



# 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*

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Wednesday, October 28, 2015

7:30 PM

Village Hall Board Room

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### 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** 5 - John DeFalco, Mary Newman, Keith Tap, Ed Bedard, and Val Corrado

**Absent** 2 - Raymond Bartels, and Greg Young

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

### Public Hearings

[150418](#)

**ZBA 15-12: 251 N. Grace Street - Variances (The Village Board of Trustees remanded this petition to the Zoning Board of Appeals)**  
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)

*Chairperson DeFalco began the public hearing by reviewing the procedures and noting that the case was previously heard by the Zoning Board of Appeals in September 2015, but it was remanded*

*back to them by the Village Board of Trustees. Because the case was remanded, Chairperson DeFalco asked Ms. Ganser to summarize the remand and how it would impact the evening's public hearing.*

*Jennifer Ganser, Assistant Director, stated that the staff memo is to be entered into the public record in its entirety as well as the supplemental staff memo delivered at the ZBA meeting. Ms. Ganser said that ZBA 15-12 was being remanded back to the ZBA from the Board of Trustees to discuss three (3) items:*

- 1. The hardship any individual or entity would have in order to develop a new single-family home without the requested relief;*
- 2. The impacts of the shallow depth of the lot to develop a modern single-family home with an attached garage; and*
- 3. The applicable front and rear yard setbacks as compared to the requested relief from the petitioners.*

*She noted that the Board always has the option to remand a case back to the Plan Commission or Zoning Board of Appeals. She reviewed the procedures of the meeting. Next, Ms. Ganser summarized the two staff memos. She said that the project and the variances requested have not changed and staff is still recommending approval. She said the petitioner represents that the standards for a front and rear yard setback have been affirmed and notes the hardship of the lot shape and depth. The plat of subdivision was approved administratively because the lots met the bulk requirements per the Zoning Ordinance. In the R2 district the bulk requirements include a minimum lot area of 7,500 square feet, and a minimum lot width of sixty (60) feet. Lombard does not have a requirement for lot depth. She said there are unique dimensions of the lot that would create a hardship in building a single-family home with attached garage.*

*Ms. Ganser referred the ZBA to the exhibits in the staff memo showing the buildable area of the lot with the required yard setbacks. As seen, the setbacks greatly impact the footprint of buildable space. The proposed maximum depth of the home would be approximately eighteen (18) feet on the west side and thirty-two (32) feet on the east side of the property. Many garages have a depth of at least twenty (20) feet, which would make the west side of the property unavailable for an attached garage. Using the setbacks required by the Zoning Ordinance, both the proposed house and garage encroach over the setback lines.*

*She said that prior to the subject property being resubdivided, it was*

*part of one corner lot. The corner side yard setback is twenty (20) feet, meaning that a garage or home could have been built to that line. The petitioner is requesting a twenty-five (25) foot front yard setback variance.*

*Ms. Ganser then noted the exhibit with the requested setbacks, as proposed. The requested setbacks increase the lot depth, and therefore the footprint of buildable space. The proposed depth of the home would be approximately twenty-eight (28) feet on the west side and forty-two (42) feet on the east side of the property. This would allow for a modern single-family home and attached garage to be built on the property.*

*Ms. Ganser then reviewed the supplemental memo. She discussed the setbacks of the neighboring properties on Prairie Avenue. Of the sixteen (16) homes, eight (8) homes have a front yard setback of thirty feet (30') or more. Four (4) homes have a setback of less than thirty feet (30'); ranging from approximately 26.31 feet to 27.52 feet. There were four (4) homes where the information could not be found. She said the home with an attached garage directly to the east, 414 E. Prairie Avenue, does comply with the front yard setback at approximately thirty (30) feet from the property line. It should be noted that the lot depth of 414 E. Prairie Avenue is approximately 110 feet on the east side and approximately 97 feet on the west side (abutting Lot 2 of 251 N. Grace Street). She then reviewed the regulations for a detached garage and the height requirements in the R2 zoning district. She noted that the petitioner would prefer to utilize the existing curb cut for access to a future attached garage.*

*Ms. Ganser concluded that staff recommends approval as the lot depth is causing a hardship for the petitioners to build a single-family home with attached garage on Lot 2. She then reminded the ZBA that the Village Board requested that they vote on each of the requested variations separately.*

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

*Mr. Frank LaGambina showed exhibits of the property with the required setbacks, the rear yard setbacks only, and the requested setbacks. He noted that the house can be modified, but the garage cannot because it needs to function as place to park vehicles. He said the house footprint of 1,200 square feet is one that he has previously built in Lombard. He noted a detached garage would mean a longer driveway, adding more impervious area to the lot. He did not feel this was a good solution due to water runoff and flooding problems in the*

area.

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

*Chairperson DeFalco read the seven standards for a variance. In regards to the Village Board's first item for additional discussion, he asked if a garage could be built on the east side of the property. Mr. LaGambina referred to his exhibit and showed that the home would not fit in the required setbacks if the garage was to the east. Mr. Bedard said perhaps only a rear yard setback was needed. Ms. Newman asked to see the houses on the exhibit without the requested variances.*

*Chairperson DeFalco said he did research on home designs and found examples of homes between 1,200 and 1,700 square feet with 3-4 bedrooms and approximately 2 bathrooms. He said these homes were on lots of varying widths and depths, but were not as deep as the homes shown by Mr. LaGambina. Mr. LaGambina reviewed the materials and noted that the example homes were built in a time period when that was a popular size and style of home. He said that current buyers are looking for a 1,200 footprint, with two stories and an attached garage. He said that is comparable to the homes he has built in Lombard. Chairperson DeFalco said the neighborhood has smaller homes, of the size that he found in his research. Mr. LaGambina said the homes on Grace Street and LaLonde Avenue are of larger size, comparable to what he intends to build. He said the neighborhood character is changing with the new homes being built.*

*Mr. Bedard said he feels a hardship is shown for the rear yard setback that relates to first two points from the Board. He asked staff to clarify point number 3. Ms. Ganser said that the intention is to compare the existing setbacks, required by the Zoning Ordinance, to the requested setback variations.*

*Chairperson DeFalco said the petitioner opted to subdivide the lot and therefore they created the hardship, not the Zoning Ordinance. Ms. Newman agreed. Chairperson DeFalco noted that the curb cut on the west side can be changed to the east side.*

*Mr. Tap asked for clarification as to whether the two variances were voted on separately or collectively at the September ZBA meeting, to which Ms. Ganser answered that the items were voted on collectively.*

*Chairperson DeFalco asked if Lot 1 will have a detached garage and Mr. LaGambina said yes because an attached garage will not fit on the lot. Ms. Ganser reminded the ZBA that they need to stay on task*

*with the three points from the Board. Lot 1 does not impact Lot 2.*

*Chairperson DeFalco noted there are numerous detached garages in the immediate neighborhood. Mr. Bedard said the word modern is the key word in the second item from the Board. Ms. Newman said modern was a matter of opinion.*

*Chairperson DeFalco said he felt the petitioner demonstrated a home could be built without the front yard setback. Dr. Corrado asked Chairperson DeFalco to repeat the request for the front yard setback and Chairperson DeFalco said it was a request to have a twenty-five (25) foot setback.*

**A motion was made by Mr. Bedard, seconded by Mr. Tap, that the Zoning Board of Appeals recommends the requested front yard setback variation for denial to the Corporate Authorities.**

**The motion carried by the following vote:**

**Aye:** 5 - John DeFalco, Mary Newman, Keith Tap, Ed Bedard, and Val Corrado

**Absent:** 2 - Raymond Bartels, and Greg Young

*Chairperson DeFalco reminded the ZBA members of standards 3 and 4.*

**A motion was made by Mr. Tap, seconded by Dr. Corrado, that the Zoning Board of Appeals recommends the requested rear yard setback variation for approval to the Corporate Authorities, subject to the two conditions noted in the staff report.**

**The motion failed to receive a recommendation vote:**

**Aye:** 3 - Keith Tap, Ed Bedard, and Val Corrado

**Nay:** 2 - John DeFalco, and Mary Newman

**Absent:** 2 - Raymond Bartels, and Greg Young

**A motion was made by Ms. Newman, seconded by Mr. DeFalco, that the Zoning Board of Appeals recommends the requested rear yard setback variation for denial to the Corporate Authorities.**

**The motion failed to receive a recommendation vote:**

**Aye:** 2 - John DeFalco, and Mary Newman

**Nay:** 3 - Keith Tap, Ed Bedard, and Val Corrado

**Absent:** 2 - Raymond Bartels, and Greg Young

As the ZBA could not obtain four votes to either approve or deny the requested variation, the rear yard setback variation is forwarded to the Village Board with no recommendation.

## Business Meeting

### Approval of Minutes

A motion was made by Mr. Bedard, seconded by Ms. Newman, to approve the minutes of the September 23, 2015 meeting. The motion passed by a unanimous vote.

### Planner's Report

*Ms. Ganser directed the ZBA to the staff memo on changing the dates of the November and December 2015 meeting. The ZBA unanimously agreed to change the meeting dates to November 18th and December 16th.*

*Mr. Panfil asked the ZBA if they would like updated copies of the Zoning Ordinance. They responded that would be appreciated and helpful. Staff will deliver the copies at the next ZBA meeting. Mr. Panfil also reminded the ZBA that staff will be calling the ZBA before the meeting to check their availability rather than sending an email.*

### Unfinished Business

### New Business

### Workshops

*Ms. Ganser stated that while text amendments to the Zoning Ordinance are the purview of the Plan Commission, the proposed change to the Ordinance regarding fence opacity has been brought to the ZBA for a workshop session because the ZBA is most often the reviewing body for public hearings for fence variations.*

*Ms. Ganser reviewed the existing opacity regulations regarding fences within front yards, corner side yard, and clear line of sight areas. The requested change is based on numerous discussions staff has had with residents who find it difficult to meet the minimum 75% opacity*

*requirement for fences in these areas.*

*In preparation of the proposed text amendment, staff reviewed the 2007 White Paper on fences and contacted surrounding municipalities and fence companies. Based on conversations with fence companies, there is no universal standard for fence design. While fence companies can design most anything, they all noted that 75% opacity was high and can be difficult to engineer with a vinyl fence.*

*Ms. Ganser said that the definition of what is an open fence varies within municipalities from 33% open to 75% open, with many municipalities at 50%. This was the case in the 2007 White Paper, as well as current staff research. Communities with 50% opacity were: Carol Stream, Darien, Glen Ellyn, DuPage County, Lisle, Oak Brook, and Westmont. Communities with 75% opacity were: Lombard, Villa Park, and Woodridge. Those with less than 50% were: Downers Grove, Hinsdale, Wood Dale, and Wheaton.*

*Ms. Ganser said that staff considered proposing a 50% open space requirement, but found that a property owner could set the boards in a manner that the fence would appear 100% closed when backing out of a driveway. Instead, staff is proposing to change the definition of an open fence from 75% to 66%. As an example, a fence with three inch boards would have six inches between each board in order to maintain the 66% open fence. Staff notes that safety is still a concern in the clear line of sight triangle and does not support closed fences. Ms. Ganser referenced pictures from the 2007 White Paper and concluded that staff believes that a fence with 66% opacity still provides an adequate level of safety.*

*Mr. Bedard recommended that staff take into account the possibility of children getting their head stuck between posts when establishing a minimum or maximum separation distance.*

*Chairperson DeFalco stated that he remembers when the 75% open space requirement was established, but did not have any specific comments regarding the reduction to 66% opacity.*

## **Adjournment**

**A motion was made by Mr. Bedard, seconded by Ms. Newman, to adjourn the meeting at 8:42 p.m. The motion passed by a unanimous vote.**

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*John DeFalco, Chairperson  
Zoning Board of Appeals*

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*Jennifer Ganser, Assistant Director of Community Development  
Zoning Board of Appeals*