

Village of Lombard

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



Minutes

Wednesday, July 28, 2021

7:00 PM

Village Hall - Community Room

Zoning Board of Appeals

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

Call to Order

Chairperson DeFalco called the meeting to order at 7:53 p.m.

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance

Roll Call of Members

Present 4 - John DeFalco, Mary Newman, Raymond Bartels, and Michelle Johnson

Absent 1 - Keith Tap

Public Hearings

[210216](#)

ZBA 21-03: 114 N. Columbine Avenue

The petitioner requests that the Village approve a variation from Section 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30') to twenty feet (20') for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for a second-story addition to an existing nonconforming single-family residence located on the subject property. (DISTRICT #1)

Zubair Vhora, representative for the petitioner, and staff were sworn in by Chairperson DeFalco to offer testimony.

Mr. Vhora presented the petition. He said that the petitioner plans to build a second-story addition onto an existing single-family home. The second-story addition will stay within the footprint of the existing house. The house sustained storm damage in the winter of 2021, so repairs and work are needed. The home will be connected to the sanitary sewer system as well. [The home is presently connected to the Village's water system, but uses a septic field.]

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

Anna Papke, Senior Planner, presented the staff report, which was entered into the record in its entirety. The subject property was originally improved with a one-and-a-half-story single-family home. In March 2021, the Code Enforcement Division conducted an inspection and found that the property owner had torn the roof and top half story off the home without obtaining building permits. Upon submittal for a

permit, the Planning Division reviewed the plat of survey and determined that the existing house is nonconforming with respect to the required front setback.

The existing house has a front setback of 20 feet, where a 30-foot front setback is required. The property owner intends to add a full second story plus attic space to the existing house, increasing the height of the house. The increased building height is considered an increase in the degree of the existing nonconformity. A variance is required.

In consideration of the petition, staff notes that the subject property was originally platted in 1906, and the house constructed in 1917. At the time of the original construction, the house was set back approximately 59 feet from the front property line. Subsequently, several right-of-way dedications altered the boundaries of the subject property, which in turn reduced the front setback of the existing house. Staff recognizes that the loss of part of the property through right-of-way dedication is a unique circumstance not generally applicable to properties in the Village. Further, staff recognizes that this development sequence creates a hardship for the property owner attempting to modify the existing home.

The proposed second-story addition will maintain the existing front setback of the house. The Village has previously approved setback variances for additions to existing homes in similar circumstances. Staff recommends approval of the request.

Chairperson DeFalco asked if there were any questions for staff or about the staff report.

Mr. Bartels noted the suggested conditions of approval did not note that if the house was damaged or destroyed in such a way that more than 50% of the value was lost, the property would need to be redeveloped to meet Village Code. Ms. Papke said the ZBA members could add such a condition to a motion for approval if desired.

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

Mr. DeFalco asked the petitioner's representative if the petitioner is aware that permits are required for this type of improvement. Mr. Vhora said the petitioner is now aware of the requirement for a permit.

Mr. DeFalco noted that going forward, the petitioner could consult the

Village's website to determine if permits are required for any future work that may occur.

Mr. Vhora asked for clarification on the meaning of the proposed condition of approval that would require the property to be redeveloped to meet Village Code of the house sustained damaged greater or equal to 50% of the value of the house. Mr. DeFalco and Ms. Papke explained this provision as stated in the Village Code.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

Mr. Bartels made a motion to approve the petition with an added condition referencing that the structure would need to be built to Code if it sustained damage amounting to more than 50% of the value of the structure. Ms. Johnson seconded the motion. The Zoning Board of Appeals voted 4-0 that the Village Board approve the petition associated with ZBA 21-03, subject to the following seven (7) conditions:

- 1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;**
- 2. The petitioner shall apply for and receive a building permit for the proposed addition;**
- 3. The proposed addition shall comply with all applicable building codes;**
- 4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 5. Per the provisions of Section 50.11 of Village Code, the residence shall be connected to the existing sanitary sewer service line immediately to the south of the subject property;**
- 6. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11); and**
- 7. In the event that the building or structure on the subject property is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such building or structure immediately prior to such damage, such building or structure shall not be restored unless such building or structure shall thereafter conform to all regulations of the zoning district in which such building or structure and use are located.**

The motion carried by the following vote:

Aye: 4 - John DeFalco, Mary Newman, Raymond Bartels, and Michelle Johnson

Absent: 1 - Keith Tap

Business Meeting

Approval of Minutes

A motion was made by Ms. Johnson, seconded by Mr. Bartels, the minutes for the May 25, 2021 meeting were approved with noted corrections. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

None

New Business

Mr. DeFalco suggested the ZBA members could share phone numbers with one another in order to be able to contact each other if they believe they will be unable to attend meetings. Ms. Papke noted that the ZBA members needed to ensure their actions were compliant with the Open Meetings Act. She suggested that all communications regarding meeting attendance or other matters for the ZBA be routed through staff.

Mr. Bartels asked if Village staff could contact ZBA members via text message. Ms. Papke said she would research this issue and report back.

Mr. DeFalco asked when the Comprehensive Plan had been updated. Ms. Papke said it had been updated in 2014. Mr. DeFalco noted that Comp Plan updates are often conducted every 10 years, so perhaps the Village will be undertaking another update in the next few years.

Adjournment

A motion was made by Mr. Bartels, seconded by Ms. Johnson to adjourn the meeting at 8:13 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*