

Village of Lombard

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



Minutes

Wednesday, June 26, 2024

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

*John DeFalco, Chairperson
Raymond Bartels, Keith Tap,
Michelle Johnson, Brian Conway and
Zach Meadows
Staff Liaison: Anna Papke*

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, Michelle Johnson, and Brian Conway

Absent 1 - Zach Meadows

Also present: Anna Papke, AICP, Planning and Zoning Manager of Community Development

Public Hearings

[240204](#)

ZBA 24-02: 1144 E. Woodrow Avenue

The petitioner requests that the Village approve a variation from Section 155.212 to allow a partially covered deck to encroach into the rear yard setback on the subject property located in the R2 Single-Family Residence District. (DISTRICT #5)

Tom and Sue Lotter, petitioners, and Anna Papke, Planning and Zoning Manager, were sworn in by Chair DeFalco to offer testimony.

Mr. Lotter presented the petition. He said his property is an unusual property that is a corner lot with a change in elevation along the rear property line. He said there had been a previous deck on the property that he and his wife wanted to rebuild. The previous deck had a small gazebo covering part of it. The proposed deck would include a gazebo and a screen for privacy from the neighboring property. Mr. Lotter said the proposed partially covered deck would be in conflict with the wording of the Zoning Ordinance. An open deck is allowed in the rear 25-foot setback but a deck with a pergola is not allowed. He noted that if the gazebo were not attached to the deck, it could be constructed.

Mrs. Lotter said that they have begun construction on the open deck, with the intention to add the covered gazebo area later if approved.

Chair DeFalco asked if anyone from the public had any additional

questions or comments. Hearing none, he asked for the staff report.

Ms. Papke presented the staff report, which was entered into the record in its entirety. The subject property is developed with a single-family home with a deck attached to the rear of the house. The petitioner proposes to replace the existing deck with a new deck, a portion of which will be covered by a gazebo-style roof. The proposed deck will encroach into the 25-foot rear yard setback. Village Code permits decks to encroach into rear yard setbacks if they are open. The roofed-over area that the petitioner is proposing for the rear of the deck is not a permitted encroachment. Therefore, the petitioner is requesting a variance to permit a partially covered deck to encroach into the rear yard setback.

Staff finds the request for the variance is due to the unique circumstances on the subject property as well as the particular wording of the Zoning Ordinance as it relates to permitted encroachments. The Zoning Ordinance only permits decks to encroach into the 25-foot rear yard setback if the deck is uncovered. However, the Ordinance permits standalone pergolas with a six-foot rear yard setback on residential properties. The Ordinance would permit the petitioner to construct the proposed improvement as an open deck and a separate pergola next to one another in the location where the petitioner proposes to construct the partially covered deck. Ms. Papke said that there would be very little difference in the visual impact of constructing the deck as proposed or as two separate structures; this similarity was demonstrated by Figures 2 and 3 in the staff report. There is a grade change in the rear portion of the property that would present practical difficulties for constructing two adjacent structures in this area. Finally, Ms. Papke noted that the subject property is significantly shallower than most other residential lots. Were the lot a typical depth, the petitioner could likely meet the 25-foot rear yard setback required for roofed-over decks. Staff found these circumstances meet the standards for variances and recommends approval of the request subject to the conditions in the staff report.

Chair DeFalco asked if there were any questions or comments on the staff report.

Mr. Tap asked if the deck was already under construction. Mr. Lotter said that they had received a permit for an open deck, which is permitted by Code. If the variance is approved, they will add the gazebo cover to the deck.

Chair DeFalco asked staff about the nature of the Engineering Division comments in the staff report noting that the deck covering would be considered impervious surface. Ms. Papke explained that for the purposes of engineering regulations, decks are considered pervious because of the gaps between the floorboards. The Engineering Division wanted to make the petitioner aware that having a roof over part of the deck would make that part an impervious improvement.

Chair DeFalco asked if there was additional discussion. Hearing none, he asked for a motion from the ZBA members.

Ms. Johnson made a motion to recommend approval of the petition with the added condition of approval that if more than 50% of the value of the entire structure (house and deck) were damaged or destroyed, it could not be restored unless the redevelopment met all standards in place at that time. Mr. Tap seconded the motion. The Zoning Board of Appeals voted 5-0 that the Village Board approve the petition associated with ZBA 24-02, subject to the following four (5) 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 deck;**
- 3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report;**
- 4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10); and**
- 5. That in the event that the structure on the property (which includes the deck and the house) is damaged or destroyed, by any means, to the extent of more than 50 percent of the fair market value of such structure (including the deck and the house) immediately prior to such damage, such structure shall not be restored unless such structure shall thereafter conform to all regulations of the zoning district in which such structure and use are located.**

The motion carried by the following vote:

Aye: 5 - John DeFalco, Raymond Bartels, Keith Tap, Michelle Johnson, and Brian Conway

Absent: 1 - Zach Meadows

Business Meeting

Approval of Minutes

A motion was made by Mr. Meadows, seconded by Ms. Johnson, to approve the minutes for the January 24, 2024 meeting. The motion passed by a unanimous vote.

Planner's Report

Unfinished Business

New Business

Adjournment

A motion was made by Ms. Johnson, seconded by Ms. Newman to adjourn the meeting at 7:23 p.m. The motion passed by a unanimous vote.