



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, April 23, 2014

7:30 PM

Village Hall Board Room

Call to Order

Pledge of Allegiance

Roll Call of Members

Present 4 - John DeFalco, Mary Newman, Greg Young, and Ed Bedard

Absent 3 - Raymond Bartels, Keith Tap, and Val Corrado

Public Hearings

[140143](#)

ZBA 14-03: 304 N. Park Avenue

Requests that the Village take the following actions for the subject property located at the above referenced address and within the R2 Single-Family Residential Zoning District (E.W. Zander's Broadview Addition Subdivision):

1. A variation from Section 155.407 (F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to eleven and nine-tenths feet (11.9'); and
2. 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'). (DISTRICT #1)

Mr. Donald Campo presented the petition stating he is a partial homeowner. Mr. Campo stated that his business partner who is also the co-owner and applicant for the petition, Mr. James Devries, was unable to attend the meeting as he is recovering from surgery. The property was purchased years ago to be used a rental unit, but now Mr. Devries has decided to live at the home full-time and has been doing so for the past six (6) months. Due to his age and health concerns, Mr. Devries needed a ranch style home, but also wants to maintain some of the previous functions and amenities of his former house in Batavia, IL. The variances requested would help him to live as similar a lifestyle in Lombard as he had become accustomed to in Batavia.

Mr. Campo stated that while there is not a hardship, the setbacks result in a buildable area that is very different than other properties. Mr. Campo concluded by stating that he believed the neighbors to the north are enthused about the prospect of the existing garage being demolished and that he personally believed the project would improve the neighborhood.

The project architect, Mr. Thomas Knapp, then spoke. Mr. Knapp also identified himself as a neighbor who lives within one block of the subject property. Mr. Knapp said this is a Lustron brand home which is made of prefabricated steel. The house is not easily identifiable as a Lustron home because it suffered from a fire and many of the Lustron features are gone and the exterior is now covered with conventional siding. Mr. Knapp also mentioned that because they were pre-fabricated it was not uncommon for them to be located in what would be considered strange locations on a lot in comparison to frame or brick houses.

Mr. Knapp stated that the main goal of the project is to add a master bedroom and replace the existing garage. Mr. Knapp stated that he and the petitioner considered replacing the existing garage with another detached garage, but found that due to the zoning regulations variations would still be required. Instead, an attached garage allows for storage as an attic that could also be converted to a new master bedroom by any future buyers, thus adding more value to the home. The attached garage also maximizes usable outdoor rear yard space. Mr. Knapp concluded by stating that he believes that the design of the addition makes sense and fits in with the surrounding neighborhood.

Mr. Campo then read from the DuPage County Zoning Ordinance Standards for Zoning Relief regarding his belief that the property will not impair light, increase hazard from fire or other dangers, increase traffic congestion, increase the potential for flooding, etc.

Mr. Knapp said that his understanding is that these standards are fairly similar throughout communities and spoke to Mr. Campo's point regarding no detrimental effects to the neighborhood and no increase in the potential for flooding. It is his belief that the project will increase property values. Mr. Knapp also added that the house has no basement and that is another reason why an attic above the garage is proposed.

Mr. Knapp noted the comment in the IDRC report regarding the driveway width exceeding twenty feet (20') and believes that can be made compliant.

Mr. Campo stated that he is hoping for a compromise because the front yard has a forty-five foot (45') setback when only thirty feet (30') is required.

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.

Matt Panfil, Senior Planner, stated that the IDRC report is to be entered into the public record in its entirety. Mr. Panfil stated that the existing home has an eleven and nine-tenths foot (11.9') corner side yard setback and although the petitioner is not asking to increase said setback, any expansion would require a variance as both the existing home and garage are both non-conforming structures. In fact, the existing garage is non-conforming for multiple reasons; it is located within the corner side yard setback and clear line of sight area as well as being non-compliant with the Zoning Ordinance restrictions regarding the location of accessory structures on reversed corner lots.

Mr. Panfil then summarized the IDRC report, emphasizing the comments regarding a necessary reduction in driveway width, the restoration of the parkway should the existing garage and driveway be removed, and concerns over vehicles having enough room to park between the property line and exterior wall of the garage without encroaching into the sidewalk.

Mr. Panfil stated that staff does not support the rear yard setback because the one-hundred and fifty foot (150') lot depth provides ample space for an addition and there are no unique geographic characteristics that contribute to a true hardship. Staff does support the corner side yard variance since the lot is fifty feet wide and was conforming at the time it was established. Staff finds that the standards for a variation have been affirmed for the corner side yard setback, but not for the rear yard setback. In particular, staff found standards one, two, and four were not affirmed by the testimony presented. Staff finds no unique physical surroundings, shape, or topographical conditions nor uniqueness of the request to the specific property. Finally, staff finds that the hardship is caused by the petitioner's preference for a specific size, features, and design.

In citing previous precedent, Mr. Panfil said that staff over the past ten years there has been one case that was very similar in nature to the current request in that it involved variance requests for the corner side yard and rear yard on a reverse corner lot. The ZBA was unable to provide a recommendation in said case.

Per the Chairman's request staff performed further research into a

case from 2002 (ZBA 02-08) in which instance the rear yard variation request was approved based on the fact that it was maintaining the same established encroachment, but the corner side yard variance request was denied because it was seeking to increase an existing encroachment.

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

Chairman DeFalco asked when the home was purchased by the current owners. Mr. Campo said they purchased the home in 2006 or 2007. The home was rented until the last tenant moved out in July 2013. The current occupant and co-owner then moved into the home shortly thereafter.

Chairman DeFalco asked where Mr. Devries formally resided. Mr. Campo said Mr. Devries lived in Batavia in a large home with multiple accessory buildings.

Chairman DeFalco asked how far back the garage would sit if it was detached. Mr. Panfil said since this is a reverse corner lot a garage would need to be thirty feet (30)' from the rear, or north, property line. Mr. Knapp said it would also need to be at least four feet from the house per the fire ratings.

Mr. Bedard asked if there was a code addressing the garage door size. Mr. Panfil said yes, but only in front yards.

Mr. Young commented that the Park Avenue address was unusual because of how the house sits. Mr. Panfil said he is not aware why it was addressed as it is with a Park Avenue address. Mr. Young then said there is a lot of room between 304 and 312 N Park Avenue to which Chairman DeFalco said there is probably between thirty-five to forty feet (35'-40') between the garage and the home at 312 N. Park Avenue. Mr. Young asked if the side yard at 312 N. Park Avenue was sufficient at seven feet. Chairman DeFalco said yes, and that the neighbor at 312 N. Park Avenue is set back approximately thirty feet (30') from their front property line and would see the proposed garage when they looked out their home.

Mr. Bedard asked how the parking issues in the driveway regarding the possible encroachment of vehicles into the sidewalk could be addressed. Mr. Young added a question about the number of vehicles owned by the homeowner. Mr. Campo replied that Mr. Devries only owns one car.

Chairman DeFalco said they should consider future owners. If a two

car garage was built a parking pad could be added. Mr. Young asked if the master bedroom was on the first floor. Mr. Campo said yes. Chairman DeFalco said at one time the rear yard setback was thirty feet. He asked why the homeowner needed a second story addition if he wanted a ranch home. Mr. Campo replied for storage and for resale value. Mr. Knapp added that as proposed this is still a two bedroom, one bath home and a second story would add resale value for a family in the future as they can convert the attic space to a new master bedroom. He added an attached garage makes sense because he feels a three-car detached garage would also require a height variance.

Mr. Young asked how big the attic would be. Mr. Knapp said approximately five hundred square feet. Mr. Young asked how big a two car garage would be and Mr. Knap replied approximately twenty by twenty (20 x 20) square feet. Chairman DeFalco said he sees value with a two car garage and a parking pad. He asked if the petitioner talked with the neighbors at 312 N. Park Avenue and Mr. Campo said yes they have spoken and the neighbors are excited about the project.

A motion was made by Ms. Newman, seconded by Mr. Young, that the Zoning Board of Appeals recommends the corner side yard variation for approval by a vote of 4 to 0 to the Village Board, subject to no conditions. The motion carried by the following vote:

Aye: 4 - John DeFalco, Mary Newman, Greg Young, and Ed Bedard

Absent: 3 - Raymond Bartels, Keith Tap, and Val Corrado

Chairman DeFalco stated that he has concerns with the rear yard setback and the ZBA's options were to approve the twenty-five foot (25') setback request, denied the twenty-five foot (25') setback request but recommend approval for a thirty foot (30') rear yard setback to be more consistent with examples within the village, or to deny the request and require the full thirty-five foot (35') rear yard setback. Mr. Young stated the petitioner did not ask for a thirty foot (30)' rear year setback so he feels they should consider only what was requested.

A motion was made by Mr. Bedard, seconded by Mr. Young, that the Zoning Board of Appeals recommended the rear side yard variation for denial to the Village Board, subject to no conditions. The motion failed to receive a recommendation vote:

Aye: 2 - Greg Young, and Ed Bedard

Nay: 2 - John DeFalco, and Mary Newman

Absent: 3 - Raymond Bartels, Keith Tap, and Val Corrado

A motion was made by Ms. Newman, seconded by Chairman DeFalco, that the Zoning Board of Appeals recommended the rear side yard variation for approval to the Village Board, subject to no conditions. The motion failed to receive a recommendation vote:

Aye: 2 - John DeFalco, and Mary Newman

Nay: 2 - Greg Young, and Ed Bedard

Absent: 3 - Raymond Bartels, Keith Tap, and Val Corrado

As the Zoning Board of Appeals could not obtain four votes to either approve or deny the rear yard variation, the rear yard variation was forwarded to the Village Board with no recommendation.

Business Meeting

Approval of Minutes

A motion was made by Ed Bedard, seconded by Mary Newman, to approve the minutes of the January 22, 2014 meeting. The motion passed by a unanimous vote.

Planner's Report

New Business

Unfinished Business

Adjournment

A motion was made by Greg Young, seconded by Mary Newman, to adjourn the meeting at 8:21 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

