

Village of Lombard

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



Minutes

Wednesday, May 26, 2021

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

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

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

In light of Public Act 101-0640, which created new Section 7(e) of the Open Meetings Act, and as a Disaster Declaration has been 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. In this regard, 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.

Public comments may be submitted in advance of the meeting via email to communitydevelopment@villageoflombard.org by calling and leaving a voicemail at (630) 620-5760, or via letter mail to:

Community Development Department, Attn: Zoning Board of Appeals Committee, Village of Lombard, 255 E. Wilson Avenue, Lombard, IL 60148.

The Village requests that written comments be submitted to the Village by 4:00 p.m. on Wednesday, May 26th, 2021. Notwithstanding this request, all written comments received before the public comment portion of the agenda will be read into the public meeting record.

Individuals who wish to speak during the live meeting, other than in person, or wish to listen to the meeting by telephone should contact the Village by 4:00 p.m. on Wednesday, May 26th by calling (630) 620-5760, or via email to communitydevelopment@villageoflombard.org. Individuals who sign up to speak during the live meeting, other than in person, or listen to the meeting by telephone by 4:00 p.m. on Wednesday, May 26th will receive information about how to join the meeting by e-mail or phone, based upon their request, after the sign-up time ends.

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, Mary Newman, Raymond Bartels, Keith Tap, and Michelle Johnson

Also present: Tami Urish Planner Community Development.

Keith Tap attended the meeting remotely.

Public Hearings

[210164](#)

ZBA 21-02: 1024 E Adams Street

The petitioner requests that the Village approve a variation from 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for a portion of a fence in the front yard of the subject property that directly abuts a commercial property located in a B3 Community Shopping District. (DISTRICT #5)

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

Mr. Seelbach said he concurred with the staff's report. His property abuts the West Suburban Bank corporate office on his west property line. The view from the front porch is the parking lot within close proximity to the shared side yard. This impacts their privacy and would like to have a screen from the parking lot. There is also a problem with people cutting through their yard to cross the parking lot, mostly children and not bank employees. Therefore, a fence would be ideal instead of a hedge.

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. Hearing none, Chairperson DeFalco asked for the staff report.

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. The property owner would like to install a fence that is six feet in height in the front yard where the height is restricted to four feet. While staff did not find a precedent for allowing the fence to be six feet in height in the front yard, the unique circumstance of abutting a commercial district is minimum and would not create a widespread precedent of fences six feet in height in front yards of standard lots. In this consideration and the nuisance of a parking lot, staff recommends approval of the request for the variance.

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

Mr. Bartels noted that the drawing shows the fence extending for a portion of the front yard and asked if the fence can extend to the property line with the six feet. Ms. Urish responded that staff visited the site and the area proposed by the home owner was considered a compromise. Chairperson DeFalco asked Mr. Seelbach if the portion was requested to screen the front porch and not have the fence end at the sidewalk. Mr. Seelbach confirmed that two fence panels at six feet in height and a third panel will taper down to four feet to achieve the screening of the front porch. The fence will end at approximately eight feet from the sidewalk.

Mr. Tap requested clarification that the fence would not interfere with any clear line of sight areas. Mr. Seelbach responded that his driveway is on the other side (east side) of the property. Chairperson DeFalco noted the site plan that shows a tree within the eight feet area from the sidewalk.

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

Mr. Bartels made a motion to approve the petition. Ms. Newman seconded the motion. The Zoning Board of Appeals voted 5-0 that the Village Board approve the petition associated with ZBA 21-02, subject to the following four (4) conditions:

- 1. The fence 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 fence (or amend the existing fence permit);**
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and**

4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Aye: 5 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, and Michelle Johnson

Business Meeting

Approval of Minutes

A motion was made by Ms. Johnson, seconded by Mr. Bartels, the minutes for the February 24, 2021 meeting were approved with noted corrections. The motion passed by a unanimous vote.

Planner's Report

None

Unfinished Business

None

New Business

None

Adjournment

A motion was made by Ms. Newman, 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*