He noted that the permit did not indicate where the measurements would be taken.

Mr. Bedard stated that the intent of the change to the ordinance was to prohibit the large, two story garages that were being constructed in some neighborhoods.

Dr. Corrado concurred with Mr. Bedard's comments. He stated that it was an honest mistake and not the intention to construct a larger garage.

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** of the requested variation.

The roll call vote was 5 to 0 to recommend approval of ZBA 05-10.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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