

Village of Lombard

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



Minutes

Wednesday, July 22, 2020

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

*John DeFalco, Chairperson
Mary Newman, Raymond Bartels, Keith Tap,
Ed Bedard and Michelle Johnson
Staff Liaison: Jennifer Ganser*

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

In light of the Disaster Declaration issued by the Governor of the State of Illinois relative to the COVID-19 pandemic, and pursuant to Public Act 101-0640, the Chairperson of the Zoning Board of Appeals has determined that an in-person meeting of the Zoning Board of Appeals, or a meeting conducted under the Open Meetings Act requirements, relative to a quorum of the members of the Zoning Board of Appeals being physically present at a meeting when some members of the Zoning Board of Appeals are participating remotely, is not practical or prudent because of the disaster.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33 and 2020-39, and pursuant to Public Act 101-040, Zoning Board of Appeals members may attend and participate in the public hearing remotely, and physical attendance at this public hearing will be restricted solely to specified Village officials, staff and consultants. Residents may view the meeting live on television, at Comcast Channel 6 or AT&T Channel 99, or on online at:

www.villageoflombard.org/220/view-meetings-live.

All interested persons will be given the opportunity to participate in the public hearing via telephone or submission of public comments or evidence in advance of the meeting

- email to communitydevelopment@villageoflombard.org
- calling and leaving a voicemail at 630-620-5760
- letter mail to:

Community Development Department

Attn: Zoning Board of Appeals

Village of Lombard

255 E. Wilson Avenue

Lombard IL 60148

Persons interested in participating in the hearing via telephone

shall contact the Village in advance by any of the above methods to obtain information necessary for telephonic participation in the hearing. The Village requests that comments be submitted to the Village by 4:00 p.m. on Tuesday, July 21, 2020. Notwithstanding this request, all comments received before the public comment portion of the public hearing will be read into the public meeting record. The physical attendance restrictions in place for this meeting have been adopted to comply with Governor Pritzker's Executive Orders regarding social distancing and the need to maximize residential self-isolation to slow the spread of COVID-19 to the greatest extent possible

Call to Order

Chairperson DeFalco called the meeting to order at 7:04 p.m

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance.

Roll Call of Members

Present 5 - John DeFalco, Mary Newman, Raymond Bartels, Ed Bedard, and Michelle Johnson
Absent 1 - Keith Tap

Also present: Tami Urish, Planner Community Development.

Mary Newman, Raymond Bartels, Ed Bedard and Michelle Johnson attend the meeting remotely.

Mr. Bedard joined the remote meeting at 7:09 pm.

Public Hearings

[200209](#)

ZBA 20-03: 324 S. Grace Street

The petitioner requests that the Village grant a variation from Section 155.407(F)(1)(b) of the Lombard Code of Ordinances to provide for a front yard setback of twenty-seven feet (27') for an addition, where a minimum of 30 feet is required in the R2 Single-Family Residence District. (DISTRICT #5)

Ms. Erin Mugnaini, petitioners, and staff were sworn in by Chairperson DeFalco to offer testimony.

Ms. Mugnaini stated that the variance for her porch is being sought because a contractor hired in April for the work said that a permit would be required only for the stairs to the porch and not for enclosing the porch. The reason they enclosed the porch was for privacy as the open porch was in close proximity to Grace Street and the Illinois Prairie Path's traffic and noise. People park on Grace and South Broadway to access the Illinois Prairie Path. Cars' headlights shining into their house at the T intersection on South Broadway and Grace, people sleeping on benches located at the Illinois Prairie are additional nuisances.

Ms. Mugnaini referenced the photo in the staff report illustrating the setbacks of the houses stating that the setback of their house is not changing. She takes issue with the viewshed impacting other neighbors' properties as nothing is changing. Having windows is not that much of a difference than having an open porch. The kneel walls were installed for protection during the winter. The landing and stairs could not be approved for a permit until a decision is made if the enclosed porch is approved for a variance or is not and has to be restored to an open porch. She referenced a discrepancy of a landing is required during the permit process where 36 inches was noted and then 4 feet was required.

Chairperson DeFalco stated that staff was contacted by an individual who would like to speak about the case. Michelle Fodrey was sworn in by Chairperson DeFalco to offer testimony. Ms. Fodrey offered that the traffic on Grace Street is noisy and the new porch adds value to the property.

Chairperson DeFalco asked if anyone else from the public wanted to address the petitioner. Hearing none asked for the staff report

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. The property owner enclosed an existing unenclosed porch without obtaining a permit. When the permit was submitted for the project, the property owner was informed that enclosing the porch resulted in a room addition that did not meet the minimum front yard setback of 30 feet as the existing porch was located 27 feet from the property line. Porches are permitted obstructions up to 25 feet from the front property line. The property owner decided to seek

a variance instead of restoring the open porch.

As noted in the staff report the average front yard setback of the homes along the west side of Grace Street of the block the subject property is located is 33 feet so the variance does impact the character of the neighborhood. Staff finds that the subject property does not have unique physical limitations for an addition to meet Code, nor is there a demonstrated hardship. Also setting a precedent of a 27-foot front yard setback does not benefit the Village as a whole as the agreed upon 30-foot front yard setback has been enforced since the inception of the zoning code in 1960. Staff does not support the variance for 324 S Grace Street.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Bartels asked if the petitioner knew that an open porch is an allowed encroachment into the front yard unlike an enclosed porch. Ms. Mugnaini responded that she did not find that out until she applied for a permit. The contractor she hired said if they were not changing the footprint of the house a permit would not be needed.

Mr. Bartels asked staff if the addition were to be allowed would it still meet the green space requirement. Ms. Urish responded that it does.

Chairperson DeFalco stated that the house was built in 1920 with an ordinance that specified a front yard setback of 30 feet with an open front porch that can go up to 25 feet as the house did previously meet. A few years ago the Village introduced an average for new houses. With the properties on either side being 28 feet and 30 feet does that mean a new house could be built at 29 feet. Ms. Urish responded that a new house has a minimum setback of 30 feet and averaging setback occurs with house setback further than 30 feet.

Chairperson DeFalco referred to an open porch would include a floor, roof, corners and a half wall which would not be totally enclosed. Ms. Urish stated that an unenclosed porch is considered 75% open.

Ms. Johnson asked staff if just the windows and doors were removed would it be considered open. Ms. Urish responded that the current porch has walls and there would need to be railings or solid at railing height to be considered open.

Mr. Bartels asked staff if the area where a railing would be could be fully enclosed. Ms. Urish responded that yes, a solid railing has been approved as an open porch.

Chairperson DeFalco asked the petitioner if the lighting fixture in the photo was previously part of the porch and was there any electrical work done as part of the project. Ms. Mugnaini responded that the light fixture was there before the porch was enclosed and no electrical work was done by the contractor. Ms. Mugnaini stated that everything above the railing height is windows in regard to the 75% open however without the windows the porch is less private and that is the reason for the variance request.

Chairperson DeFalco referenced the earlier mention of the 36 inches versus 48 inches discrepancy by the petitioner. It was noted the Americans with Disabilities Act was updated in 2018 and the 48 inches for a wheelchair is the standard requirement for a landing. Ms. Mugnaini responded that 36 inches was indicated in April when a permit was submitted. The drawings were provided by a new contractor hired after the contractor that enclosed the porch stopped returning their calls. Chairperson DeFalco suggested the stairs run parallel to the house as oppose to further encroaching into the front yard. Ms. Mugnaini agreed to that option and they had previously discussed turning the stairs toward the driveway. Chairperson DeFalco stated that the Zoning Board of Appeals can a recommendation of approval or denial or approval with a modification of the stairs and asked the members for anymore questions regarding the petition.

Mr. Bartels made a motion for denial of the petition associated with ZBA 20-03. Without a second, the motion failed.

On a motion by Ms. Johnson, and a second by Ms. Newman, the Zoning Board of Appeals voted 4-1 that the Village Board approve the petition associated with ZBA 20-03 with the added condition of the landing coming out 48 inches and the orientation of the stairs parallel to the house and the 50% destroyed provision in the staff report.

The motion carried by the following vote:

Aye: 4 - John DeFalco, Mary Newman, Ed Bedard, and Michelle Johnson

Nay: 1 - Raymond Bartels

Absent: 1 - Keith Tap

Business Meeting

Approval of Minutes

A motion was made by Mr. Bedard, seconded by Ms. Johnson, the minutes for the May 27, 2020 meeting were approved with noted corrections. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

New Business

Adjournment

A motion was made by Mr. Bedard, seconded by Ms. Johnson to adjourn the meeting at 7:42 p.m. The motion passed by a unanimous vote.