



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, January 28, 2015

7:30 PM

Village Hall - Board Room

Call to Order

Chairperson DeFalco called the meeting to order at 7:31 p.m.

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance.

Roll Call of Members

Present 5 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, and Ed Bedard
Absent 2 - Keith Tap, and Val Corrado

Also present: Matt Panfil, AICP, Senior Planner, Staff Liaison and Tami Urish, Planner I.

Public Hearings

[150035](#)

ZBA 15-01: 382 E. 17th Street

Requests that the Village grant a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District. (DISTRICT #3)

Ms. Mimi Nolan presented the petition stating that her client wishes to be mindful of the physical characteristics of the existing neighborhood so they are proposing a thirty foot (30') setback as is common on the rest of the block.

Chairperson DeFalco questioned if there was anyone present to

speak in favor of or against the petition. Mr. Al Kacena stated that he lives across the street from the subject property and he would like more information on the proposed home. Ms. Nolan replied that the home will be similar in size and style to some of the other new homes built on the block recently.

Chairperson DeFalco explained to Mr. Kacena that the purview of the Zoning Board of Appeals in regards to this request is whether or not the home should be allowed to be set back thirty feet (30') from the property line instead of the forty feet (40') required by code, not the design of the home itself. Mr. Kacena then asked when the proposed home itself will be reviewed. Chairperson DeFalco stated that the proposed home will go through the building permit review process and if staff finds the home does not meet any other aspect of Village Code, the petitioner may have to return for a separate variation request.

Mr. Kacena questioned if this meant the proposed home will be similar to those in the neighborhood. Chairperson DeFalco responded that the home does not have to be similar; it just has to meet Village Code.

Tami Urish, Planner I, stated that the building permit application for the home has already been submitted and this is the only variation required. Ms. Nolan then described the plans and elevations in more detail.

Mrs. Shirley Kacena questioned how the thirty foot (30') setback is determined. Ms. Nolan explained that the proposed home will be set back thirty feet (30') from the property line on 17th Street, similar to the homes to the east of the subject property.

Chairperson DeFalco questioned if there were any more comments or questions from the public regarding the petition; hearing none, staff was asked for their presentation.

Ms. Urish, Planner I, stated that the IDRC report and staff memo are to be entered into the public record in their entirety. Ms. Urish explained that the lot was created from a resubdivision of the east side yard from the adjacent property to the west. The forty foot (40') front yard setback required by code is the result of averaging the front yard setback of the two adjacent lots. The front yard setback for the property to the west is actually one-hundred feet (100'), but the Village Code considers setbacks greater than fifty feet (50') to have a default fifty foot (50') setback. The front yard setback for the adjacent property to the east is thirty feet (30').

Ms. Urish concluded that because there is a unique situation regarding the home to the west being setback much further than all

other surrounding properties, staff recommends approval of the variation request.

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

Mr. Young questioned why Ms. Nolan gave the presentation when Mr. James Castaldo is listed as the owner and petitioner. Ms. Nolan responded that she is an authorized representative of Mr. Castaldo. Mr. Young suggested that item two on the list of conditions should refer to, "the petitioner or his agent," instead of just the petitioner.

Mr. Bartels then questioned staff if a building permit application for a new single-family home meets Village Code, but does not match the context of the neighborhood, what can surrounding property owners do to voice their concerns. Ms. Urish responded that staff cannot deny a permit based on its aesthetic appeal.

Mr. Young stated that there should be an additional condition that the variation applies to this home only and in the event that the proposed home is damaged or destroyed to extent of more than fifty-percent (50%), a new variation shall be required.

A motion was made by Mr. Young, seconded by Mr. Bedard, that the Zoning Board of Appeals recommends the front yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to the four conditions:

- 1. The subject property shall be developed in substantial conformance with the plans submitted by the petitioner and prepared by JGM Consulting Engineers, dated September 12, 2014.**
- 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 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 side yard setback.**

The motion carried by the following vote:

Aye: 5 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, and Ed Bedard

Absent: 2 - Keith Tap, and Val Corrado

[150036](#)**ZBA 15-02: 381 E. 16th Place**

Requests that the Village grant a variation from the Lombard Zoning Ordinance to provide for a front yard setback of thirty (30) feet in lieu of the formulated front yard setback requirements set forth within Section 155.407 (F)(1) for a principal structure located within in the R2 Single-Family Residence District. (DISTRICT #3)

Ms. Mimi Nolan presented the petition stating this request is similar to ZBA 15-01, except in this case there are currently no single-family home plans for the lot. This lot may be developed at a later date, but when this does occur the petitioner wishes to match the existing thirty foot (30') setbacks found within the neighborhood.

Chairperson 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 and staff memo are to be entered into the public record in their entirety. Ms. Urish concurred with Ms. Nolan's description of the request and stated that as was the case with ZBA 15-01, staff recommends approval of the variation request.

Chairman DeFalco then opened the meeting for discussion by the ZBA members and began by asking for clarification as to why the 16th Place frontage on the lot to the west is not considered a rear yard.

Ms. Urish responded that the lot to the west is a through-lot, which is defined by the Zoning Ordinance as having two (2) front lot lines.

Mr. Bedard asked if this meant that if the property to the west were to build a detached garage with access from 16th Place it would have to be set back more from the property line than on traditional lots. Ms. Urish responded in the affirmative.

Mr. Bartels asked if the lot to the west could be resubdivided again, to which Ms. Urish responded that it could only be resubdivided again if the existing home was to be demolished.

Mr. Young stated that he felt a condition, similar to that proposed for ZBA 15-01, be included regarding the need for a new variation in the case of damage or destruction greater than fifty-percent (50%).

A motion was made by Mr. Young, seconded by Mrs. Newman, that the Zoning Board of Appeals recommends the front yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to three conditions:

- 1. The petitioner shall apply for and receive a building permit for proposed**

plans.

2. 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.

3. 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 side yard setback.

The motion carried by the following vote:

Aye: 5 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, and Ed Bedard

Absent: 2 - Keith Tap, and Val Corrado

[150037](#)

ZBA 15-03: 135 N. Broadview Avenue

Requests that the Village grant 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 fourteen and three-tenths feet (14.3'). (DISTRICT #1)

Ms. Rehana Ali presented the petition stating that she is planning for an addition to her existing single-family home. The house is old and was built prior to the existing setback requirements. Ms. Ali indicated that she will be just adding a second story and is not proposing to increase the existing degree of encroachment.

Chairperson 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 and staff memo are to be entered into the public record in their entirety. Ms. Urish was unable to confirm the exact year in which the house was built, but believes the construction date to be approximately 1926. Ms. Urish stated that because the lot is on a corner where North Broadview Avenue terminates into the Great Western Trail and because the existing encroachment is not being increased there should be minimal impact on the surrounding neighborhood and therefore staff supports the request for the corner side yard variation.

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

A motion was made by Mr. Bartels, seconded by Mrs. Newman, that the Zoning Board of Appeals recommends the front yard setback variation for approval by a vote of 5 to 0 to the Village Board, subject to four (4) conditions:

1. The project shall be developed in accordance with the submitted plans prepared by C.B. Designs dated December 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 corner side yard setback.

The motion carried by the following vote:

Aye: 5 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, and Ed Bedard

Absent: 2 - Keith Tap, and Val Corrado

Business Meeting

Approval of Minutes

A motion was made by Mr. Bedard, seconded by Mrs. Newman, to approve the minutes of the September 24, 2014 meeting. The motion passed by a unanimous vote.

Planner's Report

New Business

Unfinished Business

Adjournment

A motion was made by Mrs. Newman, seconded by Mr. Bartels, to adjourn the meeting at 8:17 p.m. The motion passed by a unanimous vote.

John DeFalco, Chairperson
Zoning Board of Appeals

Matt Panfil, AICP, Senior Planner
Zoning Board of Appeals