

Village of Lombard

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



Minutes

Wednesday, August 4, 2021

6:00 PM

Village Hall

Board of Building Appeals

*Members Bob Mueller, Marty Igoe, Stephen Flint,
John Cullen and Maurice Bernardi*

Staff Liaisons:

*Building Commissioner Keith Steiskal
Fire Marshal Perry Johnson*

Call to Order and Pledge of Allegiance

The meeting was called to order by William Heniff, AICP, Director of Community Development, at 6:00 p.m.

Mr. Heniff led the Pledge of Allegiance

Roll Call

Present 4 - Stephen Flint, John Cullen, Bob Mueller, and Maurice Bernardi

Absent 1 - Marty Igoe

Also present: William Heniff, AIPC, Director Community Development, and Keith Steiskal, Building Commissioner Community Development.

Business Meeting

Approval of Minutes

A motion was made by Stephen Flint seconded by Bob Mueller, to approve the minutes of the February 3, 2021. The motion passed by a unanimous vote.

Planner's Report

New Business

[210240](#)

Text Amendments to Chapter 150 of the Village Code (Building Code) Amendments Pertaining to Accessory Structures

Staff is proposing accessory structure changes to the Zoning Ordinance (those pertaining to bulk requirements) and those that pertaining to the Building Code (construction elements). Such amendments include definitions to “sheds”, “garages, private” and “buildings, detached”, code requirements for foundations, driveway requirements, and garage attachment requirements to principal buildings.

William Heniff and Keith Steiskal presented this item. Mr. Heniff stated that there a number of code provisions that were identified over the past year pertaining to accessory structures that are worthy of review and companion amendments. This review effort, some of the code changes would be under the auspices of the Building Code (structural elements) while others are bulk and aesthetic provisions, which are

generally covered by the Zoning Ordinance and Plan Commission review. A PowerPoint presentation was offered to the members which identified all of the proposed amendments, but discussion focused upon the Building Code amendments, which included the following:

- 1: Creating unified accessory structure definitions in the two code provisions so that there are unified definitions within both the Building Code and the Zoning Ordinance, including private garages, detached buildings, and sheds.*
- 2. Rationale was offered for the definitions and language, with a focus on square footage provisions for each, which would be in the Zoning Ordinance, including limitations on shed size and number. Mr. Cullen asked questions regarding separation distances between sheds and houses and in response Mr. Steiskal noted that 10', without drywall or 2' for drywalled structures..*
- 3 The amendments also propose additional setback distances to the rear yard for structures not on foundations. This recognizes the need to better address at grade stormwater runoff provisions, lot coverage and potential conflicts with overhead electrical utilities. BOBA members discussed easement provisions and how this impacts setbacks. Mr. Heniff noted that many older lots do not have dedicated easements on the property, so the setback provisions are intended to create a more uniform standard for lots.*
- 4: Mr. Steiskal noted the amendments will also set requirements for detached structures and foundation requirements, as many structures that are being developed for temporary occupancy like detached office units, pool houses, play rooms and the like which are intended to be occupied for periods of time and not for general storage purposes. Given a desired occupancy of such structures, staff recommends that any detached residential building of greater than 200 square feet in area shall also have the following foundation requirements per the latest adopted version of the International Residential Code.*
- 5. Village Code has a series of code provisions and specifications for driveways, but Code does not specifically state that a driveway is required associated with a garage, although driveways need to be of a hard surface. Discussion included past reviews and current grandfathering provisions and construction standards for residential gravel driveways.*

6: *Utility Connections to Accessory Structures was discussed. Electrical utility connections to accessory structures like garages is generally universal and occasionally water services are also sought when a homeowner wants to add a working sink, commonly found in basements or laundry rooms. However, once electrical and water supplied are provided to an accessory room, such structures and also be creatively be converted into accessory dwelling (or rental) units. Mr. Steiskal offered language pertaining to garages, stating that a garage may have a floor drain and or a sink as long as the garage is attached to the house, detached with a complete frost protected foundation, the structure is insulated and heated, and the plumbing meets all provisions of the current Illinois Plumbing Code and Village Code.*

7: *At previous BOBA meetings, questions were raised about attached garage provisions. Per a 2008 code amendment, the Village Board approved requirements to soften the aesthetic impact of houses with "snout-nosed" garages that project in front of the front entrance to a single-family residence. Section 155.222 of Village Code placed caps on the amount of garage projection (500 square feet). However, a garage structure also has second story living quarters, that would result in the code provision not being applicable. This item will be further reviewed by the Plan Commission.*

8: *Addressing attached/detached garage provisions, Mr. Steiskal Staff has seen cases in which contractors sought to connect garages to existing residences and in response staff offers a changes to the attached garage requirements, which would require any structure attached to the primary structure must have a frost protected type foundation (at least 42" deep), and meet the minimum foundation standards, at least 10 feet of shared wall between the garage and the house, and drywall installed in the interior of the attached garage per the International Residential Code and Village of Lombard ordinances*

9: *Regarding attached garage design aesthetics, the Building Code generally address how a structure should be safely constructed and the Zoning Ordinance can address aesthetic issues. This issue is being raised so that a discussion can occur to otherwise limit or restrict pole-barn garages, Quonset huts or other types of detached structures on single-family residential properties. Staff will be introducing the question as to whether design components should be incorporated into the Zoning Ordinance general design requirements. BOBA was conceptually supportive of the amendment.*

A motion was made by Maurice Bernardi, seconded by Bob Mueller, that this Development Project be approved.

The motion carried by the following vote:

Aye: 4 - Stephen Flint, John Cullen, Bob Mueller, and Maurice Bernardi

Absent: 1 - Marty Igoe

Other Business

[210243](#)

Introductory Discussion - Amendments to Section 150.092 Pertaining to Engineering Inspections of Structures

Introductory discussion to consider further amendment to Section 150.092 (or elsewhere) to consider the need for expanded engineering inspections for selected existing multiple-story structures and possible components what would need to be addressed as part of such an effort.

Mr. Steiskal stated that the existing Code provide for regular inspections of structures with bow string roof trusses and for parking garages, which were established in 2011 and 2012. These provisions were adopted as such structures were not properly maintained; Property management companies, condominium associations and property management companies were generally unaware of the need to monitor and properly address such deficiencies; costs associated with requisite inspections were generally inadequate or did not fully cover the scope of work needed to be undertaken; absent knowledge of such deficiencies there were not tools in place to have the Village staff engaged in such matters, absent a complaint or a court order; and deferred maintenance can result in increasing costs for compliance, potentially reduce the value of such structures or in a few cases render a structure unsafe for occupancy. The Code sets forth follow up inspection reporting efforts by third-party qualified engineering experts who could assess the existing conditions, prepare a report and share it with the relevant management companies, associations, and the Village for reference purposes. Staff could determine follow-up actions that may be needed and that owners could advance a correction plan. Over the past decade, enforcement of these provisions resulted in significant investment activity to repair and maintain structures.

Staff recognizes that additional inspection provisions is an emerging and ongoing concern not only in Lombard but elsewhere. To that end, staff is introducing for discussion and direction purposes the concept of a more robust building engineering inspection reporting requirement. Currently, staff would propose expanding the provisions noted above to include all building and structures of 4 stories or greater in height.

The purpose is to develop a policy and process for considering, adopting and implementing such an effort. Through general

discussion, BOBA was supportive of advancing the concept and staff will prepare draft amendments as it pertaining to amending code provisions to expand the requisite engineering report for selected buildings.

A motion was made by Stephen Flint, seconded by Bob Mueller, that this Development Project be approved. The motion carried by the following vote:

Aye: 4 - Stephen Flint, John Cullen, Bob Mueller, and Maurice Bernardi

Absent: 1 - Marty Igoe

[210244](#)

Construction Activity Without Permits

Staff is seeking concurrence on administrative processes associated with construction activity undertaken without permits.

Mr. Steiskal noted that over the past year we have seen a significant increase in residential remodeling activity, a substantial portion of which pertains to rehabilitation of structures being undertaken by contractors and/or "house flippers". Over the past few years staff witnessed an increased amount of such work being done without permits. The challenge is that many homes are completely gutted and repaired without meeting code provisions. Noting the primary purpose of requiring building permits is to ensure that any such construction activity that is performed in a safe manner consistent with codes and best practices. However, for house flipping, work can be undertaken by non-licensed or qualified people not following such practices and the property is then resold to another entity. This can create challenges and issues for future Lombardians who should expect that homes meet certain prescribed thresholds.

Referencing the Code Enforcement Policy Manual that sets forth general operational parameters regarding enforcement activity, under a "compliance, not fines" umbrella. But to ensure our actions are aligned, staff offered BOBA members the following compliance approaches:

- *Code Enforcement staff along with the Building, Plumbing and Electrical staff or third-party consultants jointly visit the property to preform and overview of the work that was done without permits.*
- *Readily observed violations will be documented.*
- *A Stop Work Order may be placed on the property. Violation notices and tickets may also be issued.*
- *The property owner will need to submit scaled plans showing all work that was done as well as all work scheduled to be done for review and approval before work can commence. Depending on*

the project, architectural plans may be needed.

- *If necessary, the owner may need to have drywall removed so that any covered activities can be exposed for inspection purposes.*
- *Per Village Code, a double-fee associated with such activities (intended to cover the additional staffing needed to address such cases).*
- *Release of a building permit will occur upon submittal, review and approval of the plan set; all contractors are listed and registered with the Village, and applicable fees are paid.*
- *If the work performed does not meet the provisions of the Zoning Ordinance, the owner will be directed to address the matter to achieve code compliance or petition for a variation before the Zoning Board of Appeals.*

The BOBA members supported this approach.

A motion was made by Bob Mueller, seconded by John Cullen, that this Development Project be approved. The motion carried by the following vote:

Aye: 4 - Stephen Flint, John Cullen, Bob Mueller, and Maurice Bernardi

Absent: 1 - Marty Igoe

Information Only

Adjournment

A motion was made by John Cullen second by Maurice Bernardi, to adjourn the meeting at 7:30 p.m. The motion passed by a unanimous vote.