

# **Village of Lombard**

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



## **Meeting Minutes**

**Wednesday, April 28, 2010**

**7:30 PM**

**Village Hall Board Room**

## **Zoning Board of Appeals**

*John DeFalco, Chairperson  
Mary Newman, Greg Young,  
Val Corrado, Ed Bedard,  
Keith Tap and Ray Bartels  
Staff Liaison: Michael Toth*

## Call to Order

*Chairperson DeFalco called the meeting to order at 7:30 p.m.*

## Roll Call of Members

**Present:** Chairperson John DeFalco, Val Corrado, Mary Newman, Greg Young and Keith Tap

**Absent:** Eugene Polley and Ed Bedard

*Also present: Michael Toth, Planner I and Janet Downer, Administrative Coordinator.*

## Public Hearings

### 100216

#### **ZBA 10-04: 350 N. Fairfield Avenue**

Requests a variation to Section 155.210(A)(2)(a) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty (20) feet to eight (8) feet to allow the construction of an accessory structure in the R2 Single-Family Residence District. (DISTRICT #4)

*Mark Edison, 350 N. Fairfield, presented the petition. Mr. Edison stated that this matter pertains to a shed he wants to construct over an existing bomb shelter. The bomb shelter is a water collecting concrete pit that has a long history. He gave the history of the property and stated that a fence was erected to the south of the bomb shelter for safety purposes. This fence was granted through a previous variation request made in December, 2008. Subsequent to the December, 2008 approval, he received a letter from the Fire Department indicating that he was in violation of property maintenance code and requested that he remove the wood chips and fill the bomb shelter to encapsulate the structure.*

*When the fence variation appeared at the Board level, Trustee Tross was the only trustee that voted against it as he also asked for it to be encapsulated. Ultimately, to appease the Village, he tried to fill in the bomb shelter with mulch and dirt but the end result was noxious fumes as well as problems with animals, water accumulation and mosquitoes. He is now seeking to do what Trustee Tross asked him to do, as well as act on a recommendation from Keith Steiskal of the Building Division.*

*He believes that the Planning Department is missing the point. They believe he wants the shed for purposes of only having a shed. They reference the setback ordinance and he referenced paragraph 2 in the staff report, which states that the structure is screened by a fence. They fail to recognize that if the setback ordinance is to control the structures adjacent to the road, the fence is closer to the road than the structure. There is no purpose for the prohibition. Mr. Edison continued that this would not be an undue hardship because of the area. As a compromise, he will remove the existing shed. Mr. Edison stated that he has no need to construct a shed as this will cost him thousands of dollars. The only point is of the shed is to encapsulate the bomb shelter.*

*With regard to corner lots, Mr. Edison indicated that he noticed that south of St. Charles Road there is a plethora of structures on the lot line. Staff fails to recognize the*

conditions. The Fire Department is telling him to do it, Keith Steiskal tells him he supports it and the Planning Division is telling him no. Planning is not taking into consideration the conditions of the property.

Mr. Edison then questioned how many people from the Village have actually visited the property to take a look at it. He mentioned the letter from the Fire Department, which stated that he repair the hole, but he questioned they actually visited the property because there was snow cover on the property the date that the letter was written but yet he saw no evidence of footprints. He would pose that question and invite people to look at what he is trying to do.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. Hearing none, he requested the staff report.

Michael Toth, Planner I, presented the staff report.

The subject property is located at the northwest corner of View Street and Fairfield Avenue. The petitioner is requesting a variation to allow the installation of a shed, eight (8) feet from the corner side lot line on the southern portion of the property. As the Zoning Ordinance specifically prohibits the placement of accessory structures in the corner side yard, a variation is required.

The petitioner is proposing to construct a shed that is two-hundred (200) square foot in area and eleven (11) feet in height, in the corner side yard. The petitioner has indicated that the purpose of the shed is to cover an existing bomb shelter located on the southern portion of the subject property, within the corner side yard. The bomb shelter element was first introduced to the Zoning Board of Appeals at their December 16, 2008 meeting where the same petitioner sought approval to erect a six (6) foot fence in the corner side yard (ZBA 08-16). The petitioner desired to construct a six (6) foot tall fence under the auspices that the additional fence height would ensure that no persons could enter the yard, as the petitioner strongly advocated that the bomb shelter was an attractive nuisance and a public safety hazard. In 2009, the Village Board approved ZBA 08-16. As such, the six (6) foot fence was erected per the approved plan and still resides on the subject property today.

The petitioner has indicated that he has attempted to fill the bomb shelter structure, which has resulted in a health safety hazard by providing a refuge for insects and animals. While staff recognizes the presence of the bomb shelter on the subject property, such a structure does not constitute a geographic or topographic feature that would warrant a variation, nor does staff have the authority to recommend alternative methods of encapsulating the bomb shelter. The structure is situated below grade on the subject property. As such, staff finds that placing a two-hundred (200) square foot shed that stands eleven (11) feet in height would be an excessive method of encapsulating a below-grade structure. Furthermore, the bomb shelter is already screened from public access by the six (6) foot tall fence that was approved through ZBA 08-16. The petitioner has made reference that the shed would be screened by the existing six (6) foot fence; however, it should be noted that staff recommended denial of the six (6) foot fence associated with ZBA 08-16.

There is ample space on the subject property to construct a two-hundred square foot shed, without the need for a variation. As the staff report illustrates there is a sufficient buildable area for the placement of a two-hundred square foot shed. Staff notes that the petitioner has indicated that the existing shed would be removed in the event that the proposed shed were to be constructed.

Concluding, Mr. Toth stated that staff recommends that the petition be denied on the

grounds that a hardship has not been demonstrated.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Young asked Mr. Edison if there was a health problem and a problem with water and animals before he attempted to fill in the bomb shelter with organic material because he didn't recall hearing that before. Mr. Edison answered no - before there was a structure encapsulating it. He explained how he tore down the existing home and built a new one, and removed the original fence. He requested a fence variation which was approved rather than try and circumvent the 4' height rule or being able to repair 25% of a fence without a permit.

Chairperson DeFalco clarified that the ZBA ended up in a split decision, which meant it went to the Board with no recommendation. The variation was ultimately granted by the Board of Trustees.

Mr. Young asked how high above grade the structure is. Mr. Edison answered the pipe is 3' tall but when you speak to grade it's almost like a 1-1/2' dome. Like a big hump in the yard approximately 2-3' high with the grade.

Mr. Young asked how much it would cost to encapsulate this structure as you commented that it would cost thousands of dollars. Mr. Edison answered that it depends on the type of structure that would be built. The BIS Department wants him to go to the underlying structure. That changes the cost.

Mr. Young asked him what it would cost to fill with concrete. Mr. Edison answered that he didn't know.

Mr. Young asked him what it would cost to get a demolition contract. Mr. Edison answered \$25,000. He added that they attempted to remove it during construction, but couldn't do it. Mr. Young asked if he would have to take out the whole thing or just the part above grade. Mr. Edison answered that it is solid concrete with reinforced rebar so you can't cut into it even using heavy equipment. They were built to withstand bombs.

Mr. Tap indicated that the petitioner mentioned that the Fire Department had an issue early on. Mr. Tap stated he was confused as he did not see any comments from the Fire Department in the IDRC portion of the staff report. Mr. Edison read into the record the letter that he received from the Fire Department dated January 26, 2009.

Chairperson DeFalco asked staff if the Building Department was under the direction of the Fire Chief. Mr. Toth answered that it previously was, but it is now under the Community Development Department. Chairperson DeFalco clarified that the Fire Department was overseeing the Building Division at that point.

Mr. Young asked if the letter sent by the Fire Department to the petitioner was in response to a complaint. The petitioner answered that it was in response to his comments that he wanted to build a hatch, Keith's observations, and Trustee Tross's comments at the Board meeting.

Chairperson DeFalco mentioned that Mr. Bedard asked about filling the shelter with stone and putting concrete on top. The erection of the fence did not eliminate the hazard. He had concerns for your son falling into the bomb shelter. You mentioned that you had control over your son but not over the neighborhood kids. Mr. Edison indicated that the condition was stricken as it was unlawful to condition that. Chairperson DeFalco asked if the erected fence helped you with your concerns about the neighbor kids. Mr. Edison answered that the fence was erected because it was a safety hazard.

Chairperson DeFalco questioned whether it was erected not for yourself and your son but for other people. Mr. Edison answered that he was taking his comments out of context. Chairperson DeFalco stated that he suggested a steel plate, but it was not the purview of the ZBA to tell you what to do.

Mr. Edison stated that he was misinterpreting his testimony. He sought to erect the fence for neighbors traversing on his property if compliant with the ordinance. Chairperson DeFalco asked what the reason was for the 6' fence. Mr. Edison answered to prevent children from entering his property and getting into the area.

Chairperson DeFalco stated that we have ordinances that allow for a 4' fence

Mr. Edison stated that the conversation to revert a condition is unlawful. He then made reference to Tom Bayer's finding that there was no nexus between the condition and the bomb shelter being on the property. Chairperson DeFalco stated he is not asking to revert a condition. The rationale you presented for a 6' fence was to try to keep people out of your yard due to the hazard that existed. He asked Mr. Edison if that hazard still existed. Mr. Edison answered that it is still a hazard with the 6' fence and the condition still exists.

Mr. Tap stated he was confused and asked if it was the petitioner's intent to use the below grade structure. Mr. Edison answered no, he would encapsulate it. The shed would be on top of the stairway. I would have to have the water ejected from the bottom pit. If I filled it with stone it would still have water. If I cover the hole, I still have the same issue. He indicated that there is an existing sump pump but it is not hooked up to electric. Mr. Tap referred to the IDRC comments from the Building Division, specifically #2, which states the shed is required to have a level of frost protection and reinforced with more concrete. Mr. Edison stated that he is looking to put the shed on the existing foundation.

Mr. Tap referred to the petitioner's written testimony, page 2, 3rd sentence, where he states that "on or about January, 2009 he successfully argued the case for the fence variance....the removal of which is both cost preclusive as well as impossible..." and asked if he was saying it's more expensive to remove the structure than renovate it. Mr. Tap stated that in his opinion it seems that there are other less costly options than to encapsulate it. Mr. Edison answered less costly, yes, and it caused more problems.

Mrs. Newman asked the petitioner if he was getting water in the bomb shelter beforehand. Mr. Edison answered that there was a cover with a mini shed that he tore down. Mrs. Newman asked if he would replace the cover. The petitioner answered he would have the shed. Mrs. Newman asked what type of materials he would use. Mr. Edison answered wood shingles. Mrs. Newman questioned if that would hold water out. It seems that if you have an opening water will continue to seep in anyway and didn't think that it would help. Mr. Edison offered to put in a sump pump. There is one there now and I can dig out the debris in the pit and replace the sump pump.

Chairperson DeFalco stated that the ZBA doesn't have a response or the power to make a recommendation on what he can build or enclose. A hazard is on his property, which previously existed when it was filled with leaves, and he came before us and asked for a fence. We don't have the responsibility outright to tell him what he needs to do. Our responsibility is to determine whether or not a condition exists to grant a variation to contract a building on his property outside our ordinance. Discussion should not be what can or cannot be done. The homeowner has a responsibility to maintain his property and keep it safe for him and his family. While asking for a variation outside of our ordinances in that location we should look at if there is a condition that warrants that. The petitioner had no comment.

*Mr. Young confirmed with staff that the height nor the size is an issue, but it's the proximity to the lot line. Mr. Toth answered yes.*

*Mr. Tap stated that in his opinion and based on the facts, there are other available locations in which to build a shed that would be in compliance with the ordinance.*

**It was moved by Tap, seconded by Newman, that this matter be recommended to the Corporate Authorities for denial. The motion carried by the following vote:**

**Aye:** 5 - Chairperson John DeFalco, Corrado, Newman, Young and Tap

**Absent:** 2 - Polley and Bedard

#### 100214

#### **ZBA 10-02: 302 S. Grace Street**

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

- 1) A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6').
- 2) A variation from Section 155.205(A)(1)(e) of the Lombard Zoning Ordinance to allow a solid wood fence six feet (6') in height in the clear line of sight area. (DISTRICT #5)

*Chairperson DeFalco opened the meeting for public comment. Nicole DiGiacomo and Kyle Kayson, 302 S. Grace, presented the petition. Ms. DiGiacomo stated that they are requesting a variation to replace an existing wood fence with a new vinyl fence. They have physical surroundings which makes their property unique. They live on Grace which is a busy street, four homes north of the Prairie Path. They encounter a great deal of noise from vehicular, foot and bike traffic. They also live close to the Lombard Police Department so they have police cars traveling at high speeds down their street. They have two dogs, one large one and one small one, so the larger dog would be able to jump over a 4' fence and the smaller dog would be able to fit through a 75% open fence. They also would lose a sizeable portion of their backyard in order to comply with code.*

*Ms. DiGiacomo gave examples of homes in the area, 197 Grace, 205 Highland, 352 Stewart and 256 Maple - all have fences 6' or taller and are located in close proximity to the driveway. Also, none of these houses are located as close to the Prairie Path as they are.*

*The purpose of having a 6' fence is to keep their animals safely enclosed. They moved to the area 2 years ago and they want to keep the noise to a minimum. They have wonderful neighbors and want to be considerate of them. Ms. DiGiacomo feels that the difficulty does not lay with them, but with the ordinance. She noted that the fence has existed in its current location for many years and there have been no accidents or problems. She doesn't feel there is a risk to traffic. They have tried to be amenable to the clear line of sight and will place the fence at an angle by the driveway. The proposed fence will not alter the character of the neighborhood nor will it diminish property values, as the new fence will make the area more attractive. They are seeking to replace the fence with no change, but have compromised with the clear line of sight.*

*Concluding Mr. Kayson stated they are trying to keep the distractions to a minimum and want to replace what is already existing.*

*Chairperson DeFalco asked if there was anyone present to speak in favor or against the*

*petition.*

*Patrick Patton, 230 S. Grace Street, spoke on behalf of himself and his wife, Sheila, who was also in the audience. He noted they are in favor of the petition. He also indicated that he has a letter from his elderly neighbor at 303 S. Lombard, who is in favor of having a 6' wooden fence in the backyard. Mr. Patton stated that having a new solid fence is good for the neighborhood. Their larger dog is an olympic-type of athlete and would have no problem hurdling over a 4' fence. Distractions to the dogs will be kept to a minimum by having a solid fence, as the dogs will not be able to see through a solid fence, which will result in their barking being kept to a minimum.*

*Chairperson DeFalco then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Grace Street and Ash Street. The petitioner is requesting a variation to allow for the replacement of an existing solid wood fence six feet (6') in height in the corner side yard where a maximum height of four feet (4') is permitted. The fence is located along the Ash Street side of the property and conflicts with the clear line of sight area where the driveway meets the public right of way. As the existing non-conforming fence would be removed in its entirety, the new fence would be required to meet the current zoning ordinance provisions, unless a variation is granted by the Village.*

*The existing fence currently stands within the clear line of sight triangle at the driveway on the subject property. The proposed fence is indicated by the orange line below. The clear line of sight area at the intersection of the driveway and the public right-of-way is formed as a triangle with legs extending twenty feet (20') north along the property line and twenty feet (20') west along the driveway.*

*Six foot high fences are not permitted within corner side yards due to the visual obstruction they create. As such, the petitioner's replacement of the fence requires that the new fence meet the four-foot height restriction or that a variation be granted. A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area.*

*Within the response to standards, the petitioner has raised concerns regarding safety on the property due to the presence of two canines. Specifically, the petitioner states that canines would be able to physically jump over a four (4) foot fence and slip through a fence that is 75% open construction (as required of a fence greater than two (2) feet in height in the clear line of sight area). While staff recognizes that some of these concerns are reasonable, staff does not believe these concerns are demonstrative of a hardship associated with the geographic state of the property.*

*Staff recommends that the petition be denied in its entirety. However, if the Zoning Board of Appeals finds that it would be appropriate to grant a variation for fence height, staff recommends that petitioner adhere to the submitted plans and address the clear line of sight issue. Also, the petitioner would be required to obtain a fence permit for the proposed fence.*

*Chairperson DeFalco then opened the meeting for discussion by the Board Members.*

*Mr. Young asked staff if the petitioner's fence was legal non-conforming. Mr. Toth answered yes, that it was erected prior to the fence permit process.*

*Chairperson DeFalco noted that the properties previously mentioned by the petitioners were likely erected prior to the fence permit process and agreed with the petitioners that*

they probably do not meet code. He explained how staff noted the existence of fences prior to the fence permit process becoming effective. Now, due to the permit process, if an existing fence needs to be removed, the new fence would be required to meet the current zoning ordinance provisions. The purview of the ZBA is to listen to the petitioner's testimony and determine if the request is warranted relative to specific conditions that exist for each property. This Board takes a very strict interpretation of the clear line of sight issue. We have had other petitioners who have had large dogs and this Board has not seen that as a valid reason for a variation. He asked if they had the pool denoted on the Plat of Survey. Mr. Kayson answered that the pool was no longer there. Chairperson DeFalco then explained the potential danger to pedestrians using the sidewalk when there is not a clear line of sight, especially when someone is backing down the driveway.

Mr. Kayson asked their opinion of the angle of the fence proposed by the fencing company.

Mr. Young indicated that the 20' is not negotiable.

There was then discussion among the Board Members and the petitioners relative to the petitioner's request for a variation within the clear line of sight and how it was represented in Diagram 1 within the staff report. Mr. Toth explained the variation and the diagram.

Chairperson DeFalco asked the petitioners why they have a problem with the 20' clear line of sight area. Mr. Kayson answered that it cuts into the backyard useable space.

Mr. Kayson indicated that he didn't understand how 20' was picked rather than another number and asked for an explanation. Mr. Toth answered that the Village conducted different studies and interviewed various communities. He added that it has been a provision in our code for years. Mr. Young answered that the justification is that if you have a child on a bike and you are backing out of the driveway, you wouldn't be able to see.

Mr. Kayson stated that any sort of angle would be good and doesn't see a safe versus an unsafe angle.

Chairperson DeFalco noted that the ordinance was adopted by the Board of Trustees and is not under ZBA's purview to dispute it. Our responsibility is to look at existing property conditions and determine if there is a rationale for the variation. While the ordinance will mean that there will be a reduction in your enjoyment of your yard, the ZBA is not responsible for keeping your dogs in your yard.

Ms. DiGiacomo answered that if they didn't have the dogs they would not need the variation and wouldn't be here. She then asked what their recommendation would be on how to find a solution to this problem.

Chairperson DeFalco suggested keeping a 6' fence and adhering to the 20'x 20' clear line of sight triangle. This would keep both dogs secure and only cut back your usable yard space by approximately 100-125 square feet. You would also be reducing the noise and being good neighbors.

Mr. Tap asked if American Fence Professionals specified that you seek the permit and if they were aware of the Village rules. Mr. Kayson stated that it was up to them to get the variation and the fencing company knew the rules as they have previously performed work in the Village.



Chairperson DeFalco asked the Board Members if they wanted to vote on the petition as a whole or on each variation separately. Mr. Young suggested that each variation be voted on separately.

Young made a motion to approve the variation. As there was no second, the motion failed.

**It was moved by Newman, seconded by Corrado, that this matter be recommended to the Corporate Authorities for denial relative to the variation to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). The motion carried by the following vote:**

**Aye:** 4 - Chairperson John DeFalco, Corrado, Newman and Tap

**Nay:** 1 - Young

**Absent:** 2 - Polley and Bedard

Chairperson DeFalco noted that the following variation/vote should also include a 4' fence height in the clear line of sight area so the petitioner's wouldn't have to reapply and spend more money on petition fees.

**It was moved by Newman, seconded by Tap, that this matter be recommended to the Corporate Authorities for denial relative to the variation to allow a solid wood fence six feet (6') in height in the clear line of sight area. The motion carried by the following vote:**

**Aye:** 5 - Chairperson John DeFalco, Corrado, Newman, Young and Tap

**Absent:** 2 - Polley and Bedard

#### 100215

#### **ZBA 10-03: 119 N. Main Street**

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

A variation from Section 155.210(A)(3)(b) of the Lombard Zoning Ordinance to increase the maximum allowable height of an accessory structure from seventeen (17) feet to twenty-nine (29) feet in the R2 Single-Family Residence District. (DISTRICT #4)

*Martin Carroll, 119 N. Main Street, presented the petition. Prior to his presentation, he distributed a color rendering to the ZBA members which was prepared by his architect. The rendering consisted of copies of old photographs of the home and coach house secured from the Lombard Historical Society, as well as elevations of the proposed garage. Mr. Carroll stated that he is requesting a height variation for a garage that he is proposing to build using historically accurate information with architectural elements used in the original coach house. The height variation is primarily the result of the incorporation of the tower element, but also for the inclusion of the gable roof.*

*Mr. Carroll noted that his property is set back from other properties and the garage will be at least 100' from other houses. The proposed garage will be consistent with the neighborhood as most homes in that area are older homes. This design will fit in nicely and look seamless.*

*Referring to the historic coach house photo, he noted that the 2nd floor of the property was originally used to store hay and other farm implements. He will use the second floor of the new garage for storage only, nothing heavy, as they will only use rough flooring. The tower in the old photo was used as a privy and above that was a pigeon house. The new garage will not include those two items.*

*Referring to an insurance map drawing from 1925, it shows the original outline of the coach house and the home. The coach house had approximately 1,400 square feet of first floor area. The proposed detached garage site plan shows how the garage will be smaller - 942 square feet in first floor area - and will be built out of cedar to match the house. They will put in some antique windows and will use some of the old doors, which they have been storing in their basement. He noted that this will be a labor of love as they restored the house about 10 years ago and this is the last piece of the puzzle. The purpose of building this new garage is not to create an economic advantage, but to recreate what was originally there. The Lombard Historical Society encouraged him to do this and he is happy to bring back a piece of Lombard history.*

*Chairperson DeFalco opened the meeting for public comment. There was no one in the audience either in favor or against the petition.*

*Chairperson DeFalco then requested the staff report.*

*Michael Toth, Planner I, presented the staff report. He first emphasized that the proposed garage will be a detached garage and not a coach or carriage house. The petitioner is requesting an accessory structure height variation from seventeen (17) feet to twenty-nine (29) feet to accommodate certain architectural features that would allow the proposed detached garage to be visually compatible with the principal structure on the property.*

*The petitioner is proposing to demolish the existing detached garage that is currently located on the subject property and construct a new two-story detached garage that would be architecturally compatible with the principal structure. The principal structure was built in 1881. As such, the very nature of the structure is one that lends itself to Lombard's historic community. A carriage house also existed on the subject property, serving as a privy (outdoor lavatory) and pigeon house. The petitioner represents that the carriage house was demolished in the 1960's. In order to preserve historical significance of the premises, the petitioner is attempting to architecturally recreate that carriage house through the use of a turret, windows, gable roof and a copula and other architectural features. The original carriage house consisted of certain architectural elements that, by today's standard, create the need for the variation, due to the height needed. According to the submitted plans, the proposed detached garage would only be used as a three-car garage and storage area only. The petitioner has indicated that the additional height needed for the detached proposed garage is necessary in order to build a historically accurate structure and not to accommodate additional living area.*

*The Zoning Ordinance allows accessory buildings and structures to be no greater than seventeen (17) feet to the highest point of a roof or parapet. The highest point of the proposed detached garage would be twenty-nine (29) feet; however, that additional height is to accommodate the tower portion of the garage, which is attempting to maintain the historic accuracy of the original carriage house. Documentation (attached) obtained from the Lombard Historical Society states that the carriage house tower was similar to the tower on the house itself. Photographs that were also obtained from the Lombard Historical Society also verify that the carriage house's tower was similar to the tower on the existing house. The actual peak height of the structure (not including the tower) would be twenty-three and a half (23.5) feet, which is measured from grade to the top of the gable portion of the roof.*

*The Historical Commission discussed the proposed garage at its April 20, 2010 meeting. As part of their discussion, the Commission reviewed the plans submitted by the petitioner and made the following finding:*

*The Lombard Historical Commission would like to thank the homeowners for including the Commission in their process to design a new coach house/garage structure. The Commission commends the effort of the homeowners to maintain and enhance the historical significance of their property with this addition. The Commission has reviewed the submitted design concept and believes the structure to be an appropriate addition to the property.*

*The "Standards for Variations" have been met in the following respects:*

- 1. Staff finds that there are no physical surroundings, shape, or topographical conditions of the specific property that result in a particular hardship applied towards the proposed garage. However, staff believes that the historic value of the property should be preserved in its physical surrounding in a manner that reflects its historic origin.*
- 2. The Lombard Historical Society has deemed the house on the subject property as being of "historical interest". As the property is of historic significance, it is deemed as being unique to the other properties located within the R-2 Single Family District.*
- 3. If the detached garage were to be constructed per Code, the project would actually cost significantly less. As previously stated, the additional height needed for the detached proposed garage is necessary in order to build a historically accurate structure and not to accommodate additional living area.*
- 4. The Zoning Ordinance does not allow the proposed detached garage to be constructed in a fashion that would allow the petitioner from recreating the original carriage house. Moreover, the original carriage house predates all Lombard zoning codes and would not have been subject to such regulations.*
- 5. With the exception of the height variation, the detached garage meets all other Code requirements. The proportion of additional garage height will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Furthermore, the closest neighboring principal structure in proximity to the proposed detached garage would be in excess of one hundred (100) feet.*
- 6. The principal structure on the subject property is compatible with the historic context of the surrounding neighborhood. As the purpose of the variation is to architecturally integrate the detached garage with the principal structure and match the carriage house, the garage would be visually compatible with the surrounding neighborhood.*
- 7. From a land use perspective, the additional building height does not create adverse impacts on the surrounding neighborhood. The footprint of the proposed garage only represents less than three percent (3%) of the total lot area of the subject property. When considering the setbacks of the proposed detached garage and the relative size of the surrounding properties, the proposed structure would not impair the amount of adequate light and air to the surrounding properties.*

*Concluding Mr. Toth stated that staff recommended approval, subject to the 4 conditions noted in the staff report.*

*Chairperson DeFalco then opened the meeting for discussion by the Board Members.*

*Mr. Tap asked if they were recreating the pigeon house. Mr. Carroll answered, no.*

*Mr. Tap stated that the ZBA doesn't usually review building height variations in an R2 residential district where architectural elements or structures are the cause for exceeding code. Those types of petitions usually seem to fall under the purview of the*

*Plan Commission or other Committees. He exampled the train station clock tower, which exceeded height requirements. His point is that he views these elements in the same way that other Commissions/Committees do - that they just represent just an architectural feature. Therefore, he is in favor of this petition.*

*Chairperson DeFalco asked if the size of the proposed garage will be the same size the coach house originally was. Mr. Carroll answered that the proposed garage is a little smaller.*

*Dr. Corrado asked what will be stored in the garage. Mr. Carroll answered cars and bikes. On the 2nd floor probably nothing. The way the garage is designed the storage area will be behind the tower so nothing heavy will be able to go upstairs. It's literally for aesthetic purposes only.*

*Chairperson DeFalco asked what type of material the driveway is currently made of. Mr. Carroll answered that it's concrete and will remain that way until it's ready to be taken out. He was unsure when he would be putting in a new one but maybe in the next few years.*

*Chairperson DeFalco asked if he knew what material the driveway was made out of prior to concrete. Mr. Carroll answered that in pictures from the 1920's it appears to be pressed gravel.*

*Mr. Young asked about the footprint of the garage compared to the coach house. Mr. Carroll answered that it is basically the same, but will be positioned farther north.*

**It was moved by Young, seconded by Tap, that this matter be recommended to the Corporate Authorities for approval subject to conditions. The motion carried by the following vote:**

**Aye:** 5 - Chairperson John DeFalco, Corrado, Newman, Young and Tap

**Absent:** 2 - Polley and Bedard

- 1. The subject property shall be developed in substantial compliance with submitted schematic plans, made part of this petition, which illustrate the site, floor, roof and elevation plans.*
- 2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.*
- 3. The petitioner shall secure a building permit from the Village for the detached garage.*
- 4. The accessory structure shall be used for storage purposes only and shall not be used as living quarters.*

## **Business Meeting**

*The business meeting convened at 9:12 p.m.*

## **Approval of Minutes**

*On a motion by Young and seconded by Newman the minutes from the January 27, 2010 meeting were unanimously approved by the members present.*

## Planner's Report

*Michael Toth informed the members about the passing of Trustee Richard Tross and read a brief tribute about his service to the Village and the community.*

*Mr. Toth also noted that there might not be a May meeting as no new petitions have been received thus far but will know for sure next week. The members will be notified accordingly.*

## New Business

*Mr. Tap inquired about a previous petition regarding the house that had the fire and wanted to know how the Board of Trustees voted. Mr. Toth answered that he would research the issue and send the members an e-mail.*

## Unfinished Business

## Adjournment

*On a motion by Corrado and seconded by Newman the meeting adjourned at 9:17 p.m.*

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*John DeFalco, Chairperson  
Zoning Board of Appeals*

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*Michael Toth, Planner I  
Zoning Board of Appeals*