

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Wednesday, October 28, 2020

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

*John DeFalco, Chairperson
Mary Newman, Raymond Bartels, Keith Tap,
Ed Bedard and Michelle Johnson
Staff Liaison: Jennifer Ganser*

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

In light of the Disaster Declaration issued by the Governor of the State of Illinois relative to the COVID-19 pandemic, and pursuant to Public Act 101-0640, the Chairperson of the Zoning Board of Appeals has determined that an in-person meeting of the Zoning Board of Appeals, or a meeting conducted under the Open Meetings Act requirements, relative to a quorum of the members of the Zoning Board of Appeals being physically present at a meeting when some members of the Zoning Board of Appeals are participating remotely, is not practical or prudent because of the disaster.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33, 2020-39, 2020-44, 2020-52, 2020-55, 2020-59, and pursuant to Public Act 101-040, Zoning Board of Appeals members may attend and participate in the public hearing remotely, and physical attendance at this public hearing will be restricted to Village officials, staff and consultants; petitioners and members of the public; all subject to social distancing and maximum room occupancy requirements and guidelines as set forth by Executive Order and the Illinois Department of Public Health. Interested parties may also view the meeting live on television, at Comcast Channel 6 or AT&T Channel 99, or on online at www.villageoflombard.org/220/view-meetings-live.

All interested persons will be given the opportunity to participate in the public hearing via telephone or submission of public comments or evidence in advance of the meeting

- email to communitydevelopment@villageoflombard.org**
- calling and leaving a voicemail at 630-620-5760**
- letter mail to:**

Community Development Department

**Attn: Zoning Board of Appeals
Village of Lombard
255 E. Wilson Avenue
Lombard IL 60148**

Persons interested in participating in the hearing via telephone shall contact the Village in advance by any of the above methods to obtain information necessary for telephonic participation in the hearing. The Village requests that comments be submitted to the Village by 4:00 p.m. on Wednesday, October 28, 2020.

Notwithstanding this request, all comments received before the public comment portion of the public hearing will be read into the public meeting record. The physical attendance restrictions in place for this meeting have been adopted to comply with Governor Pritzker's Executive Orders regarding social distancing and the need to maximize residential self-isolation to slow the spread of COVID-19 to the greatest extent possible.

Call to Order

Chairperson DeFalco called the meeting to order at 7:00 p.m

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance

Roll Call of Members

Present 6 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

Public Hearings

[200340](#)

ZBA 20-05: 235 S. Brewster Avenue

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Village Code to reduce the required interior side yard setback from six feet (6') to two feet (2.0') for the subject property located within the R2 Single-Family Residence Zoning District. (DISTRICT #1)

The petitioners (Steve Flint, architect and Sarah Stanley, property owner) and staff were sworn in by Chairperson DeFalco to offer

testimony.

Mr. Flint presented the proposed site plan and architectural elevations. He said the property owner planned to extend the existing attached garage toward the rear of the property. The garage will be subdivided into a space to park a car and a space for the property owner's pottery studio. Mr. Flint described the architectural features of the house and the garage addition, noting they will match one another. He said the garage, which is constructed of brick, will be clad with siding to match the rest of the house.

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner.

Chairperson DeFalco asked for the staff report.

Anna Papke, Senior Planner, presented the staff report, which was entered into the record in its entirety. The subject property is developed with a single-family home and an attached garage. The attached garage does not meet the required six-foot interior side yard setback. The property owner would like to expand the garage toward the rear of the property. The addition will maintain the existing two-foot side yard setback. A variance is required.

In consideration of the petition, staff notes that the subject property is 50 feet wide and was platted in 1873, before the Village adopted the current minimum lot width requirement of 60 feet in the R2 District. Similarly, the house and attached garage were built prior to the adoption of the current setback regulations. Staff recognizes that this development sequence creates a hardship for the property owner attempting to modify a home that was constructed prior to current zoning requirements.

The proposed addition to the rear of the garage will maintain the existing side setback of the garage. The Village has previously approved setback variances for additions to existing homes in similar circumstances. Staff recommends approval of the request.

Staff did receive one email of support for the petition from the property owner at 236 S. Elizabeth Street. The email was distributed to the ZBA members prior to the meeting.

Chairperson DeFalco opened the meeting up for discussion among

the ZBA members.

Ms. Newman asked if the garage would require a variance if it needed to be rebuilt in the future. Ms. Papke said the Village Code standards for nonconforming development would apply. If the building sustained damage amounting to more than 50% of the value of the building, it would need to be rebuilt to meet Village Code, or the property owner would need to seek another variance.

Mr. Tap asked for clarification on the Engineering comment in the staff report. Ms. Papke said that the Village Code requires properties that add more than 500 square feet of impervious surface area after a certain date to provide stormwater mitigation. The Village Engineer had noted that the subject property was approaching the 500 square foot threshold.

Chairperson DeFalco asked if there will be a kiln in the pottery studio, and if a fire wall would be required. Mr. Flint said there will be a kiln, and the entire outside wall of the garage will be a fire wall, per Building Code.

Chairperson DeFalco noted that the conditions suggested in the staff report did not mention the 50% provision for reconstruction. He and Ms. Papke discussed that the ZBA could make a motion that included adding that item as a fifth condition of approval.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

On a motion by Mr. Bartels, and a second by Mr. Tap, the Zoning Board of Appeals voted 6-0 that the Village Board approve the petition associated with ZBA 20-05, subject to the following five (5) conditions:

- 1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;**
- 2. The petitioner shall apply for and receive a building permit for the proposed addition;**
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 4. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation; and**

5. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

[200346](#)

ZBA 20-06: 353 E. Washington Blvd

The petitioner requests that the Village approve a variation from Section 155.407(F)(2) of the Lombard Village Code to reduce the required corner side yard setback from twenty feet (20') to five feet (5.0') for a front porch on the subject property located within the R2 Single-Family Residence Zoning District. (DISTRICT #5)

Susan Crowell and Kathleen Cooke, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Ms. Crowell said that she has lived in the house on the subject property for 18 years. The porch needs to be replaced, and does not currently meet the corner side yard setback requirement. The petitioners plan to build a porch that is wider than the existing porch, but the new porch will not be any closer to the right-of-way than the existing porch.

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner.

Chairperson DeFalco asked for the staff report.

Anna Papke, Senior Planner, presented the staff report, which was entered into the record in its entirety. The subject property is developed with a single-family home. The home has an existing porch that encroaches into the corner side yard along Washington Blvd. The porch is set back five feet from the corner side property line, where Village Code requires a 20-foot setback. The petitioner proposes to remove the existing front porch and replace it with a larger front porch. The new porch will be wider than the existing porch, but will maintain the same five-foot corner side yard setback as the existing porch. A variance is required.

In consideration of the petition, staff notes that the existing house and porch were constructed prior to the adoption of the current setback

regulations. Staff recognizes that this development sequence creates a hardship for the property owner attempting to reconstruct or modify the porch. Staff further notes that the Washington Boulevard right-of-way is unusually wide at the point adjacent to the subject property. Due to the extra width in the right-of-way, the separation between the porch and the sidewalk is similar to the separation between porches and sidewalks on streets with more typical widths.

Staff recommends approval of the request.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Bedard asked why the Washington Boulevard right-of-way is wider than standard rights-of-way in the Village. Ms. Papke was not sure why the street had been platted that way, but noted that there are several streets in the Village that are similarly wide.

Chairperson DeFalco noted that due to the width of the right-of-way and the position of the public sidewalk relative to the house, the proposed porch would not impact the view of the neighborhood from the perspective of someone on the sidewalk or driving down the street.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

On a motion by Ms. Johnson, and a second by Ms. Newman, the Zoning Board of Appeals voted 6-0 that the Village Board approve the petition associated with ZBA 20-06, subject to the following five (5) conditions:

- 1. The porch shall be developed in accordance with the submitted plans and elevations made a part of the petition;**
- 2. The petitioner shall apply for and receive a building permit for the proposed plans;**
- 3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation;**
- 4. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located, and**
- 5. The roofed-over porch shall remain unenclosed.**

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

Business Meeting

Approval of Minutes

A motion was made by Mr. Tap, seconded by Mr. Bedard, the minutes for the August 26, 2020 meeting were approved. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

In reference to the unusual width of the Washington Boulevard right-of-way discussed with ZBA 20-06, Mr. Bedard asked if the Village would ever vacate the excess width to the property owners along Washington Boulevard. Ms. Papke said that the Village would need to determine whether there were any utilities in those portions of the right-of-way, and would need to undertake a formal vacation process. She thought it unlikely the Village would undertake this effort.

New Business

[200341](#)

ZBA Meetings for November and December 2020

Staff requests the Zoning Board of Appeals (ZBA) discuss and finalize dates for the November and December meetings.

The ZBA members voted 6-0 to cancel the November 25, 2020 and December 23, 2020 ZBA meetings, and to schedule a special meeting of the ZBA for December 2, 2020.

Aye: 6 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

Adjournment

A motion was made by Ms. Newman, seconded by Mr. Bartels to adjourn the meeting at 7:37 p.m. The motion passed by a unanimous vote.

Aye: 6 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

*John DeFalco, Chairperson
Zoning Board of Appeals*

*Jennifer Ganser, Assistant Director of Community Development
Zoning Board of Appeals*