

Village of Lombard

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



Minutes

Wednesday, June 22, 2022

7:00 PM

Village Hall Board Room

Zoning Board of Appeals

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

Call to Order

Chairperson DeFalco called the meeting to order at 7:03 p.m.

Pledge of Allegiance

Chairperson DeFalco led the Pledge of Allegiance

Roll Call of Members

Present 7 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Michelle Johnson, Zach Meadows, and Brian Conway

Also present: Anna Papke, AIPC Senior Planner of Community Development.

Swearing in of new members Brian Conway and Zach Meadows

Ms. Papke conducted the swearing in of the new Zoning Board of Appeal Members Brian Conway and Zach Meadows.

Public Hearings

[220217](#)

ZBA 22-01: 809 S. Elizabeth Street

The petitioner requests that the Village approve a variation from Section 155.407(F)(2) of the Lombard Zoning Ordinance to reduce the required corner side yard setback from twenty feet (20') to fourteen feet (14'), and a variation from Section 155.407(F)(3) to reduce the required interior side yard setback from six feet (6') to five and seven tenths feet (5.7'), for the subject property located within the R2 Single-Family Residence Zoning District. The requested relief is for a second-story addition to an existing nonconforming single-family residence located on the subject property. (DISTRICT#6)

Anthony Lupo, petitioner, and Anna Papke, Senior Planner, were sworn in by Chairperson DeFalco to offer testimony.

Mr. Lupo presented the petition. He explained that he is requesting a variance to be able to build a second story addition onto his house. He noted that the second story will cantilever out a bit from the wall of the first story, but the second story would not encroach into the corner side yard any more than the existing bay window on the first floor. He said

the addition is necessary because the existing house is small, and he and his family require more space.

Chairperson DeFalco asked if anyone from the public had any 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. The existing single-family home does not meet the required twenty-foot corner side yard setback or the six-foot interior side yard setback. The property owner would like to build a second-story addition onto the residence. The second story addition will maintain the existing fourteen-foot corner side yard setback and 5.7-foot interior side yard setback. A variance is required.

The property owner also intends to build a new attached garage. The attached garage will meet all required setbacks.

In consideration of the petition, staff notes that the subject property is 51 feet wide and was platted in 1924, 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 setbacks of the house. The Village has previously approved setback variances for additions to existing homes in similar circumstances. Staff recommends approval of the request.

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

Mr. Conway asked if the petitioner had been aware that the existing house does not conform to required setbacks when he purchased the property. Mr. Lupo said he had not been aware of this at time of purchase.

Chairperson DeFalco observed that there were many properties in the Village that had existing legal nonconforming developments on them.

Mr. Bartels asked if any of the examples of previous cases noted in the

staff report were for variances to build additions to single-family homes in the corner side yard setback. Ms. Papke said the previous cases noted were all for interior side yard setback variances. However, she noted that the circumstances of the current petition were similar to the examples in that all were seeking to maintain an existing nonconforming side setback. She noted that there had been other cases for variances for the corner side yard setback, though the circumstances of those variances were slightly different than the present case (e.g. a variance for a porch in the corner side yard). Mr. DeFalco mentioned several examples he was aware of from petitions over his tenure on the ZBA.

Mr. Meadows asked if the deck on the west side of the house, in the corner side yard, meets Code. Ms. Papke said the deck is Code-compliant, and the petitioner received a permit for it within the last three years.

Mr. Meadows asked if the deck would be left as-is. Mr. Lupo said he has no plans to alter the deck.

Mr. DeFalco asked Mr. Lupo to clarify the garage layout. Mr. Lupo said the garage would be an attached three-car garage.

Mr. Tap said he had visited the property and did not perceive the requested variance would create any issues. He said the standard for variations had been met.

Mr. Bartels asked about the proposed condition of approval to require the property to come into compliance with Code in the event the structure sustains damage amounting to more than 50 percent of the fair market value of the structure. Mr. DeFalco said this was a common provision for ZBA cases, and provided some context for this provision.

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

Mr. Tap made a motion to recommend approval of the petition. Mr. Bartels seconded the motion. The Zoning Board of Appeals voted 7-0 that the Village Board approve the petition associated with ZBA 22-01, subject to the following five (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 addition;**

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 (F)(11);

5. 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: 7 - John DeFalco, Mary Newman, Raymond Bartels, Keith Tap, Michelle Johnson, Zach Meadows, and Brian Conway

Business Meeting

Approval of Minutes

A motion was made by Mr. Bartels, seconded by Ms. Johnson, the minutes for the July 28, 2021 meeting were approved with noted corrections. The motion passed by a unanimous vote.

Planner's Report

ZBA Cases and Dispositions for 2021

The ZBA Members recieved a spreadsheet summarizing the current status of the petitions considered by the ZBA for informational purposes; no action was taken.

Unfinished Business

ZBA members discussed procedures for staff to contact ZBA members.

New Business

ZBA members discussed possibility of televising ZBA meetings.

Adjournment

A motion was made by Mr. Conway, seconded by Ms. Newman to adjourn the meeting at 7:45 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*