

Village of Lombard

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



Minutes

Wednesday, February 24, 2021

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, 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 having to be 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 No. 2020-07, as extended and modified by Executive Orders 2020-18, 2020-33, 2020-039, 2020-44, 2020-52, 2020-55, 2020-59, 2020-71, 2020-74, 2021-01 and 2021-04 which suspend the requirement of the Illinois Open Meetings Act requiring in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, members of the Zoning Board of Appeals may be participating in the meeting through a virtual meeting platform.

Physical attendance at this public meeting will be capped to a maximum capacity of 50 persons in total, inclusive of Village officials, staff and consultants (whose physical attendance will be given precedence), with strict social distancing requirements in place. While the public is welcome to attend the meeting, and provide comments, in person, given capacity limitations and the COVID-19 pandemic, residents are invited to view and participate remotely through the means offered below. Interested parties may also 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 Wednesday, February 24, 2021.

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 7:00 p.m.

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance

Roll Call of Members

Present 5 - John DeFalco, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

Absent 1 - Mary Newman

Also present: Anna Papke AICP, Senior Planner Community Development.

Ed Bedard, Keith Tap, and Michelle Johnson attended the meeting remotely.

Public Hearings

[210060](#)

ZBA 21-01, 217 S. Brewster Avenue

The petitioner requests that the Village approve a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required interior side yard setback from six feet (6') to four feet (4') for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for an addition to an existing single-family residence located on the subject property. (DISTRICT #1)

Vince Palmisano, the property owner and petitioner, and staff were sworn in by Chairperson DeFalco to offer testimony.

Mr. Palmisano said he has owned the subject property since 2016, and he wants to make the home a place for his family to live long-term. He said that the house currently has two bedrooms and one bathroom. He would like to build an addition into the attic space of the house in order to add two more bedrooms and another bathroom. The addition will include a bump-out in the roof dormer. The side of the house where the proposed dormer will be built currently does not meet the six-foot side yard setback requirement, so a variance is requested. Mr. Palmisano said the house will maintain the existing setback and would not negatively impact the neighboring property.

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner or if any public comment had been received prior to the meeting. Ms. Papke said an email in support of the petition was received ahead of the public hearing, and had been included in the ZBA packets.

Chairperson DeFalco 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 is developed with a single-family home. The existing single-family home does not meet the required six-foot interior side yard setback. The property

owner would like to build a second-story addition onto the residence. The building footprint will not change. The addition will maintain the existing four-foot side yard setback. A variance is required.

In consideration of the petition, staff notes that the subject property is 50 feet wide and was platted in 1873, before the Village adopted the current minimum lot width requirement of 60 feet in the R2 District. Similarly, the house was built prior to the adoption of the current setback regulations. Staff recognizes that this development sequence creates a hardship for the property owner attempting to modify a home that was constructed prior to current zoning requirements.

The proposed second-story addition will maintain the existing side 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.

Staff did receive one email of support for the petition from the property owner at 236 S. Elizabeth Street. The email was distributed to the ZBA members prior to the meeting.

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

Mr. Tap asked if staff knew the address of the person who had written the email in support of the petition, as it was not noted in the email received by staff. Ms. Papke said the email writer had noted that he previously commented on a ZBA case on Brewster (ZBA 20-05), at which time the writer said he lived at 236 S. Elizabeth. Staff assumes the email writer still resides at 236 S. Elizabeth.

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

Mr. Bedard 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. Mr. Bartels seconded the motion. The Zoning Board of Appeals voted 5-0 that the Village Board approve the petition associated with ZBA 21-01, subject to the following six (6) 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, including the 2018 IRC, Table R302.1(1);
4. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;
5. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11); and
6. 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: 5 - John DeFalco, Raymond Bartels, Keith Tap, Ed Bedard, and Michelle Johnson

Absent: 1 - Mary Newman

Business Meeting

Approval of Minutes

A motion was made by Mr. Bedard, seconded by Mr. Tap, the minutes for the October 28, 2020 meeting were approved. The motion passed by a unanimous vote.

Planner's Report

ZBA Cases and Dispositions for 2020

The ZBA Members received a spreadsheet summarizing the current status of the petitions considered by the ZBA in 2020. This was provided to the ZBA for informational purposes; no action was taken.

Proposed text amendments related to fences in corner side yards

Staff informed the ZBA that the Village Board will consider a text amendment to allow six-foot tall solid fences in corner side yards at its meeting on March 4, 2021. This was provided to the ZBA for informational purposes; no action was taken.

Unfinished Business

None

New Business

Mr. Bartels noted that the property associated with ZBA 21-01 was a 50-foot wide lot. He asked if in the future, staff would include information on lot sizes and previous cases where lots were smaller than minimum lot size, for purposes of comparison. Ms. Papke noted that the staff report for ZBA 21-01 did include a table of previous cases with similar circumstances as the subject property. She said staff would look into providing additional information about the properties in previous cases if relevant.

Adjournment

A motion was made by Mr. Bartels, seconded by Ms. Johnson to adjourn the meeting at 7:37 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*