

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_ *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES  
FROM: William T. Lichter, Village Manager  
DATE: November 4, 2004 (B of T) Date: November 18, 2004  
TITLE: ZBA 04-12: 332 N. Broadview Avenue  
SUBMITTED BY: Department of Community Development *ce H*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation from Section 155.212 of the Zoning Ordinance to allow a central air conditioning unit as a permitted obstruction within an interior side yard in the R2 Single Family Residence District. (DISTRICT #1)

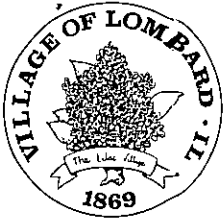
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *William T. Lichter* \_\_\_\_\_ Date *11/18/04*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *Delt*

**DATE:** November 18, 2004

**SUBJECT:** **ZBA 04-12: 332 N. Broadview Avenue**

Attached please find the following items for Village Board consideration as part of the September 2, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-12;
3. An Ordinance granting approval of the requested variation; and
4. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148  
630/620-5700 FAX: 630/620-8222  
TDD: 630/620-5812  
www.villageoflombard.org

November 18, 2004

**Village President**  
William J. Mueller

Mr. William J. Mueller  
Village President, and  
Board of Trustees  
Village of Lombard

**Trustees**

Joan DeStephano, Dist. 1  
Richard J. Tross, Dist. 2  
Karen S. Koenig, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

**Subject: ZBA 04-12; 332 N. Broadview Ave**

**Village Manager**  
William T. Lichter

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.212 of the Lombard Zoning Ordinance to allow a central air-conditioning unit as a permitted obstruction within an interior side yard in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on October 27, 2004. Mr. Peter Djordjic presented the petition. Mr. Djordjic stated that he had two air conditioning units installed on the north side of his property. He stated the units were installed per the manufacturer recommendation of placement on the more shady part of the house. He stated that they did not know that the units encroached into the interior side yard until a building inspector noted it during final inspections of the home. Mr. Djordjic stated that the units do not bother the neighbors in their present location. He stated that he submitted a signed letter from the neighbors stating that.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

Chairperson DeFalco then opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Angela Clark, Planner I, presented the staff report. Ms. Clark stated that the air conditioner condenser unit is located on the north side of the property. She stated that the residence on the property is located thirty-two feet from the front property lines while the neighboring homes are more than one hundred feet from the property lines. The petitioner has stated that it would be inefficient and cost prohibitive to move the unit to the rear of the property. Ms. Clark referenced the pictures in the staff report. She stated that staff could support the variation for a number of reasons. She stated that the intent of the ordinance is to reduce any noise burden that neighboring property owners may experience with the placement of condenser units near their windows. She stated that the relocation of the units

would place the units closer to the neighboring home considering the setbacks of the two homes. Ms. Clark stated that staff recommended approval of the petition and noted the two conditions contained within the staff report.

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

Dr. Corrado stated that he believed that staff had done a nice job with appropriate recommendations and the petition should be approved.

Mr. Bedard mentioned the Fire Department comments. Ms. Clark stated that staff had noted the comments. Mr. Bedard stated that he did not believe that the comments would apply in this case.

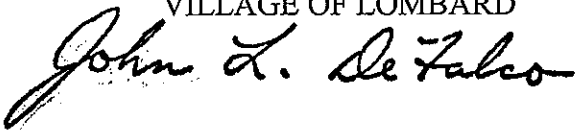
Mrs. Newman stated that the petitioner only has two units and if another house were built on the neighboring property he would have to move them anyway.

After due consideration of the petition and testimony presented the Zoning Board of Appeals found that the proposed variation does comply with the Standards of the Zoning Ordinance. Therefore the Zoning Board of Appeals recommended approval of ZBA 04-12 by a roll call vote of 6 to 0, subject to the following conditions:

1. That the air conditioning unit shall not be located closer than three feet for the interior side property line.
2. In the event that the adjacent property at 332 North Broadview is redeveloped with a new single family residence, the petitioner shall relocate the air-conditioning unit to another location outside of any the required front or interior side yards.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco  
Chairperson  
Zoning Board of Appeals

att-





## **ENGINEERING**

### **Private Engineering Services**

From an engineering or construction perspective, PES has no comments.

### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no comments.

## **PLANNING**

The air conditioner condenser unit is located on the north side of the subject property. The residence on the property is located thirty-two feet from the front property line whereas the neighboring homes are set one hundred feet or more from the front property lines. The petitioner has stated that it would be inefficient as well as cost prohibitive to relocate the unit to the rear of the property. As the pictures show, the adjacent residence is not located in close proximity to the air conditioning unit.

### **Photographs of the Subject Property**



Staff can support the variation for the following reasons. The intent of the ordinance is to prevent the burden of loud noise adjacent to the windows of neighboring properties. As the rear of the petitioner's home is adjacent to the front of the neighboring property, placement of the condenser unit in the rear would be more obtrusive than the present location.

Zoning Board of Appeals

Re: ZBA 04-12

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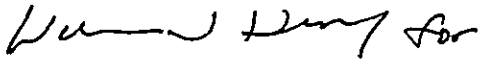
## FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion:

Based on the submitted petition and the testimony presented, the proposal does comply with the standards required by the Lombard Zoning and Subdivision and Development Ordinances; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-department Review Report be the findings of the Zoning Board and therefore, I recommend to the Corporate Authorities **approval** of ZBA 04-12, subject to the following conditions:

1. That the air conditioning unit shall not be located closer than three feet for the interior side property line.
2. In the event that the adjacent property at 332 North Broadview is redeveloped with a new single family residence, the petitioner shall relocate the air-conditioning unit to another location outside of any the required front or interior side yards.

Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP  
Director of Community Development

DAH:AC

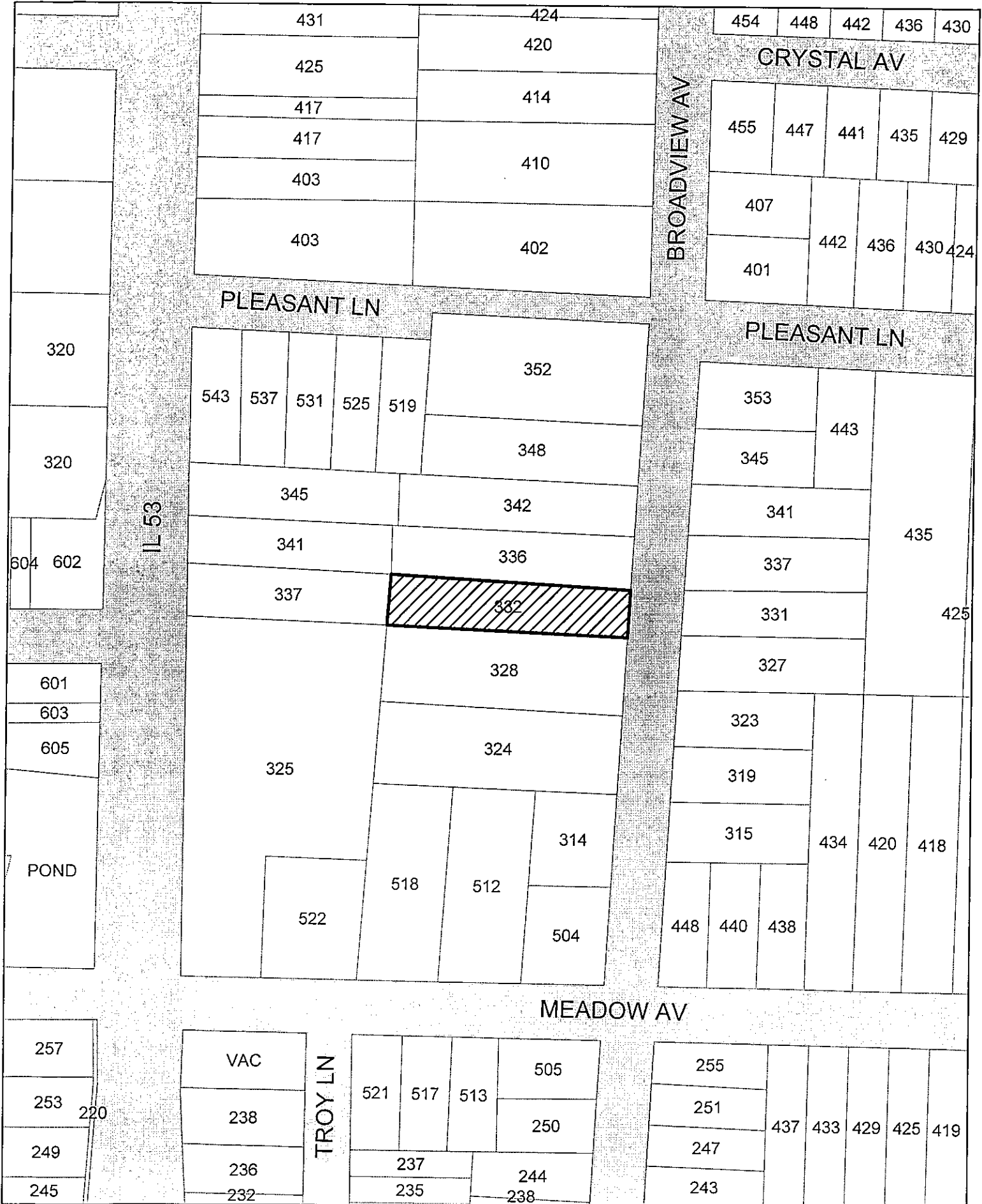
att-

c: Petitioner



# Location Map

ZBA 04-12: 332 N. Broadview



# *Epic Construction, Inc.*

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52 N. Lincoln Ave. · Lombard, Illinois 60148  
Phone (630) 426-0926  
Fax (630) 495-2926

September 22, 2004

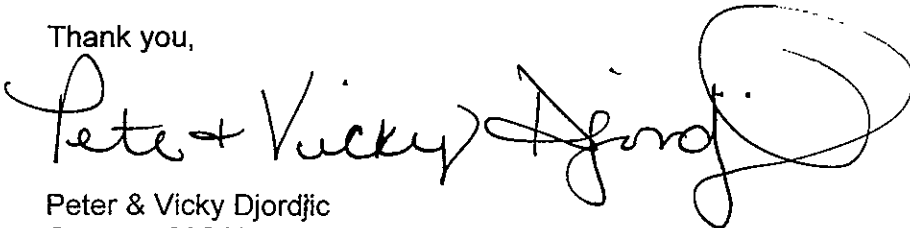
The air conditioning units for the residence located at 332 N. Broadview were installed on the North side of the residence, nearest to the furnace, in the shady most side of the house per the manufacturer's specifications. Recent Lombard code states that air conditioning units need to be in the rear of the home. The reason for this is so that noisy air conditioning units are not directly next to a neighbor's house. However, in this situation, moving the air conditioning units actually puts the units closer to the neighbors house, as the neighbor's to both the North and South are set much further back on the property than the house at 332 N. Broadview.

Because of this code, we have been denied final occupancy unless there are no objections from the neighbor to the North of our house.

We can receive final occupancy if you would please sign this letter stating you have no problem with our air conditioners being located on the North side of the house. We appreciate your cooperation in this matter, as the cost and required work to move the air conditioners would be great.

We look forward to being good neighbors.

Thank you,



Peter & Vicky Djordjic  
Owners, 332 N. Broadview

*Patricia A. Manna*

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1. The abutting property to the North is set back further than my home. Installing would negatively impact my neighbors.
2. My neighborhood was developed uniquely. It was set back further. Now it is being predeveloped & creating a hardship.
3. What I am attempting is seeking relief for neighbor so that they are not inconvenienced.
4. The abutting property to the North is set back further than my home. Installing would negatively impact my neighbors.
5. Spoke with the neighbors and are in support of petition. (see attached)
6. Spoke with the neighbors and are in support of petition. (see attached)
7. Will not do any of above.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A VARIATION  
TO THE LOMBARD ZONING ORDINANCE  
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 04-12: 332 N. Broadview)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.212 of said Zoning Ordinance, to allow a central air-conditioning unit as a permitted obstruction within an interior side yard in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on October 27, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation to allow a central air-conditioning unit as a permitted obstruction within an interior side yard; and,

WHEREAS, President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.212 of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to allow a central air-conditioning unit as a permitted obstruction within an interior side yard.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 332 N. Broadview Ave., Lombard, Illinois, and legally described as follows:

THE SOUTHERLY 61.40 FEET OF THE EASTERLY 300.00 FEET PF THE NORHTERLY 373.50 FEET, AS MEASURED ON TH EASTERLY LINE THEROF, OF BLOCK 2 OF E. W. ZANDER AND COMPANY'S SECOND ADDITION TO LOMBARD, A SUBDIVISION IN SECTION 1, TOWNSHIP 39 NORTH, R4ANGE 11, EAST OF THE THRID PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT

Ordinance No. \_\_\_\_\_  
Re: ZBA 04-12  
Page 2

THEREOF RECORDED JULY 12, 1907 AS DOCUMENT NUMBER 91201, IN  
DUPAGE COUNTY, ILLINOIS.

PIN: 06-06-300-010

SECTION 3: This ordinance shall be granted subject to compliance with the  
following conditions:

1. That the air conditioning unit shall not be located closer than three  
feet for the interior side property line.
2. In the event that the adjacent property at 332 North Broadview is  
redeveloped with a new single family residence, the petitioner shall  
relocate the air-conditioning unit to another location outside of any  
the required front or interior side yards.

SECTION 3: That this ordinance shall be in full force and effect from and after its  
passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson, Deputy Village Clerk

