

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: December 12, 2012 (B of T) Date: December 20, 2012

TITLE: ZBA 12-04: 151 N. Charlotte St.

SUBMITTED BY: William J. Heniff, Community Development Director *WJH*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached, a recommendation for an Ordinance granting approval of a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback in the R2 Single-Family Residence District. (DISTRICT #6)

Please place this item on the agenda for the December 20, 2012 Board of Trustees meeting.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

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:** David A. Hulseberg, AICP, ICMA-CM, Village Manager

**FROM:** William Heniff, AICP, Director of Community Development *WLO*

**DATE:** December 20, 2012

**SUBJECT:** ZBA 12-04; 151 N. Charlotte St.

Please find the following items for Village Board consideration as part of the December 20, 2012 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 12-04;
3. An Ordinance granting approval of a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback in the R2 Single-Family Residence District; and,
4. Plans associated with the petition.

The Zoning Board of Appeals recommended approval of this petition with conditions. Please place this petition on the December 20, 2012 Board of Trustees consent agenda. As the generator improvements are already located on the premises, staff recommends a waiver of first reading of the Ordinance.



## VILLAGE OF LOMBARD

255 E. Wilson Ave.  
Lombard, Illinois 60148-3926  
(630) 620-5700 Fax (630) 620-8222  
www.villageoflombard.org

December 20, 2012

Acting Village President  
Peter Breen

Village Clerk  
Brigitte O'Brien

Village President, and  
Board of Trustees  
Village of Lombard

### Trustees

Greg Alan Gron, Dist. 1  
Keith T. Giagnorio, Dist. 2  
Zachary C. Wilson, Dist. 3  
Peter Breen, Dist. 4  
Laura A. Fitzpatrick, Dist. 5  
William "Bill" Ware, Dist. 6

Village Manager  
David A. Hulseberg

**Subject: ZBA 12-04; 151 N. Charlotte St.**

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on November 28, 2012.

Chairperson DeFalco opened the meeting for public comment.

Nathan Dhamers, 151 N. Charlotte St. presented the petition. Mr. Dhamers stated that they had power and flooding problems after they purchased the home and they had the generator installed a few months after moving into their home. The generator has been there ever since. They didn't believe there were any issues with installing a generator when they spoke with their contractor. They received notice of the generator being installed without a permit while it was running, as the result of a storm event. He added that the generator is quiet and the neighbors do not have any issues with it.

Chairperson DeFalco asked if there was anyone present to speak in favor or against the petition. There was nobody to speak in favor or against the petition.

Neil Konrady, 101 E. Prairie Ave., stated that the generator runs for a twenty-minute cycle every Friday and that the generator is not quiet.

Mr. Young asked the petitioner where the gas line that feeds the generator is located.

Mr. Dhamers stated that that the gas feed from the home is only about four feet away from where the generator is currently located.

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

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

Mr. Young asked why they would be required to move the generator further away from the gas line.

Michael Toth, Planner I, stated that the generators are usually installed well after the construction of a home. As such, they have a number of setback and separation requirements which prohibit the generator from being placed adjacent to the gas feed. Also, gas line location is typically not considered a hardship per the Standards for Variations as the financial burden of additional gas line is not considered to be a hardship.

Michael Toth, Planner I, entered the staff report into the public record in its entirety and stated that staff is recommending approval of ZBA 12-04, subject to the two conditions outlined in the staff report. Mr. Toth also provided a summation on the findings for approval.

Neil Konrady stated the generators operate around 68db and are loud. He asked if permits are required for generators.

Mr. Toth stated that permits are required for generators, but we don't always know if someone installs a generator or air conditioning condenser without a permit.

Neil Konrady asked why the generator could not be placed in the back yard [of the subject property].

Mr. Toth referred to the staff report by stating that the backyard is already improved with window wells and air conditioning condensers, making it difficult to place any other structures. That area of the property also functions as the only outdoor leisure area on the subject property.

Mr. Young asked what types of improvements are permitted in the side yard.

Mr. Toth listed some examples of permitted obstructions in the side yard.

Neil Konrady stated that the generator on the subject property does not bother him and if his neighbor doesn't care, he doesn't care. He added that generators should not be able to be located between homes because of the vibration and they should be required to be in sound insulated cabinets.

Mr. Toth noted that most generators already come in sound attenuation cabinets to reduce the noise generated.

Mr. Dhamers stated that his unit has a sounds attenuation cabinet. He was also unaware that any neighbors had generators because he does not hear them.

Chairperson DeFalco asked that any further discussion relate to the subject property only.

Mr. Young Asked how long ago the generator was installed.

Nathan Dhamers replied roughly four years ago.

Chairperson DeFalco mentioned that there was a generator variation before the Zoning Board of Appeals a few years ago.

Mr. Toth stated that there was a generator location variation requested in 2009 on Hammerschmidt which was ultimately approved by the Village Board.

Chairperson DeFalco provided a summary of the petition and restated some of the topics mentioned during the meeting. He then read through each condition and IDRC comments.

On a motion by Young and a second by Newman, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board **approve** the variation associated with ZBA 12-04, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the emergency standby generator.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco  
Chairperson  
Zoning Board of Appeals

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

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

**(ZBA 12-04; 151 N. Charlotte St.)**

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 Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on November 28, 2012 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 of approval for the requested variation; and,

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

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 from Section 155.407(F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback.

**SECTION 2:** This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a building permit for the emergency standby generator.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 151 N. Charlotte Street, Lombard, Illinois, and legally described as follows:

LOT 1 IN WINDSOR AVENUE SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 6, 1985 AS DOCUMENT R85-63730, AND CERTIFICATE OF CORRECTION RECORDED AUGUST 22, 1985 AS DOCUMENT R85-69763, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-05-323-005

**SECTION 4:** 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 \_\_\_\_\_, 2012.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Ordinance No. \_\_\_\_\_

Re: ZBA 12-04

Page 3

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012

---

Brigitte O'Brien, Village Clerk

H:\CD\WORDUSER\ZBA Cases\2012\ZBA 12-04\ORDINANCE 12-04.doc