



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,
Greg Young, Keith Tap,
Ed Bedard and Val Corrado
Staff Liaison: William Heniff*

Wednesday, May 28, 2014

7:30 PM

Village Hall Board Room

Call to Order

Pledge of Allegiance

Roll Call of Members

Present 6 - John DeFalco, Mary Newman, Greg Young, Keith Tap, Ed Bedard, and Val Corrado
Absent 1 - Raymond Bartels

Public Hearings

[140211](#)

ZBA 14-04: 402 S. Ahrens Avenue

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residential Zoning District (Robertson's Westmore Subdivision):

1. A variation from Section 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-one and two-tenths feet (21.2'); and
2. A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required north interior side yard setback from six feet (6') to five and five-tenths feet (5.5'). (DISTRICT #5)

Mr. Christopher Heneghan presented the petition stating that the variances are needed because they wish to construct an addition on the home. The home was built at an angle and only 21 feet setback from the street. Mr. Dean Pozarezycki, the project architect said the home needs to be expanded to accommodate a growing family. This winter the home sustained ice damage and it was a difficult restoration. The home's footings have been investigated and it can support an addition.

Chairman DeFalco questioned if there was anyone present to speak in favor of or against the petition.

Mr. Rolf Ebers, 406 S Ahrens Avenue, said he supports the petition

and added that many neighbors, including himself, put additions onto their homes.

Jennifer Ganser, Assistant Director, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Ganser stated that a variance is needed because the home does not meet the current setback requirements. The addition of a second story will not increase the non-conformity.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Tap asked about the utilities being on the second floor of the home.

Mr. Pozarezycki and Mr. Heneghan responded that it would meet code.

Chairman De Falco clarified that if the principal structure is ever damaged or destroyed to fifty percent of its value, the new structure shall meet the required setbacks.

A motion was made by Mr. Bedard, seconded by Dr. Corrado, that the Zoning Board of Appeals recommends the variations for approval to the Village Board, subject to four conditions.

1. The project shall be developed in accordance with the submitted plans prepared by Dean M. Pozarezycki R.A. dated April 10, 2014 and 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 twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variations; and
4. In the event that principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required front yard setback and interior side yard setback.

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Absent: 1 - Raymond Bartels

[140212](#)

ZBA 14-05: 113 S. Westmore-Meyers Road

Requests that the Village approve a variation from Section § 155.210 (A)(2)(a.) of the Lombard Zoning Ordinance to reduce the minimum

interior side setback, when the entire structure is located within the rear twenty-five percent (25%) of the lot, from three feet (3') to two feet (2') and for the same accessory structure reduce the minimum interior side setback, when the structure is located within the front seventy-five percent (75%) of the lot, from six feet (6') to two feet (2'); all for an existing pool and deck located on the property within the R2 Single-Family Residential Zoning District. (DISTRICT #5)

Mr. Gallt presented the petition stating that he has lived in the home for nine years. As a practicing landscape architect he has improved the home considerably from when it was purchased. He also owns the property to the south and has made improvements there as well. He noted you could see a former pool in the aerial photograph. He said he was unaware that any pool over twenty-four inches needed a permit. When the new pool was constructed it was placed in the same location as the old inflatable pool. In December 2013 he was notified by the Village that he needed a permit for the pool and that the pool was in the required setbacks. He noted only a small portion of the pool is in the setback due to his large lot size. If the lot was smaller the pool would not be encroaching into the setbacks. He asked staff about redrawing his property lines, but it would not be permitted per the Subdivision and Development Ordinance.

Chairman DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Urish stated that a portion of the pool falls into the front 75% of the lot. Staff supports this variation based on the minimal encroachment of the overall structure.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

Mr. Young asked how this was discovered and Ms. Urish stated an anonymous complaint.

Mr. Young said that re-subdividing the lots may have cost more money than the ZBA hearing. Though the standards have not been met, since the property owners own both lots it can be approved.

Ms. Ganser clarified with Mr. Gallt that there is a home on the property to the south and Mr. Gallt said yes.

A motion was made by Mr. Young, seconded by Mr. Tap, that the Zoning Board of Appeals recommends the variations for approval to the Village Board, subject to one condition.

1. That the requested relief is limited to the existing deck and pool currently located on the subject property. In the event that the pool and/or deck are damaged or destroyed by fifty-percent (50%) or more, the new structures shall meet the underlying setback requirements.

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Absent: 1 - Raymond Bartels

[140213](#)

ZBA 14-06: 505 E. Sunset Avenue

Requests that the Village approve a variation from Section 155.407(F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30'), property located within the R2 Single-Family Residential Zoning District. (DISTRICT #4)

Mr. Panfil presented the petition stating he was requesting a variation of the rear 35 foot setback. His house was built in 1959 and there is currently a detached garage. He would like to build an attached garage in line with the existing home and demo the detached garage. The new garage would be for safety, aesthetics, and convenience. He stated he has done a lot of work on the property to improve the value and this is the final project for the home.

Chairman DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Urish stated that the new garage would increase the open space on the lot. Due to this being a corner lot there are placement issues. Staff supports this variation based on precedence of past petitions and the existing location of the principal structure.

Chairman DeFalco then opened the meeting for discussion by the ZBA members.

Chairman DeFalco noted there is a 10 foot easement on the property and Mr. Panfil said that will be maintained.

Mr. Tap clarified that with the new garage the open space requirement will meet code and Ms. Urish said yes.

Chairman DeFalco said it appears the property grading drops near the garage. Mr. Panfil said it does. Chairman DeFalco and Ms. Urish

clarified that a permit would be needed for any grade changes.

A motion was made by Keith Tap, seconded by Mary Newman, that the Zoning Board of Appeals recommends the variations for approval to the Village Board, subject to five conditions.

- 1. The subject property shall be developed in substantial conformance with the building plans and site plan drawn by the petitioner on the plat of survey, prepared by ARS Surveying Service LLC, dated May 28, 2002.**
- 2. The petitioner shall apply for and receive a building permit for the proposed plans.**
- 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.**
- 5. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the new structure shall meet the required rear yard setback.**

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Absent: 1 - Raymond Bartels

Business Meeting

Approval of Minutes

A motion was made by Mary Newman, seconded by Ed Bedard, to approve the minutes of the April 23, 2014 meeting. The motion passed by a unanimous vote.

Planner's Report

New Business

Unfinished Business

Adjournment

A motion was made by Dr. Val Corrado, seconded by Mary Newman, to adjourn the meeting at 8:19 p.m. The motion passed by a unanimous vote.

John DeFalco, Chairperson
Zoning Board of Appeals

William J. Heniff, AICP, Director of Community Development
Zoning Board of Appeals