

September 29, 2006

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

Subject: ZBA 06-23; 145 E. Morningside Avenue

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 September 27, 2006. John Suarino, owner of the property, presented the petition. He stated that he has put substantial effort in remodeling the home and making sure everything was done the right way. He noted that he hired an architect and consulted with the Village prior to moving forward with the project. He mentioned that the air conditioner was not an issue until the final inspection and it wasn't caught in the initial HVAC inspections. He stated that had they known beforehand, they would have located the air conditioner elsewhere. He noted that his contractor just naturally put the new air conditioner next to the existing one, thinking that it would be no problem. He stated that at this point, after the project is complete, there is no where else to place the air conditioner.

Chairperson DeFalco then opened the meeting for public comment.

Michelle Kulikowski, Planner I, presented the staff report. She stated that the property owner applied for a building permit to construct a new front porch, two-story addition in the rear, deck, driveway and an attached garage. She noted that the building permit did cover HVAC work as a new furnace was indicated on the construction drawings, but the new air conditioning was not included. She mentioned that the Bureau of Inspectional Service noticed during the final inspection that a new air conditioning unit was placed next to the house and notified the Community Development Department. She stated that the property owner was notified that the Community Development Department would not sign off on a final

Certificate of Completion unless the air conditioning condenser was relocated or a variation was granted.

Ms. Kulikowski stated that 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. She noted that 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.

Ms. Kulikowski stated that the air conditioning condensers are located in the eastern side yard. She noted that the residence on the adjacent property to the east is legal non-conforming as it only maintains a 3' setback from the side property line that it shares with the subject property. She mentioned that there is only a 9' separation between the two residences whereas the provisions of the Zoning Ordinance would require at least a 12' separation between two residences. She noted that the residence on adjacent property does not have any windows on that side.

Ms. Kulikowski stated that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. She noted that the condensers cannot be relocated to the rear of the residence because of an existing deck and a window well. She mentioned that placing the condensers behind the garage 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. She stated that there is not enough room to place the condensers on the other side of the house next to the driveway. She noted that the residence is setback far enough for the condensers to be placed in front and not be within the 30' front yard. However, the condensers would be visible from the street, creating an eye sore and the placement would not be consistent with the intent of the Code pertaining to permitted obstructions.

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

Chairperson DeFalco suggested that the petitioner ask for a waiver of first reading so that he wouldn't have any further delay in receiving the certificate of completion.

Mr. Suarino stated that he had already submitted a written request for a waiver of the first reading.

Ms. Kulikowski noted that staff can have the certificate of completion ready to be issued Friday morning following the Board meeting.

Mr. Young asked whether the variation would cover the existing air conditioner.

Ms. Kulikowski stated that the variation would apply to both air conditioners.

Mr. Young asked whether the old air conditioner could be replaced.

Mr. Kulikowski noted that the condition of approval is tied to the existing residence. The air conditioners would have to come into compliance when the residence is damaged or destroyed, not necessarily when the air conditioning condensers themselves are damaged.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Bedard and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 06-23 by a roll call vote of 6 to 0, 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.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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