



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: Jennifer Ganser*

Wednesday, June 22, 2016

7:00 PM

Village Hall Board Room

Call to Order

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

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance.

Roll Call of Members

Present 5 - John DeFalco, Mary Newman, Greg Young, Keith Tap, and Val Corrado

Absent 2 - Raymond Bartels, and Ed Bedard

Also present: Tami Urish, Planner I, Staff Liaison.

On a motion by Mr. Young, and seconded by Dr. Corrado that the public hearing for ZBA 16-03, 113 Regency Drive is to be held at 7:30 p.m. in light of staff informing the ZBA members that the legal notice and website had the time for the meeting to commence at 7:00 p.m. however the letters sent to the neighboring property owners stated the time of the meeting at 7:30 p.m. and the business portion of the meeting will be held prior to the public hearing by a vote of 5 to 0.

Business Meeting

Approval of Minutes

A motion was made by Mr. Tap, seconded by Mr. Young, to approve the minutes of the April 27, 2016 meeting. The motion passed by a unanimous vote.

Planner's Report

Ms. Urish stated that at this time, no petitions have been submitted for the July ZBA meeting.

Unfinished Business

None.

New Business

None.

Public Hearings

[160252](#)

ZBA 16-03: 113 Regency Drive

Requests that the Village approve a variation from Section 155.409(F) (2)(c) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty feet (30') to twenty five feet (25') for the subject property located within the R4PD Limited General Residence Zoning District Planned Development. (DISTRICT # 3)

Mr. Muhammad Mutahir, Ms. Oniba Naqvi and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Muhammad Mutahir stated that through his initial consultation with staff that his proposed addition appeared to meet the setbacks however further examination with the architect he hired, it was discovered that a small portion of the addition would encroach into the rear yard setback and a variance would be required. They considered the alternative of a smaller addition. This resulted in an odd shaped exterior elevation and a much smaller "heart-shaped" bedroom. Therefore, seeking a variance was decided.

Chairperson DeFalco questioned if there was anyone else 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 said that the petitioner is requesting to construct an addition to the existing attached townhome that encroaches into the rear yard. The addition was discussed with the petitioner and architect earlier in the year when it was discovered that it encroached into the rear yard due to its unusual trapezoid shape. Staff finds that the hardship for the variation is due to the unusual shape of the lot, the neighbor it is directly impacting is Allerton Ridge Cemetery and past precedence as noted in the staff report.

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

Mr. Young asked the petitioner if there is a home owner's association for the neighborhood. Mr. Muhammad Mutahir responded that there is not a home owner's association. Mr. Young asked the petitioner if the addition will line up with the attached home or extend further creating a wall as the neighbor's view. Mr. Muhammad Mutahir responded that the addition will extend approximately nineteen feet and 46 square feet of the addition encroaches into the rear yard at the southeast corner. A wall would be created as the view.

Mr. Tap asked the petitioner if he was aware of any concern of the neighbor in the attached house. Mr. Muhammad Mutahir responded that he had discussed his plans in advance with his next door neighbor to the west before meeting with anyone else and they were supportive of his proposed plans. (This neighbor did not attend the meeting, three other neighbors attended the meeting without speaking for or against the project.)

Chairman DeFalco emphasized that the neighbor to the south would incur the most direct impact which is minimal since this neighbor is the cemetery.

Chairman DeFalco reviewed the four conditions from the staff report.

A motion was made by Mr. Young, seconded by Mr. Tap, that the Zoning Board of Appeals recommend to the Corporate Authorities approval of ZBA 16-03, subject to the following five (5) conditions:

- 1) The subject property shall be developed in substantial conformance with the site plan prepared by Flint & Associates, LLC dated April 29, 2016.**
- 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: 5 - John DeFalco, Mary Newman, Greg Young, Keith Tap, and Val Corrado

Absent: 2 - Raymond Bartels, and Ed Bedard

Adjournment

A motion was made by Ms. Newman, seconded by Dr. Corrado, to adjourn the meeting at 7:48 p.m. The motion passed by a unanimous vote.

*John DeFalco, Chairperson
Zoning Board of Appeals*

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