



## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 22, 2007.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by prepared by L.S.C.I., Inc dated May 21, 1992.
4. Photographs of the existing residence.

### DESCRIPTION

The property owners completed a number of improvements to the subject property including a residential addition. As part of the improvements, an additional air conditioning condenser was needed. The contractor placed the new air conditioning condenser next to the existing condenser, which is located in the interior side yard. Air conditioning condensers are not listed as a permitted encroachment within side yards. Therefore, a variation is needed.

### INTER-DEPARTMENTAL REVIEW COMMENTS

#### **Fire and Building**

Since the next door neighbor's house is approximately eighteen (18') feet from the petitioner's house and thus about sixteen (16') feet from the a/c units themselves and there is already an a/c unit in the side yard, we feel a second unit is acceptable.

#### **Public Works Engineering**

Public Works Engineering has no comments on this petition.

#### **Private Engineering**

Private Engineering Services has no comment on this petition.

#### **Planning**

The property owner applied for a building permit to construct a residential addition. The building permit did cover HVAC work; however the construction drawings did not indicate that an additional air conditioning condenser would be installed. In conducting the final inspection

for the permit, the Bureau of Inspectional Service noticed that an additional air conditioning unit was placed next to the house and notified the Community Development Department. When the property owner requested a Certificate of Completion for the project, he was notified that the Community Development Department would not sign off on a final Certificate of Completion unless the new air conditioning condenser was relocated or a variation was granted.

The Zoning Ordinance lists air conditioning condensers as permitted encroachments within rear yards, but does not list them as permitted encroachments within interior side, corner side or front yards. The intent was that air conditioning condensers within front and corner side yards would worsen the appearance of the streetscape and condensers within interior side yards could become a noise nuisance if it is placed too close to the windows of an adjacent residence.

The air conditioning condensers are located in the eastern side yard. The residence on the adjacent property to the east is located twelve feet (12') from the side property line that it shares with the subject property. There is an eighteen foot (18') separation between the two residences whereas the provisions of the Zoning Ordinance would require only a 12' separation between the two residences.

Pertaining to lots in the R2 zoning district, the Zoning Ordinance states that those lots shall have a minimum lot area of 7,500 square feet and a minimum lot width of sixty (60') feet. The subject lot has a total lot area of 6,544 square feet and a lot width of only 46.74 feet. Relief was granted through ZBA 03-16 allowing the reduction in lot width to 46.74 feet. The subject lot was also granted relief through ZBA 03-12 to allow for twelve (12') feet where twenty (20') is required. Because the lot is smaller than most typical R2 lots and is located on a corner, the efficient areas for the condensers to be located have been significantly reduced. As previously mentioned, there is adequate space between the residence to the east and also the fact the subject lot is located on a corner allows the optimal amount of space for emergency response vehicles. The additional condenser would not further hinder any access ways than what is already there.

Staff finds that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. Placing the condensers in the rear yard would not be recommended because the efficiency would be greatly reduced due to the distance the line would have to extend to reach the furnace in the basement. Because the subject lot is a corner lot, placing the condensers in either the front yard or western side yard (the corner side yard) would be aesthetically displeasing.

## **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 recommending **approval** of the variation:

Zoning Board of Appeals

Re: ZBA 07-03

Page 4

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 07-03, subject to the following condition:

1. The variation shall be limited to the existing residence. Should the existing residence be damaged or destroyed by any means, any new air conditioning equipment shall meet the six foot (6') interior side yard provisions.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP

Assistant Village Manager/Director of Community Development

DAH:MT

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c: Petitioner

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