

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: July 20, 2009

FROM: Department of Community
Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 09-19; Text Amendments to the Zoning Ordinance: The Village of Lombard is proposing Text Amendments to the Lombard Zoning Ordinance, amending Section 155.212 to establish replacement central air-conditioning systems as permitted obstructions in certain required yards.

DESCRIPTION

The Planning Services Division is proposing code amendments to address the issue of replacement central air-conditioning systems located within the interior side yard. The Zoning Ordinance amendments must be addressed through the public hearing process.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division of Community Development has no comments.

PUBLIC WORKS

The Public Works Engineering has no comments.

BUILDING AND FIRE

With regard to the above referenced proposal for a Zoning Ordinance amendment to Section 155.212, to establish replacement of central a/c units as permitted obstructions in side yards, the Fire Department/Bureau of Inspectional Services supports this proposed amendment change. BIS agrees that there are installation elements involved with these units and to require each homeowner to relocate the unit to a location other than it presently occupies, would create a financial hardship to most residents. As stated, as long as the unit they are replacing goes back into the same location and the allowable encroachment is not compromised, the Fire Department/Bureau of Inspectional Services is comfortable with this text amendment. Also by allowing the new units to be replaced in their original location, more residents will hopefully obtain permits so the utility connections can be inspected for code compliance.

PLANNING

Currently, the Zoning Ordinance requires central air-conditioning systems meet the required interior side yard setback. There have been a number of permits that have come in over the years for the

replacement of nonconforming central air-conditioning systems in the interior side yard. As air conditioning units are not a permitted encroachment in the side yard, they would therefore need to conform to the required setback for structures within the applicable zoning district. Per Section 155.303 of the Zoning Ordinance, once a nonconforming structure is removed, the rights to the nonconforming location are lost and the structure would need to come into compliance with Code. This would mean that any time a central air-conditioning system was to be replaced in a location that was not permitted by Code, a variation would be required.

Air conditioning units could be considered a vital element of the home. Also, unlike a structure, such as a fence or shed, there are more critical elements involved with the piping and electrical components of a home that make the replacement of the a/c unit more complicated. Strict application of current code may result in a variation request for every central air-conditioning system that needs to be replaced in the interior side yard. It is noted, that staff wishes to continue to prohibit central air-conditioning systems units as a permitted encroachment in the front and corner side yard. In addition, any new (or additional) air-conditioning units would have to meet the minimum interior side yard requirement.

The proposed amendments have been drafted to prohibit any replacement central air-conditioning systems to further encroach into the interior side yard. The rationale for allowing a four foot (4') encroachment in the interior side yard assumes the six foot (6') setback required of most single-family residences, takes into consideration the required clearance from the house and the width of the unit. The rear yard requirement for a replacement unit would remain the same as a new unit - not encroach more than four feet (4') into the rear yard.

Staff recognizes the costs associated with the relocation of a central air conditioning unit and also does not wish to punish residents who try to obtain a permit for the replacement of the air conditioning unit. Therefore, staff finds that allowing replacement air conditioning systems to be listing as a permitted encroachment in the interior side yard (with provisions) would reduce the number of variation requests, encourage residents to obtain a permit, eliminate relocation costs and maintain the existing character of residential properties throughout the Village.

Proposed Text Amendments

In order to address the demand for the replacement of central air conditioning systems in the side yard, Section 155.212 "Permitted Obstructions in Required Yards" will now recognize "Replacement central air-conditioning systems" as a permitted encroachment in the side yard, with exceptions.

The proposed text amendments are noted below. **Proposed additions to the Zoning Ordinance are underlined and portions that will be extracted are shown with strikethrough.** The Standards for Text Amendments are also included below.

SECTION 2: GENERAL PROVISIONS

155.212 "Permitted Obstructions In Required Yards"

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
Central air-conditioning systems, the outside elements of which extend not more than four feet into the yard, new			<u>Must meet footnote F</u>
<u>Central air-conditioning systems, replacement</u>		<u>Must meet footnote E and F</u>	<u>Must meet footnote F</u>

E. The unit shall not further encroach into the requisite yard than the previous unit.

F. The unit shall not encroach more than four feet (4') into the requisite yard.

Standards for Text Amendments

- The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property*

The proposed amendment would be uniformly applied to all properties in the Village that have existing units within the interior side yard.

- The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations*

The proposed text amendments would be applied to all applicable zoning districts. The overall objective is to maintain the aesthetic value of neighborhoods within the Village and minimize the impacts on adjacent properties that central air-conditioning systems may impose.

- The degree to which the proposed amendment would create nonconformity;*

The proposed amendments would not create additional nonconformity, but rather allow existing nonconforming central air-conditioning systems to be replaced, without requiring a variation.

- The degree to which the proposed amendment would make this ordinance more permissive;*

Currently, central air-conditioning systems are only listed as a permitted encroachment in the rear yard, provided that they do not extend more than four feet into yard. The proposed amendments would actually provide greater flexibility to allow replacement central air-conditioning systems to be located within four feet (4') of the required interior side and rear yards. Current Code states that if a central air-conditioning system is currently located within the interior side yard and is to be replaced, a variation is required.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

The Comprehensive Plan offers a number of recommendations pertaining to property maintenance as well as the protection/enhancement of identity and character of residential neighborhoods. The addition of the aforementioned regulations will further increase the Village’s ability to keep with the Comprehensive Plan.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

This amendment would be consistent with staff and Board policies. The Village has adopted previous amendments regulating the location of certain accessory structures within required yards.

Case No.	Address	Variation Requested	Request Type	Staff	ZBA Action	BOT Action
ZBA 07-03	250 W. Willow	Allow a central air conditioning unit as a permitted obstruction within an interior side yard.	Permitted Obstruction	Approval	Approval	Approval
ZBA 06-23	145 E. Morningside Avenue	Allow a central air conditioning unit as a permitted obstruction within an interior side yard.	Permitted Obstruction	Approval	Approval	Approval
ZBA 04-12	332 N Broadview	Allow a central air conditioning unit as a permitted obstruction within an interior side yard.	Permitted Obstruction	Approval	Approval	Approval
ZBA 02-23	155 S. Martha Street	Allow a central air conditioning unit as a permitted obstruction within an interior side yard.	Permitted Obstruction	Approval	Approval	Approval

RECOMMENDATION

The Inter-Departmental Review Report includes a response to the standards for text amendments and finds that the petition meets the standards. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 09-19.

Plan Commission

Re: PC 09-19

Page 5

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

h:\cd\worduser\pccases\2009\pc 09-19\report 09-19.doc