



# Village of Lombard

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

## Minutes

### Zoning Board of Appeals

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

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Wednesday, April 25, 2018

7:00 PM

Village Hall Board Room

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### Call to Order

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

*Also present: Anna Papke, AICP, Senior Planner, and Tami Urish,  
Planner I*

### Pledge of Allegiance

*Chairperson DeFalco led the Pledge of Allegiance.*

### Roll Call of Members

**Present** 4 - John DeFalco, Raymond Bartels, Keith Tap, and Ed Bedard

**Absent** 2 - Mary Newman, and Val Corrado

### Public Hearings

[180175](#)

#### **ZBA 18-01 - 342 S. Stewart Street**

Request that the Village grant a variation from Section 155.210 (A)(3)(b) of the Lombard Zoning Ordinance to increase the permitted height of an accessory structure (garage) from seventeen feet (17') to nineteen feet, seven inches (19'7") in the R2 Single-Family Residence District.  
(DISTRICT #5)

*Robert Mueller, the petitioner and staff were sworn in by Chairperson DeFalco to offer testimony and present the request. Mr. Mueller stated that he had obtained a permit from the Village and assumed it was approved as submitted. He requests a variance for the height of the garage as it is built and almost complete. Also, the garage was built lower at eighteen feet, ten inches (18'10") than the plans called out for the sake of being careful not to exceed the height as drawn.*

Chairperson DeFalco asked if anyone present wanted to speak in favor of or against the petition. Chairperson DeFalco swore in Greg Leston, 343 and 347 S. Craig Place. Mr. Leston stated that he is not in support of the request. He stated that he has issues with the staff report. He does not believe that a fifty foot (50') wide lot is unique and that most of Lombard is made up of fifty foot (50') wide lots. He does understand the view of the garage from the street is hidden however both of his properties back up to the subject property and the garage drastically affects his view. If all of the garages on the block were built that high it would create a feeling of being closed in. Mr. Leston also stated that there is not an economic hardship as the builder should have been notified that the garage did not meet code when it was reviewed by staff. Approving this variance would set a bad precedent Village wide with taller garages.

Chairperson DeFalco asked if anyone else would like to speak for or against the petition, hearing none he asked for the staff report.

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. She noted that the request was sought due to a staff error. She believes that in her experience that the majority of lots in the Village are sixty foot (60') wide or more but could research that if necessary. Staff found that the narrowness of the lot resulted in a house design that appears to have a steeper roof line. The detached garage was designed to be compatible to the house. In addition, if the garage were located three feet (3') from the rear property line instead of twenty-four feet (24') and built at a height of seventeen feet (17') per code, it would impact the abutting property greater than the subject garage. Also, two garages within the immediate neighborhood were found to be twenty feet (20') in height in order to complement the associated houses. They were built prior to the text amendment that provided provisions for the highest point of an accessory structure. The impact on the neighborhood appears to be minimal. As such, staff recommends approval of the request.

Chairperson DeFalco then opened the meeting for discussion among the ZBA members. Chairperson DeFalco identified the subject property and the property to the south of it as having an element of largess within the neighborhood. He asked the petitioner if the roof line can be modified to reduce the height. Mr. Mueller stated that he and his carpenter have studied the roof and found that the entire roof would have to be rebuilt due to the design and modifying the roof was not an option. Chairperson DeFalco stated that financial aspects cannot be

*considered for a variance.*

*Chairperson DeFalco asked staff how this mistake was made. Ms. Urish responded that she reviewed the plans of the house in August 2017 and had overlooked the portion pertaining to the detached garage in the set of plans. Mr. Bedard asked staff if the fee for the petition was waived. Ms. Urish responded that a request was made by the petitioner to the Board as staff cannot wave fees. Chairperson DeFalco stated that the Zoning Board of Appeals should recommend to the Board the waiver of fees.*

*Mr. Bedard asked if staff has adjusted their review process to prevent future errors. Ms. Urish responded that the checklist used by planners for plan reviews was updated to include detached garage height as a line item.*

*Mr. Bartels asked what the lot coverage was for the lot since it seemed possible that it was over the allowed 50% lot coverage. Chairperson DeFalco responded that the lot coverage is in the staff report on the second page in the purple column. The staff report indicated 47% lot coverage. Mr. Bartels asked staff if this included the garage and the house. Ms. Urish responded that the lot coverage included all impervious coverage which included the house, garage and driveway.*

*Mr. Tap stated that Exhibit C had dimensions that were too small to read and asked for clarification and the size of the garage. Ms. Urish offered the set of full size plans submitted for the permit. Mr. Tap reviewed the plans.*

*On a motion by Mr. Tap, and a second by Mr. Bedard, the Zoning Board of Appeals voted 3-1 to recommend that the Village Board approve ZBA 18-01 with a recommendation to waive the fees, subject to the following conditions:*

- 1. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;*
- 2. In the event that the accessory structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new accessory structure shall meet all Code provisions.*

*On a motion by Mr. Bartels, and no second, the Zoning Board of Appeals did not vote that the Village Board deny ZBA 18-01. Without a majority vote, the Zoning Board of Appeals could not provide a recommendation to the Village Board.*

**A motion was made by Keith Tap, seconded by Ed Bedard, that this Development Project be forwarded to the Corporate Authorities without recommendation. The motion carried by the following vote:**

**Aye:** 3 - John DeFalco, Keith Tap, and Ed Bedard

**Nay:** 1 - Raymond Bartels

**Absent:** 2 - Mary Newman, and Val Corrado

[180176](#)

**ZBA 18-02 - 303 Collen Drive**

Request that the Village take the following actions:

1. Grant approval of a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for a six foot (6') high solid fence in a corner side yard; and
2. Grant approval of a variation from Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for a six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot.  
(DISTRICT #3)

*Cindy Wong-Williams, Richard Williams and staff were sworn in by Chairperson DeFalco to offer testimony. Ms. Wong-Williams and Mr. Williams, property owners and petitioners, presented the request. Mr. Williams said they have an existing six-foot tall fence that they want to replace with a similar fence. He said he wants to improve the property and make it look better. Ms. Wong-Williams said their property is close to schools. There is a change of grade and a hot tub in the yard. Ms. Wong-Williams was concerned about safety and security of the yard. Mr. Williams noted the nearby school is on a hill from which someone might be able to see into the yard. Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition.*

*Reid Foltyniewicz, Trustee for District 3, said he wanted to address the ZBA on the matter. Mr. DeFalco stated that Trustee Foltyniewicz could not address the ZBA on the matter because the Board of Trustees would ultimately be voting on the petition. Mr. DeFalco excused Trustee Foltyniewicz.*

*Sigrid Conroy, 227 June Lane, addressed the ZBA. Ms. Conroy said other homes in the area have six-foot tall fences. She said it would look nice and was supportive of the requested variance.*

*Brenda Winters, 1380 Elizabeth Street, addressed the ZBA. She supported the requested variance.*

*Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition. Seeing no one, he asked for the staff report.*

*Anna Papke, Senior Planner, presented the staff report. The IDRC report was entered into the record in its entirety. Ms. Papke said that the subject property is a reverse corner lot developed with a single-family residence. There is currently a six-foot tall solid wood fence around the perimeter of the rear and corner side yards. The property owner would like to replace the existing fence with a fence of similar height and construction. However, the Zoning Ordinance limits fences in reverse corner side yards and rear yards abutting front yards on adjacent properties to four feet in height. A variance is required to reconstruct the fence.*

*Staff observes the subject property has an unusual shape due to a bend in Elizabeth Street that makes the back yard narrower than the front yard. Staff also notes that the impact of the existing and potential replacement fence on the front yard of the neighboring property is reduced due to the angle of the shared property line. There are a number of similar fences in corner side yards in the surrounding neighborhood. Staff recommends approval of the variance.*

*Mr. Tap asked if the new fence will be the same style as the old fence. Mr. Williams said the new fence will be PVC instead of wood, but will otherwise be of a similar style.*

*Chair DeFalco said he did not think there are any other six-foot tall fences in corner side yards on that street. He said a six-foot tall fence adjacent to a neighboring front yard will impact that neighbor. He was also concerned about the safety of having a six-foot tall solid fence immediately abutting the sidewalk.*

*Ms. Wong-Williams and Mr. Williams stated that there are six-foot tall solid fences in nearby corner side yards.*

*Mr. DeFalco asked if it would be a hardship to the petitioner to build a fence that is set back from the corner side property line so that it is in line with the house. The petitioners said that it would be a hardship due to the size of the yard and a tree located in the yard.*

*Ms. Wong-Williams said there are other properties in the neighborhood where six-foot solid fences have been constructed in corner side yards. Mr. DeFalco responded that if the petitioners were aware of fences being installed without permits, they should provide those addresses to the Village for Code Enforcement to look into.*

*Mr. DeFalco asked for a motion from the Board.*

*Mr. Bedard made a motion to recommend approval of the petition associated with ZBA 18-02, subject to the following two (2) conditions:*

*The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit B; and*

*The petitioner shall apply for and receive a building permit for the proposed replacement fence.*

*Mr. Bartels seconded the motion. The Zoning Board of Appeals voted 3-1 on the motion. The motion failed as it did not carry four votes.*

*Mr. DeFalco asked if there was a motion to recommend denial of the petition. No such motion was made. Therefore, the motion goes to the Village Board without a recommendation.*

**A motion was made by Ed Bedard, seconded by Raymond Bartels, that this Development Project be to forward to the Corporate Authorities without recommendation. The motion carried by the following vote:**

**Aye:** 3 - Raymond Bartels, Keith Tap, and Ed Bedard

**Nay:** 1 - John DeFalco

**Absent:** 2 - Mary Newman, and Val Corrado

[180205](#)

**ZBA 18-03 - 239 W. Crystal Avenue**

Requests that the Village take the following action on the subject property located within the R2 Single-Family Residence District:

Grant approval of a variation from Section 155.407(E) of the Zoning

Ordinance to allow a lot width of 45 feet for an existing lot of record, where a minimum lot width of 60 feet is required. The relief is requested in order to allow for the reconstruction of a single-family home on the property. (DISTRICT #1)

*George Maderas and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Maderas, architect representing the petitioner, presented the request.*

*Mr. Maderas said the property had been developed with a single-family home that was destroyed in a fire. The property owners want to rebuild the house but the property does not meet minimum lot width requirements, so requires a variance. Mr. Maderas noted that the rebuilt home would meet side setback requirements for homes without attached garages. The previous house did not meet side setback requirements for houses without attached garages.*

*Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition. Seeing no one, he asked for the staff report.*

*Anna Papke, Senior Planner, presented the staff report. The IDRC report was entered into the record in its entirety. Ms. Papke said that the subject property is a lot of record in a previously platted subdivision. There was a single-family home on the property that was destroyed in a fire. The property owners intend to rebuild the single-family home. The property does not meet the lot width requirement for properties in the R2 District. The property also does not meet the criteria in the Zoning Ordinance to allow reconstruction on a lot not meeting minimum lot size requirements. The petitioner is therefore seeking a variance in order to rebuild a single-family home.*

*The petitioner has provided a proposed site plan for the property that shows the reconstructed home will meet setback and open space requirements. Staff notes that the subject property is a lot of record in a legally established subdivision that has other lots that are less than 60 feet wide. Reconstruction of the house will not change the characteristics of the neighborhood. Staff supports the request.*

*Mr. Bedard asked if the property owner would require a variance if they were rebuilding in the same footprint as the previous house. Ms. Papke said they would still require the variance for lot width, and would also require a variance for the side setback since the previous home did not meet the side setback requirement.*

*Mr. DeFalco 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 4-0 that the Village Board approve the petition associated with ZBA 18-03.*

**A motion was made by Raymond Bartels, seconded by Keith Tap, that this Development Project be recommended to the Corporate Authorities for approval. The motion carried by the following vote:**

**Aye:** 4 - John DeFalco, Raymond Bartels, Keith Tap, and Ed Bedard

**Absent:** 2 - Mary Newman, and Val Corrado

## **Business Meeting**

### **Approval of Minutes**

**A motion was made by Mr. Tap, seconded by Mr. Bedard, to table the approval of the minutes for the July 26, 2017 meeting. The motion passed by a unanimous vote.**

### **Planner's Report**

### **Unfinished Business**

*Chairperson DeFalco said that his appointment as Chairperson would expire in May, but he recommended waiting to discuss filling the chairperson and vice-chairperson positions until a later meeting when more members were in attendance.*

### **New Business**

*Mr. Bartels described interactions he had recently had with the Village relative to the resurfacing of Maple Street.*

*Mr. DeFalco noted that in the past, the ZBA has recommended denial of variances for fences similar to the fence request associated with ZBA 18-02, but the Village Board ultimately approved most of them.*

*Mr. Bartels thought that over the years, staff recommendations had trended toward recommending in favor of more petitions.*

*Mr. Tap observed this trend may be due to staff working with would-be petitioners to reduce the need for variances by revising plans to meet code rather than taking petitions to the ZBA.*

## Adjournment

A motion was made by Commissioner Bartels, seconded by Commissioner Tap, to adjourn the meeting at 8:25 p.m. The motion passed by a unanimous vote.

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*John DeFalco, Chairperson  
Zoning Board of Appeals*

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