



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, September 28, 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 7 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Also present: Anna Papke, Senior Planner and Tami Urish, Planner I.

Public Hearings

[160402](#)

ZBA 16-04 - 211 W. Grove Street

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 one feet (21') for the subject property located within the R2 Single-Family Residence Zoning District. (DISTRICT #1)

Mr. Tom Koleski and Ms. Kathy Koleski and staff were sworn in by Chairperson DeFalco to offer testimony. Mr. Koleski stated that he would like to start with refuting the staff report's errors. First to clarify the item of Low Density Residential under Comprehensive Plan on page one that his photographs included with his application illustrates that there is plenty of open space provided by neighboring properties. Second, the square footage listed on page two is incorrect. Staff's identification of an alternate location for a sunroom to the west side of the house is unacceptable. This location would change the character of the neighborhood and add bulk to the side of the house. Lastly, he

would like to refute staff's findings for each of the Standards for Variation. Concerning standard number one, the proposed sunroom would take up only ten percent of the rear yard compared to seventy two percent of the side yard as proposed by staff. Concerning standard number two, consideration should be given for specific situations. Concerning standard number three, variances have been granted before for similar requests. Concerning standard number four, the option of constructing the addition to the west will increase bulk to the side and is by far worse than having it in the back yard. The project will add value to the house and in turn to the neighborhood as a whole. Concerning standard number five, his proposal is not the size of a barn or a condo building but a small sunroom. Concerning standard number six, the project will not injure any parties and will add to the natural setting of the neighborhood. He then asked if Trustees visit the site before voting on a petition.

Chairperson DeFalco responded that he had visited the site and could not speak to whether Trustees visit sites.

Chairperson DeFalco questioned if there was anyone else present to speak in favor of or against the petition. Mr. Tom Cieplak was sworn in by Chairperson DeFalco. Mr. Cieplak stated that he supports the petition and that in 2002 he was before the ZBA for a variance request for his own home at 549 Harmony Lane. He proceeded to explain his petition that included a screened-in porch to the back of the house as well. He then showed the site plan of 211 W. Grove Street drawn on a large piece of cardboard and discussed the differences for the location to the west and south for the proposed sunroom.

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 stated that the purpose of setbacks is to control bulk on property, and provide adequate space for health and safety. Setbacks also preserve the suburban character of the area, help prevent over intensified use and help ensure that lots do not have the appearance of being overbuilt. For these reasons, staff usually does not support setback variations unless a hardship can be shown that pertains to the physical attributes of the property. Without these conditions, a precedent would be set that setbacks are negotiable. Overall, staff finds that the variation for a rear yard setback would have a negative impact on the neighborhood and the Standards for a Variation have not been affirmed. Therefore, staff recommends denial of the petition. Ms. Urish also added that the square footage on page two of the staff report represents the existing footprint of the house and the proposed with the addition in parentheses.

Mr. Tap asked the petitioner if the sunroom was to be heated or

cooled. Mr. Koleski responded that the sunroom would not be heated or air conditioned.

Mr. Tap asked about ZBA 02-08 that was shown on the chart in the staff report. Chairperson DeFalco responded that 79 N. Lincoln Avenue is located southeast of Lincoln and Grove and summarized the petition.

Chairperson DeFalco discussed the purpose the setbacks and that the Board of Trustees changed the rear yard setback from thirty feet to thirty five feet with the desire to create wide open spaces. Encroachments into setbacks are not based on percentages. The Zoning Board of Appeals has the responsibility to interpret the law and exceptions are based on demonstrated hardships. An unusual shaped lot is taken into consideration. The subject lot has an unusual shaped front however the rear yard is not unusually shaped. The builder purposely built the house to the rear yard setback.

Mr. Cieplak questioned why his petition is not listed on the chart on page four of the staff report. Staff responded that the top section is for the immediate neighborhood only.

Mr. Koleski stated that the view of the parcels is open and the backyards to the south of his lot are open.

Chairperson DeFalco reviewed which lots would be impacted by the proposal and stated that the Board of Trustees has established a policy to maintain open areas with the rear yard setback of thirty five feet.

Mr. Bedard stated that the proposed sunroom does not provide an impediment to any of the items listed by staff. The petition keeps in the spirit of what the Board would want.

On a motion by Mr. Bedard, and a second by Mr. Bartels, the Zoning Board of Appeals voted 5-2 that the Village Board approve the petition associated with ZBA 16-04, subject to the following four (4) conditions:

1. The subject property shall be developed in substantial conformance with the provided site plan.
2. The petitioner shall apply for and receive a building permit for 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 rear yard setback.

The motion carried by the following vote:

Aye: 5 - Raymond Bartels, Greg Young, Keith Tap, Ed Bedard, and Val Corrado

Nay: 2 - John DeFalco, and Mary Newman

Business Meeting

Approval of Minutes

A motion was made by Dr. Corrado, seconded by Ms. Newman, to approve the minutes of the June 22, 2016 meeting. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

New Business

Adjournment

A motion was made by Mr. Young, seconded by Mr. Bartels to adjourn the meeting at 7:40 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*