



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 23, 2015

7:30 PM

Village Hall Board Room

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 6 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, Ed Bedard, and Val Corrado
Absent 1 - Keith Tap

Also present: Jennifer Ganser, Assistant Director of Community Development and Matt Panfil, AICP, Senior Planner.

Public Hearings

[150386](#)

ZBA 15-11: 350 W. Grove Street (Continued from the August 26, 2015 meeting)

Requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to two feet (2') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (Henry's Resubdivision). (DISTRICT #1)

Mr. Paul Henry, property owner, presented the petition. Mr. Henry stated that his request is to allow for an emergency generator to be located toward the rear of his existing home and within the required side yard setback. Mr. Henry indicated that the eastern portion of the rear yard slopes rather severely and the low area toward the eastern side yard fills with water during heavy storms. If the emergency

generator were to be located in this area, it could be submerged by storm water. The western portion of the rear yard is occupied by an existing patio and there are several windows and air conditioning condensers that prevent the location of the emergency generator in this area.

Mr. Henry submitted photographs of the rear of his property into the public record.

Mr. Henry stated that because it would be at a higher point on the property, the proposed location for the emergency generator in the western side yard is the only remaining feasible location. The existing home extends from the eastern side yard to the western side yard. Therefore if the emergency generator were to be placed on either side of the house, there would be an encroachment into a required side yard.

Mr. Henry concluded by stating he notified the property owner to the west who responded that he did not have any issues or concerns regarding the proposed emergency generator.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, he asked staff for their presentation.

Matt Panfil, Senior Planner, submitted the IDRC report is to be entered into the public record in its entirety. Mr. Panfil stated that the emergency generator will encroach a total of four feet (4') into the required six foot (6') side yard setback and is approximately ten feet (10') away from the nearest neighboring structure. Mr. Panfil confirmed the petitioner's statement that the width of the existing home extends from the side yard setback on the east to the side yard setback on the west. Mr. Panfil stated that are no reasonable suitable locations on either side of the home that would not require zoning relief.

In regards to placing the emergency generator in the rear yard, Mr. Panfil explained that the western portion of the rear yard is not suitable because of the location of the existing windows and air conditioning condensers. The eastern portion of the rear yard frequently floods due to a significant grade change. Due to a unique downward sloping driveway, water flows toward the home, which depends on sump pumps to prevent flooding in the home. If the petitioner were to locate the generator in the eastern rear yard area, there is concern about the combination of heavy rains causing both the electricity to fail and a high volume of water to flow down the driveway and into the petitioner's home. Mr. Panfil noted that this

situation is similar to a recent Zoning Board of Appeals case, ZBA 15-07, which experienced flooding in the rear yard due to its location near Vista Pond.

Mr. Panfil stated that the emergency generator is proposed in a location such that it will be visible only to the home to the west. A large shrub provides sufficient screening from Grove Street and the neighbor to the south. Mr. Panfil then referenced Exhibit D, an e-mail from the property owner to the west indicating that he does not have any concerns regarding the proposal.

According to Mr. Panfil, there were no additional comments from the Inter-Departmental Review Committee.

Mr. Panfil stated that staff finds that the petitioner has affirmed all of the Standards for a Variation. In particular, Mr. Panfil noted that staff finds that the subject property's unique sloping topography and the location of the existing windows and air condition condensers results in a unique physical hardship that provides for no reasonable alternative for the placement of an emergency generator.

Mr. Panfil stated that the Zoning Board of Appeals has reviewed three (3) similar requests in the past. In the most recent request, ZBA 15-07, staff recommended approval of the requested variation based on two (2) primary reasons. First, there was no reasonable alternative location for the emergency generator that would comply with Village Code and not be subject to frequent flooding. Second, staff found that the emergency generator was located in such a manner that there was minimal visual impact to the adjacent properties.

Mr. Panfil concluded by stating that as was the case in ZBA 15-07, staff recommends approval of the requested variation for ZBA 15-11.

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

Mr. Bartels questioned how the emergency generator will be mounted, to which Mr. Henry responded that the emergency generator will be placed on a pre-fabricated concrete pad.

Mr. Young asked the petitioner if the proposed location of the emergency generator is close to the power source for the home. Mr. Henry responded in the affirmative.

Mr. Young asked for an approximate weight of the emergency generator, to which Mr. Henry estimated approximately five-hundred to six-hundred (500-600) pounds.

A motion was made by Mr. Bartels, seconded by Mr. Bedard, to recommend to the Corporate Authorities approval of this petition subject to the conditions.

1. The petitioner shall apply for and receive a building permit for the proposed emergency generator; and
2. 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 date of the ordinance granting the variation.

The motion carried by the following vote:

Aye: 6 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, Ed Bedard, and Val Corrado

Absent: 1 - Keith Tap

[150418](#)

ZBA 15-12: 251 N. Grace Street - Variances

Requests a variation from Section 155.407(F)(1)(a) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty-five feet (25') and 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 thirty feet (30') for proposed Lot 2 located at 251 N. Grace Street and within the R2 Single-Family Residence Zoning District. (DISTRICT #4)

Mr. Jasper LaGambina began his presentation by stating that he intends to build a house on Lot 2, but front and rear yard setback variations are requested due to the shape and size of the lot. He said the variances would be consistent with surrounding homes. He has built several homes in the Village and believes a new house would help increase the value of the neighborhood.

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.

Jennifer Ganser, Assistant Director, stated that the IDRC report is to be entered into the public record in its entirety. Ms. Ganser said the administrative plat has already been recorded. Lot 2 contains an existing driveway and garage and would be demolished for a new home. Front and rear yard setbacks are being proposed. The Village did receive a bond in case the garage is not demolished with one year. The Inter-Departmental Review Committee had no comments. Staff supports the variance because of precedence of past variations and consistency with the neighborhood. She noted that neighboring homes have front yard setbacks between 25-30 feet. Ms. Ganser referenced an attached map to show interior lots with less than a 30

foot setback. Finally she noted the lot is uniquely shaped and the hardship is the lack of depth of the buildable area.

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

Chairperson DeFalco questioned if the bulk requirements were met and Ms. Ganser said yes. He also said he did not feel the standard regarding financial gain was met. Mr. LaGambina noted that the property was purchased with the intent to divide it into two (2) lots and they need to sell the second lot to make a profit.

Chairperson DeFalco asked if Mr. LaGambina was currently living in the home at 251 N. Grace Street, to which Mr. LaGambina responded in the negative.

Chairperson DeFalco asked Mr. LaGambina if he would be building the proposed new home, to which Mr. LaGambina responded that he and his son's company, LaGambina Homes, will be building the new home.

Based on the Standards for a Variation, Chairperson DeFalco asked Mr. LaGambina to identify how the requested variations are not for his financial gain. Mr. LaGambina stated that in order to invest in the renovation of the existing home at 251 N. Grace Street, he needed to sell Lot 2.

Mr. Young asked if Mr. LaGambina or his son will live in either home once completed, to which Mr. LaGambina responded in the negative. Chairperson DeFalco asked for clarification as to whether or not anyone was currently living in the home at 251 N. Grace Street. Mr. LaGambina responded that in its current condition the home is not habitable.

Chairperson DeFalco stated that the property to the east looks similar to the subject property and asked staff how the adjacent property was approved. Ms. Ganser responded that she was not certain if it received any zoning relief, but the petitioner's request is consistent with the surrounding neighborhood. Chairperson DeFalco concurred that the request is consistent with the surrounding neighborhood, but emphasized his belief that the request for the variations was primarily for financial gain and therefore did not affirm all of the Standards for a Variation.

A motion was made by Mr. Young, seconded by Mr. Bedard, that the Zoning Board of Appeals recommend the requested variations for approval by the Village Board, subject to the two conditions noted in the staff report. By a vote

of 3 to 3 the motion failed because it did not receive the necessary four votes to pass. The motion carried by the following vote:

Aye: 3 - Greg Young, Ed Bedard, and Val Corrado

Nay: 3 - John DeFalco, Mary Newman, and Raymond Bartels

Absent: 1 - Keith Tap

On a motion by Ms. Newman, and a second by Mr. Bartels, the Zoning Board of Appeals recommended by a vote of 4-2 that the Village Board deny the variations associated with ZBA 15-12. The motion carried by the following vote:

Aye: 4 - John DeFalco, Mary Newman, Raymond Bartels, and Val Corrado

Nay: 2 - Greg Young, and Ed Bedard

Absent: 1 - Keith Tap

Business Meeting

Approval of Minutes

A motion was made by Dr. Corrado, seconded by Ms. Newman, to approve the minutes of the August 26, 2015 meeting with one correction. The motion passed by a unanimous vote.

Planner's Report

Ms. Ganser said the next ZBA meeting will be on October 28, 2015 with one workshop.

Unfinished Business

New Business

Mr. Bartels asked if there was any follow up on how generators are secured. Mr. Panfil noted that this is handled by the Building Division in the permit review process. Mr. Bedard asked if there rules from the Fire Department on the amount of space in between single family homes for emergency access. Ms. Ganser said she was unaware of the amount, but the Fire Department does review each ZBA petition and would note any comments they may have.

Other Business

[150450](#)

Zoning Board of Appeals - Amendment to By-Laws

Request to approve the amended by-laws with an effective date of January 27, 2016.

The members agreed to change the time of the ZBA Meetings to 7pm, starting in January 2016.

A motion was made by Ms. Newman, seconded by Dr. Corrado, to approve the amended by-laws with an effective date of January 27, 2016. The motion passed by a unanimous vote.

Adjournment

A motion was made by Mr. Bartels, seconded by Ms. Newman, to adjourn the meeting at 8:19 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*