

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Meeting Minutes

Wednesday, August 25, 2010

7:30 PM

Village Hall Board Room

Zoning Board of Appeals

*John DeFalco, Chairperson
Mary Newman, Greg Young,
Val Corrado, Ed Bedard,
Keith Tap and Ray Bartels
Staff Liaison: Michael Toth*

Call to Order

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

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance.

Roll Call of Members

Present: Chairperson John DeFalco, Val Corrado, Mary Newman, Greg Young, Ed Bedard, Keith Tap and Raymond Bartels

Also present: Michael Toth, Planner I.

Public Hearings

100437

ZBA 10-07: 103 W. Collen Drive

The petitioner requests a variation to Section 155.407(F)(2) to reduce the corner side yard setback from twenty feet (20') to fourteen and one-half feet (14.5') to allow for the construction of an addition in the R2 Single Family Residential District. (DISTRICT #3)

Kevin Kellerman, 103 W. Collen Drive, presented the petition. Mr. Kellerman stated that he is requesting a variation to allow for the construction of a sunroom. He stated that he purchased the house in 1993 and he and his wife have been planning to construct a sunroom. He stated that when his builder brought the plans into the Village, it was discovered that there were setback issues. Mr. Kellerman stated that there is a concrete staircase located on the west side of the rear of the house. He added that there is a sliding glass door located on the eastern portion of the rear of the house. He stated that if the corner side yard setback requirement was to be met, the addition would be placed directly over the sliding glass door. He added that they are maintaining the existing building line. Lastly, Mr. Kellerman stated that the original plans did not meet the required rear yard setback; as such, the plans were altered to meet this requirement.

Michael Toth affirmed that the petitioner did alter the plans to meet the required thirty-five (35) foot rear setback.

Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Collen Drive and June Lane. The existing residence is currently situated fourteen and sixty-one hundredths feet (14.61') from the eastern property line along June Lane.

The petitioner wishes to maintain the current building line and construct a one-story addition. Because the proposed addition has a corner side yard setback of fourteen and sixty-one hundredths feet (14.61') where twenty (20) feet is required, a variation is needed.

As referenced in the petitioner's response to the standards for variations, the only possible location for the three-season room to be constructed would be the proposed

location at the southeast portion of the residence. The southwest portion of the residence contains a concrete staircase, which provides access to the basement of the house. Also, a sliding glass door is located five (5) feet from the east edge of the rear of the house. If the proposed addition were to be setback to the required twenty (20) feet, the addition would be placed directly on the sliding glass door. This would require that the sliding glass door be relocated. It is important to note that the existing residence does not run parallel to the eastern property line, but actually angles away from the property line. As such, the proposed addition would actually be located further from the eastern property line as it moves to the south. At the furthest point, the proposed addition would be actually located sixteen (16) feet from the eastern property line.

There are several ZBA cases that provide precedence for the requested variation where an addition maintains the building line of the existing residence and does not further encroach into the requisite corner side yard. The property at 101 S. Chase received a variation to reduce the required corner side yard setback from twenty feet (20') to ten feet (10') for a residential addition (ZBA 03-26). In 2006, a variation was granted to reduce the corner side yard setback from twenty feet (20') to fourteen feet - eight inches (14'8") to allow for the construction of an addition (ZBA 06-26).

The proposed addition would maintain the building line of the existing structure and will not encroach further into the requisite corner side yard. Also, due to the layout of the property in accordance with the construction of the existing residence, any alternative locations for the proposed addition are not feasible. As such, staff recommends approval.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-07, subject to the four conditions outlined in the staff report.

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

Mrs. Newman asked about the size of the proposed addition.

Mr. Toth stated that the proposed addition is twenty-two (22) feet by twenty-two (22) feet or four hundred and eighty-four (484) square feet.

Mr. Tap asked if the principal structure was legal non-conforming.

Mr. Toth replied, yes, the principal structure is considered legal non-conforming with respect to the required corner side yard setback.

Mr. Tap asked what year the house was built and when the corner side yard setback provisions were adopted.

Mr. Kellerman stated that (he believed) the house was built in 1967.

Chairperson DeFalco stated that entire neighborhood was constructed with those setbacks. He also added that the rear setback used to be thirty (30) feet, but was later changed. He then stated that he doesn't know when the corner side yard setback provisions were changed.

Mr. Toth stated that he did not know when the corner side yard setback provisions were adopted, but did state that those provisions were adopted to allow for a greater buildable area, for homes located on corner lots.

Mr. Bedard asked when the property was incorporated into the Village.

Mr. Toth stated that he did not know when the property was incorporated into the Village.

Chairperson DeFalco stated that the ZBA should focus on the variation at hand. He then described the conditions of approval that would apply to the case, should it be approved.

Mr. Bartels asked about the awnings of the addition.

Mr. Toth stated that if the awnings were to slightly extend out, it would be acceptable, as awnings are permitted to encroach three (3) feet into any requisite yard.

It was moved by Bedard, seconded by Corrado, that this matter be recommended to the Corporate Authorities for approval subject to conditions.

The motion carried by the following vote:

Aye: 7 - Chairperson John DeFalco, Corrado, Newman, Young, Tap, Bedard and Bartels

1. The subject property shall be developed in substantial conformance with the building elevations and site plan prepared by JB Architecture Group, Inc, dated July 21, 2010.
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 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 corner side yard setback.

100438

ZBA 10-10: 460 S. Main Street (Babcock's Grove) Cemetery

Requests approval of the following actions for the subject property located within the R2 Single-Family Residence District:

1. A variation from Section 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to allow a fence within a front yard to exceed four feet (4') in height.
2. A variation from Section 153.219(B) of the Lombard Sign Ordinance to allow a freestanding sign to exceed six feet (6') in height. (DISTRICT #6)

Michael Toth, Planner I, stated that staff will be petitioner for this case. He then presented the staff report. The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street, which is known as the Lombard Cemetery. For the past few years, the property has been updated with numerous improvements. The most recent is an arch to be installed over the entrance gate of the cemetery. The arch will contain lettering, which will read "Lombard Cemetery". The arch will be supported by posts, which extend up from the fence/gate. For purposes of clarity staff is considering the arch to be a sign, but also an extension of the fence.

The proposed arch is affiliated with a public institution and contains text; therefore, it is considered an 'Institutional Sign'. According to the Sign Ordinance, freestanding institutional signs shall not exceed six (6) feet in height. The proposed arch is 7.4 feet above grade, thus requiring a height variation. The proposed arch is twenty-six (26) feet in area. Institutional Signs shall not exceed thirty-two square feet; therefore, the signage

portion of the arch is within the size parameters. The proposed arch meets all other Sign Ordinance requirements.

The subject property is located in the R2 - Single Family District. The proposed arch is to be located in the front yard of the subject property. According to the Zoning Ordinance, fences located in the front yard of a residential district shall not exceed four (4) feet in height. As previously mentioned the arch will be supported by posts, which extend up from the fence/gate. Therefore, staff is considering the arch to also be an extension of the existing fence. The proposed arch is 7.4 feet above grade, thus also requiring a fence height variation.

There are no previous cases that provide precedence in this particular matter. However, staff believes that the sign is well integrated into the existing fence. Furthermore, staff is supportive of the proposed variation due to the historic significance of the site.

Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-10, subject to the two conditions outlined in the staff report.

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

Mrs. Newman asked why the height variation was needed.

Mr. Toth stated that the height of the arch element created the need for the variation.

Dr. Corrado asked why the sign does not say 'Babcock's Grove'.

Tom Fetters, of the Lombard Historical Commission, discussed the significance of the different cemetery names and mentioned that there are plans to place an additional sign on the property using the 'Babcock's Grove' name.

Jeanne Schultz Angel, Executive Director of the Lombard Historical Society, also discussed the naming of the cemetery.

Mr. Bartels asked about the historic significance of the site.

Jeanne Schultz Angel stated that the cemetery was established in 1871, but is not a registered historic landmark. She added that the cemetery does play an important role in the education of the history of the Village of Lombard.

Dr. Corrado asked when the last burial occurred.

Tom Fetters discussed the logistics of the most recent burials and added that, technically, the last burial was last month.

Chairperson DeFalco asked about the hardship associated with the variation.

Jeanne Schultz Angel stated that the cemetery is used for public awareness and discussed the different restoration projects that have been recently completed. She added that the cemetery is a "point of pride" and that the construction of the proposed sign is typical to the time period. She then stated that 15,000 cars drive by the cemetery each day.

Mr. Toth stated that there are two hardships associated with the case. He stated that the first hardship involves the use of the property - the hardship has less to do with the historic significance of the sign and more to do with the historic significance of the property itself. He added that there are a limited number of cemeteries in the Village and

none as historic as this. The second hardship involved the change in grade. Mr. Toth stated that the grade, where the arch sign is to be located, is almost a foot lower than surrounding grade where the fence is located.

Chairperson DeFalco then discussed the recent ZBA case that involved the Lombard Cemetery. He stated that the fence and column project was completed before zoning relief was obtained. He thanked the petitioner for requesting approval prior to starting the project. He then added that he didn't believe that that sign is of any historic significance because the sign is not recreating anything that once existed. He then asked the petitioner if the sign could be placed on the fence, within the parameters of Code.

Jeanne Schultz Angel stated that the Historical Commission explored placing the lettering on the fence, but decided to go with the proposed construction. She added that the sign would be more visible as proposed. She added that the arch element could be seen through the night sky at its proposed location.

Mr. Bedard asked about the grade change on the subject property.

Chairperson DeFalco stated that the Zoning Ordinance allows fences to fluctuate three inches to accommodate grade changes.

Mr. Toth stated that the three inch provision is meant to address drainage under the fence and decorative elements on top of the fence - not to accommodate grade change. The grade change hardship has been established in past cases involving fence height.

Mr. Bedard asked if any precedence has been established for this sort of case.

Mr. Toth stated that this is a unique case and there is no similar precedence established.

Mr. Young stated that the use of the property is non-residential, but is in the R2 District. He added that it is important to note (for purposes of precedence) that the property is non-residential.

Chairperson DeFalco asked about the number of signs that could be permitted on the subject property.

Mr. Toth stated that the Sign Ordinance allows one freestanding sign per street frontage in residential districts. He added that the subject property has four street frontages and could therefore erect four freestanding signs.

Mrs. Newman asked about the hardship at placing the sign at six (6) feet.

Mr. Bartels responded that the added height is caused by the arch of the sign. He then stated that the entire sign is not at 7.4 feet.

Mr. Toth stated that the ZBA has considered grade changes as a hardship in recent cases.

Mr. Bartels asked if the sign was to be illuminated.

Tom Fetters stated that the sign will be non-illuminated, but the arch element would allow it to be illuminated by the moonlight.

Jeanne Schultz Angel stated that the property is in contention for the Governors Award.

Chairperson DeFalco asked if the award could be obtained without the sign.

Tom Fetters replied, yes.

Lastly, Chairperson DeFalco stated that the case before the ZBA involves a sign over a gate to name a cemetery. He added that (in his opinion) the variation is not required. He then stated that there is no hardship and the proposed sign is a preference based upon aesthetics.

It was moved by Young, seconded by Bartels, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:

Aye: 6 - Corrado, Newman, Young, Tap, Bedard and Bartels

Nay: 1 - Chairperson John DeFalco

1. The arch shall be developed in substantial conformance with the elevation plan prepared by T.R. Knapp Architects dated August 1, 2010.

2. The height of the arched sign over the fence shall not exceed 7.4 feet above grade.

Business Meeting

The business meeting convened at 8:10 p.m.

Approval of Minutes

On a motion by Newman and seconded by Bedard the minutes from the August 4, 2010 Special Meeting were unanimously approved by the members present.

Planner's Report

New Business

Unfinished Business

Adjournment

The meeting adjourned at 8:13 p.m.

*John DeFalco, Chairperson
Zoning Board of Appeals*

*Michael Toth, Planner I
Zoning Board of Appeals*