



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: Matt Panfil*

Wednesday, June 24, 2015

7:30 PM

Village Hall Board Room

Call to Order

Acting Chairperson Young called the meeting to order at 7:30 p.m.

Pledge of Allegiance

Acting Chairperson Young led the Pledge of Allegiance.

Roll Call of Members

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

Public Hearings

[150258](#)

ZBA 15-07: 720 E. Prairie Avenue

Requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to four feet (4') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (LaVere's Pleasant Avenue Subdivision). (DISTRICT #4)

Mrs. Madeline McAfee, presented the petition. Mrs. McAfee began by stating that the generator was installed by a contractor in 2011. Mrs. McAfee explained that her hardship is the topography of her lot and its proximity to Vista Pond. At least three times already the rear yard has flooded to the extent that had the generator been placed in the rear of the home at grade level, it would have been completely submerged. Relocating the generator to the rear yard would require a substantially raised platform.

Mrs. McAfee stated that the nearest neighboring structure is a detached garage more than fifty feet (50') away from the generator.

Also, the neighbor to the east is a corner lot with the rear of the home being closest to the generator. Therefore, she did not believe the generator had a negative visual impact on the surrounding properties.

In regards to two of the items mentioned by the Building Division in the Inter-Departmental Review Committee Report, Ms. McAfee stated that the wood used for the generator platform is in fact pressure treated lumber and that she will work with the Building Division to ensure that the platform is anchored correctly.

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

Matt Panfil, Senior Planner, stated that the IDRC report is to be entered into the public record in its entirety. According to Mr. Panfil, late in 2014, the Code Administration Division was notified that an emergency generator was installed on the subject property. Upon further investigation, it was deemed that the generator was installed without a permit. When the petitioner subsequently applied for a building permit, staff found that the generator was located within the required interior side yard setback on the eastern portion of the subject property.

Mr. Panfil reiterated Mrs. McAfee's comment that the adjacent properties to the east are platted in such a manner that the generator is located nearest to the neighboring rear yards, thus minimizing any negative visual impact on the surrounding properties. Also, Mr. Panfil confirmed that Vista Pond to the immediate north has previously flooded to such an extent that water has covered their entire rear yard up to their deck.

In regards to the Building Division comments, and Mrs. McAfee's responses to said comments, Mr. Panfil explained that these will be addressed during the completion of the building permit review process.

Mr. Panfil continued by stating that in order to be granted a variation each of the Standards for a Variation must be affirmed. Staff finds that all standards have been affirmed, but Mr. Panfil wished to specifically note that staff finds that the subject property's proximity to Vista Pond, and the resulting flood-prone topography, results in a unique physical hardship that provides for no reasonable alternative location for the generator. Also, Mr. Panfil restated that there is not a significant detriment to the public welfare because of the distance between the generator and the nearest neighboring structure.

Mr. Panfil then cited two (2) similar past cases that appeared before the Zoning Board of Appeals. Each case involved an emergency generator located within the minimum required six foot (6') interior side yard setback for the R2 Single-Family Residence Zoning District.

In ZBA 09-06, staff recommended that the Zoning Board of Appeals recommend denial of the requested variation to allow for a generator to encroach one and one-half feet (1.5') into the required interior side yard based on there being reasonable alternative locations for the generator that would comply with Village Code.

In ZBA 12-04, staff recommended that the Zoning Board of Appeals recommend approval of the requested variation to allow for a generator to encroach one foot (1') into the required interior side yard due to the very unusual amount and placement of windows, basement window wells, and air conditioning unit that made it, "difficult if not impossible to meet the zoning code along with the requirements of the building code."

Mr. Panfil concluded his presentation by stating that as in ZBA 12-04, staff recommends approval of the requested variation based on, but not limited to, the following:

- 1. All Standards for a Variation have been affirmed;*
- 2. There is precedence for a variation to allow for an emergency generator to be located within the required side yard setback where there are no reasonable alternatives that would comply with Village Code; and*
- 3. The generator is located in such a manner that the visual impact to adjacent properties is minimal.*

Acting Chairperson Young then opened the meeting for discussion by the ZBA members.

Mr. Tap requested verification that the support structure and anchoring standards are to be included in the conditions of approval. Mr. Panfil responded that the Building Division outlined these requirements within the IDRC Report and the petitioner is required to address them to the satisfaction of the Building Division.

Mr. Bartels asked how the generator was secured since generators are usually on concrete pads. Also, the date as to when generators required permits was requested. Mr. Panfil responded that staff was unaware of the date that generators required permits, but historically they have not been a permitted obstruction in the side yard setback.

Mr. Bedard asked why the generator is already installed in this location. Mr. Panfil responded that the Code Enforcement Division was requested to investigate the address and discovered that a permit was not obtained for the generator.

Acting Chairperson Young asked if the contractor was not aware that a permit was required and if he was registered with the Village. Staff could not speculate if the contractor was aware and was unaware if the contractor was registered with the Village at the time of the generator installation.

Mr. Bartels cited concerns regarding the installation standards of the generator.

Acting Chairperson Young stated that the Zoning Board of Appeals would be approving the location of the generator and not the permit.

Mr. Bedard stated that approval for any requested variance would be granted prior to the issuance of a permit.

A motion was made by Mr. Bedard, seconded by Mr. Tap, that the Zoning Board of Appeals recommend this petition for approval to the Corporate Authorities, subject to the following conditions:

- 1. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed; and**
- 2. If the comments in the Inter-Departmental Review Committee Report shall necessitate changes to the previously submitted Building Permit No. 2015-0000093, the petitioner shall apply for and receive a new building permit for the emergency generator; and**
- 3. If the comments in the Inter-Departmental Review Committee Report shall necessitate physical changes to the emergency generator and/or the platform on which it is located, the variation shall become null and void unless work thereon is substantially under way within twelve (12) months of the issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.**

The motion carried by the following vote:

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

Absent: 1 - John DeFalco

[150259](#)

ZBA 15-08: 1057 Daniel Court

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 twenty five feet (25') for the subject

property located within the R2 Single-Family Residential Zoning District. (DISTRICT #2)

Mr. Firasat Syed presented the petition. Mr. Syed began by stating that the floor plan of the house would necessitate an addition to the kitchen in order to provide flow around appliances and seating within the kitchen. The kitchen located at the rear of the house includes the portion of the ten foot addition that would extend into the rear yard. The proposed addition to the north would not directly affect a neighbor, such as another house, since the high school's parking lot is directly north of the property. Therefore, he did not believe the addition would have a negative visual impact on the surrounding properties.

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

Tami Urish, Planner I, stated that the IDRC report is to be entered into the public record in its entirety. According to Ms. Urish, the petitioner has proposed to construct an approximately 1,688 square foot addition to the existing house with 710 square feet of this total square footage encroaching into the rear yard setback by ten feet along the rear of the house reducing the rear yard setback to twenty-five feet. Ms. Urish concluded that staff can support the requested variance based on past precedence of similar approvals within the neighborhood, the location of the property directly adjacent to the south parking lot of Glenbard East High School and the floor plan of the structure in relation to the shape of the lot.

Acting Chairperson Young then opened the meeting for discussion by the ZBA members.

Dr. Corrado observed that there are similar issues throughout the surrounding neighborhood and stated his belief that the proposed encroachment would not obstruct any of the neighbors' views.

Ms. Urish confirmed that there are several nonconforming structures within the cul-de-sacs at Central Avenue, Daniel Court, and Jeffry Court. At least three properties in these locations have also requested rear yard setback variations.

A motion was made by Mr. Tap, seconded by Dr. Corrado, that the Zoning Board of Appeals recommend this petition for approval to the Corporate Authorities, subject to the following conditions:

- 1. The subject property shall be developed in substantial conformance with the site plan drawn by the petitioner on the plat of survey, prepared by Lambert**

& Associates, Land Surveyors, dated September 20, 2006.

2. The petitioner shall apply for and receive a building permit for 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 - Mary Newman, Raymond Bartels, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Absent: 1 - John DeFalco

Business Meeting

Approval of Minutes

A motion was made by Mr. Bartels, seconded by Ms. Newman, to approve the minutes of the May 27, 2015 meeting. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

New Business

Adjournment

A motion was made by Mr. Bedard, seconded by Ms. Newman, to adjourn the meeting at 7:57 p.m. The motion passed by a unanimous vote.

Greg Young, Vice Chairperson
Zoning Board of Appeals

Matt Panfil, AICP, Senior Planner
Zoning Board of Appeals