

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: October 5, 2015 (B of T) Date: October 15, 2015

TITLE: ZBA 15-11; 350 W. Grove Street

SUBMITTED BY: Department of Community Development *WJ*

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback from six feet (6') to two feet (2') within the R2 Single-Family Residence District to allow for an emergency generator unit.

The ZBA unanimously recommended approval of this petition by a 6-0 vote. .

The petitioner requests a waiver of first reading of the Ordinance.

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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** October 15, 2015

**SUBJECT:** ZBA 15-11; 350 W. Grove Street

Please find the following items for Village Board consideration as part of the October 15, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-11;
3. An Ordinance granting approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to two feet (2') where six feet (6') is required within the R2 Single-Family Residence District to allow for an emergency generator unit;
4. Supporting documentation associated with the petition; and
5. Photographs submitted into the public record by the petitioner at the public hearing.

The ZBA unanimously recommended approval of this petition by a 6-0 vote. Please place this petition on the October 15, 2015 Board of Trustees consent agenda. The petitioner requests 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](http://www.villageoflombard.org)

October 15, 2015

**Village President**  
Keith T. Giagnorio

**Village Clerk**  
Sharon Kuderna

**Trustees**  
Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bill T. Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

**Village Manager**  
Scott R. Niehaus

*"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. Keith Giagnorio  
Village President, and  
Board of Trustees  
Village of Lombard

### **Subject: ZBA 15-11 – 350 W. Grove Street**

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 approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback from six feet (6') to two feet (2') within the R2 Single-Family Residence District to allow for an emergency generator unit.

The Zoning Board of Appeals conducted a public hearing on September 23, 2015.

Mr. Paul Henry, property owner, presented the petition. Mr. Henry stated that his request is to allow for an emergency generator to be located toward the rear of his existing home and within the required side yard setback. Mr. Henry indicated that the eastern portion of the rear yard slopes rather severely and the low area toward the eastern side yard fills with water during heavy storms. If the emergency generator were to be located in this area, it could be submerged by storm water. The western portion of the rear yard is occupied by an existing patio and there are several windows and air conditioning condensers that prevent the location of the emergency generator in this area.

Mr. Henry submitted photographs of the rear of his property into the public record.

Mr. Henry stated that because it would be at a higher point on the property, the proposed location for the emergency generator in the western side yard is the only remaining feasible location. The existing home extends from the eastern side yard to the western side yard. Therefore if the emergency generator were to be placed on either side of the house, there would be an encroachment into a required side yard.

Mr. Henry concluded by stating he notified the property owner to the west who responded that he did not have any issues or concerns regarding the proposed emergency generator.

Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, he asked staff for their presentation.

Matt Panfil, Senior Planner, submitted the IDRC report is to be entered into the public record in its entirety. Mr. Panfil stated that the emergency generator will encroach a total of four feet (4') into the required six foot (6') side yard setback and is approximately ten feet (10') away from the nearest neighboring structure. Mr. Panfil confirmed the petitioner's statement that the width of the existing home extends from the side yard setback on the east to the side yard setback on the west. Mr. Panfil stated that there are no reasonable suitable locations on either side of the home that would not require zoning relief.

In regards to placing the emergency generator in the rear yard, Mr. Panfil explained that the western portion of the rear yard is not suitable because of the location of the existing windows and air conditioning condensers. The eastern portion of the rear yard frequently floods due to a significant grade change. Due to a unique downward sloping driveway, water flows toward the home, which depends on sump pumps to prevent flooding in the home. If the petitioner were to locate the generator in the eastern rear yard area, there is concern about the combination of heavy rains causing both the electricity to fail and a high volume of water to flow down the driveway and into the petitioner's home. Mr. Panfil noted that this situation is similar to a recent Zoning Board of Appeals case, ZBA 15-07, which experienced flooding in the rear yard due to its location near Vista Pond.

Mr. Panfil stated that the emergency generator is proposed in a location such that it will be visible only to the home to the west. A large shrub provides sufficient screening from Grove Street and the neighbor to the south. Mr. Panfil then referenced Exhibit D, an e-mail from the property owner to the west indicating that he does not have any concerns regarding the proposal.

According to Mr. Panfil, there were no additional comments from the Inter-Departmental Review Committee.

Mr. Panfil stated that staff finds that the petitioner has affirmed all of the Standards for a Variation. In particular, Mr. Panfil noted that staff finds that the subject property's unique sloping topography and the location of the existing windows and air condition condensers results in a unique physical hardship that provides for no reasonable alternative for the placement of an emergency generator.

Mr. Panfil stated that the Zoning Board of Appeals has reviewed three (3) similar requests in the past. In the most recent request, ZBA 15-07, staff recommended approval of the requested variation based on two (2) primary reasons. First, there was no reasonable alternative location for the emergency generator that would comply with Village Code and not be subject to frequent flooding. Second, staff found that the emergency generator was located in such a manner that there was minimal visual impact to the adjacent properties.

Mr. Panfil concluded by stating that as was the case in ZBA 15-07, staff recommends approval of the requested variation for ZBA 15-11.

Chairperson DeFalco opened the meeting for discussion by the ZBA members.

Mr. Bartels questioned how the emergency generator will be mounted, to which Mr. Henry responded that the emergency generator will be placed on a pre-fabricated concrete pad.

Mr. Young asked the petitioner if the proposed location of the emergency generator is close to the power source for the home. Mr. Henry responded in the affirmative.

Mr. Young asked for an approximate weight of the emergency generator, to which Mr. Henry estimated approximately five-hundred to six-hundred (500-600) pounds.

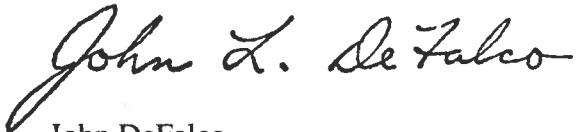
Mr. Young asked how often the generator needs to be run for maintenance, to which Mr. Henry responded that it depends on the model and size of the generator, but generally once a week.

On a motion by Mr. Bartels, and a second by Mr. Bedard, the Zoning Board of Appeals recommended by a vote of 6-0 that the Village Board approve the variation associated with ZBA 15-11, subject to the following two (2) conditions:

1. The petitioner shall apply for and receive a building permit for the proposed emergency generator; and
2. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration date of the ordinance granting the variation.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive, flowing style.

John DeFalco  
Chairperson  
Zoning Board of Appeals



**SEPTEMBER 23, 2015**

#### Title

ZBA 15-11

#### Petitioner & Property Owner

Paul Henry  
350 W. Grove Street  
Lombard, IL 60148

#### Property Location

350 W. Grove Street  
(06-07-200-010)  
Trustee District #1

#### Zoning

R2 Single Family Residence  
(Henry's Resubdivision)

#### Existing Land Use

Single Family Home

#### Comprehensive Plan

Low Density Residential

#### Approval Sought

Variation to reduce the minimum required interior side yard setback from six feet (6') to two feet (2') to allow for an emergency generator.

#### Prepared By

Matt Panfil, AICP  
Senior Planner



**LOCATION MAP**

#### PROJECT DESCRIPTION

The petitioner is proposing to install an emergency generator within the western side yard of the subject property, located toward the rear of the existing home. As proposed, the emergency generator encroaches a total of four feet (4') into the required side yard setback and is approximately ten feet (10') away from the nearest neighboring structure.

#### APPROVALS REQUIRED

Per Section 155.212 of the Village of Lombard Zoning Ordinance, emergency generators are not permitted obstructions in required side yards. In order for the emergency generator to be located in the proposed location, a variation from Section 155.407 (F)(3) to allow for a reduction in the minimum side yard setback from six feet (6') to two feet (2') is required.

#### EXISTING CONDITIONS

The property is improved with a two-story brick single family residence with an attached garage. The width of the existing home extends from the side yard setback on the east to the side yard setback on the west. Therefore, there are not any suitable locations on the sides of the home that would not require zoning relief. There is an existing patio at the rear of the home. The patio area is not suitable for the placement of an emergency generator because of the location of existing windows and air conditioning units.

## PROJECT STATS

### Lot & Bulk (Proposed)

Parcel Size: 10,138 sq. ft.

Lot Coverage: 35%

### Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south) 30' (37.20')

Side (east) 6' (6.24')

Side (west) 6' (2.0')

Rear (north) 35' (103.0')

### Submittals

1. Petition for Public Hearing;
2. Response to Standards for a Variation;
3. Exhibit Depicting Location of Home, Generator, and Property Line; and
4. Boundary and Topographic Survey, prepared by Schlaf-Sedig & Associates, Inc., dated November 5, 2008 and submitted July 23, 2015.

The section at the rear of the home that is not improved with a patio is located along an area that frequently floods due to a significant grade change. Due to a unique downward sloping driveway, water flows toward the home, which depends on sump pumps to prevent flooding in the home. If the petitioner were to locate the generator in the above referenced rear area, there is concern about the combination of heavy rains causing both the electricity to fail and a high volume of water to flow down the driveway and into the home.

In order to help place the request in its proper context, planning staff offers the following:

### Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Vacant
South	Grove Street / R2	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

The emergency generator is proposed in a location such that it is only visible from the home to the west. There is a large shrub that will provide sufficient screening from Grove Street and the neighbor to the south. The petitioner has indicated that the property to the west is currently leased, but the property owner does not have any concerns regarding the proposal. The petitioner has also orally notified the current tenants regarding the proposal.

### INTER-DEPARTMENTAL REVIEW

#### Building Division:

The Building Division has no issues or concerns regarding the project.

#### Fire Department:

The Fire Department has no issues or concerns regarding the project.

#### Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

#### Public Works:

The Department of Public Works has no issues or concerns regarding the project.

### **Planning Services Division:**

In order to be granted a variation each of the Standards for a Variation (responses attached) must be affirmed. Staff finds that all standards have been affirmed.

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff finds that the subject property's sloping topography and the location of existing windows and air conditioning units results in a unique physical hardship that provides for no reasonable alternative for the placement of an emergency generator.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification;*

Staff finds that the unique physical surrounding and topography identified in Standard One are not generally applicable to other properties with the R2 Single-Family Residence district.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain;*

Staff finds that this standard is affirmed. The primary purpose of the variation is to prevent flooding within the existing home.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that this standard is affirmed. The Lombard Zoning Ordinance does allow for emergency generators to encroach into the required rear yard setback; however, it does not anticipate for the unique physical surroundings and topography identified in Standard One.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;*

Staff finds that this standard is affirmed. Although the emergency generator is located within the side yard setback, the nearest adjacent structure is a detached garage located in the rear yard of the neighbor to the west, and approximately ten feet (10') from the emergency generator. The emergency generator is not generally visible from any other adjacent property.

6. *The granting of the variation will not alter the essential character of the neighborhood; and*

Staff finds that this standard is affirmed in that the emergency generator will not substantially increase the visual bulk on the subject property.



7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Staff finds that this standard is affirmed. Provided that the emergency generator is installed properly and according to all other aspects of Village Code it should not substantially increase the danger of fire, impair natural drainage, endanger the public safety, or diminish property values within the neighborhood.

In consideration of precedent, staff has identified three (3) similar cases that appeared before the Zoning Board of Appeals. Each case involves an emergency generator located within the minimum required six foot (6') interior side yard setback for the R2 Single-Family Residence district.

In ZBA 09-06, staff recommended that the Zoning Board of Appeals recommend denial of the requested variation to allow for an emergency generator to encroach one and one-half feet (1.5') into the required interior side yard based on there being reasonable alternative locations for the emergency generator that would comply with Village Code.

In ZBA 12-04, staff recommended that the Zoning Board of Appeals recommend approval of the requested variation to allow for an emergency generator to encroach one foot (1') into the required interior side yard due to the very unusual amount and placement of windows, basement window wells, and air conditioning unit that made it, "difficult if not impossible to meet the zoning code along with the requirements of the building code." The adjacent neighbor most impacted by the placement of the emergency generator also provided a letter of support for the petition.

In ZBA 15-07, staff recommended that the Zoning Board of Appeals recommend approval of the requested variation to allow for an emergency generator to encroach two feet (2') into the required interior side yard based on there being no reasonable alternative locations for the emergency generator that would comply with Village Code and not be subject to frequent flooding and the generator being located in such a manner that there was minimal visual impact to adjacent properties.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 09-06	8/20/2009	736 S. Hammerschmidt Ave.	Emergency generator encroaching 1.5' into the required 6' interior side yard setback.	No recommendation	Approval, 5-0
ZBA 12-04	12/20/2012	151 N. Charlotte St.	Emergency generator encroaching 1' into the required 6' interior side yard setback.	Approval, 4-0	Approval, 6-0
ZBA 15-07	6/24/2015	720 E. Prairie Ave.	Emergency generator encroaching 2' into the required 6' interior side yard setback.	Approval, 6-0	Approval, 5-0

In conclusion, staff can support the requested variation based on, but not limited to, the following:

1. All Standards for a Variation have been affirmed; and

2. There is precedence for a variation to allow for an emergency generator to be located within the required side yard setback when there are no reasonable alternatives that would comply with Village Code.

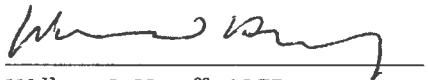
### **FINDINGS & RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations, in their entirety, 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 aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variation to reduce the interior side yard setback **does comply** with the Standards for a Variation required by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-11, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the proposed emergency generator; and
2. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended by the Board of Trustees prior to the expiration date of the ordinance granting the variation.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

## **EXHIBIT A: PETITIONER'S RESPONSES TO STANDARDS FOR VARIATIONS**

**1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.**

**Response:** The property is improved with a house that spans from the minimum setback line on the east to the minimum setback line on the west. Consequently, no generator can be placed in either side yard alongside the house without first seeking a variation. In the rear of the house, the western 2/3rds of the yard adjacent to the house is improved with a patio. Because this is also the location of the two air conditioning condenser units servicing the house, and because there are two operable windows that look out onto the patio, should the patio area be used as the generator site, in order to comply with the zoning code the generator would have to be located in the middle of the patio, effectively rendering it useless as a gathering spot, which is its primary purpose.

The eastern 1/3rd of the rear yard alongside the house sits in close proximity to an area that, despite the presence of a storm drain, becomes a collection point for stormwater from adjacent properties in extremely heavy rains. The possibility exists that a generator located in that area within the 10' setback area currently allowed for generators, would either become submerged in part or would impede the flow of water.

**2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.**

**Response:** The property has a unique topography for Lombard, in that it is a predominantly sloping lot, not flat as is the case for most of Lombard. The rear yard and the adjacent yard are the low spots for rainwater washing down from the slopes of several properties in close proximity, with the collection area being the area near the permitted generator installation site in the back yard.

**3. The purpose of the variation is not based primarily upon a desire to increase financial gain.**

**Response:** The property is improved with a house that has a double-wide driveway sloping down toward the house. In heavy rain, water runs down the width of the driveway toward the house. The house depends on functioning sump pumps to clear the rainwater. Any disruption in power will cause the pumps to fail and the house to flood quickly. The purpose of the variation is to allow for the installation of an alternative source of power to prevent flooding, not to increase financial gain.

**4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person having an interest in the property.**

**Response:** The hardship is a function of the sloping shape of the lot and its tendency to serve as a collection area for rainwater from surrounding properties. This "bathtub" effect results in water collecting near what would otherwise be a viable site for the generator.

**5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

**Response:** The installation of a generator next to the house will not impede the natural drainage of rainwater, nor add materially to noise in the area (operating only during power outages and during weekly 20-30 minute "exercise" periods, which can be scheduled for a time of least inconvenience).

**6. The granting of the variation will not alter the essential character of the neighborhood.**

**Response:** The generator site is currently screened in part from the street by an existing hedge, and is not apparent except to parties looking for it. It is also consistent with other homes in the neighborhood, which also have standby generators sited in the side yard.

**7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.**

**Response:** The generator is expected to be located at the minimum distance from the house required by the manufacturer (18"), thereby not creating a fire hazard. It is also expected to be located outside of any water drainage or water collection area, and would not become the source of any water drainage problems.

## EXHIBIT B: BOUNDARY & TOPOGRAPHIC SURVEY

PLANNING TO DIG?

CALL JULIE FIRST!

24 HOURS BEFORE YOU DIG

1-800-892-0123

When there is available 24 hours a day/365 days a year

FENCES SHALL NOT  
BLOCK DRAINAGE WAYS

PLEASE BE AWARE THE RELEASED WATER  
READING DEVICE MUST HAVE THE TOUCHPAD  
RELOCATED. CONTACT THE WATER BUREAU  
FOR FURTHER INFORMATION AT 630-635-4917

DAMAGE TO FENCES BY UTILITY  
COMPANIES OR LOMBARD PUBLIC  
WORKS IS NOT THE RESPONSIBILITY  
OF THE UTILITY COMPANY OR THE  
VILLAGE OF LOMBARD

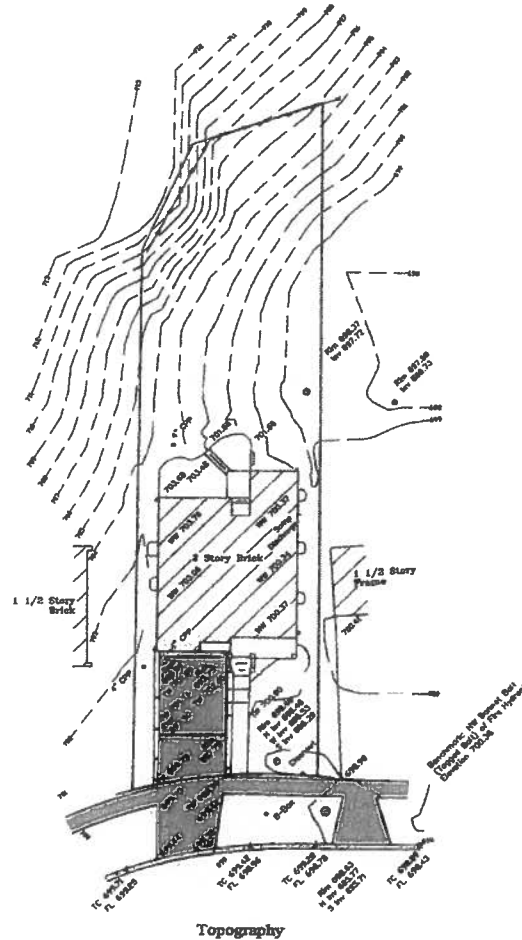
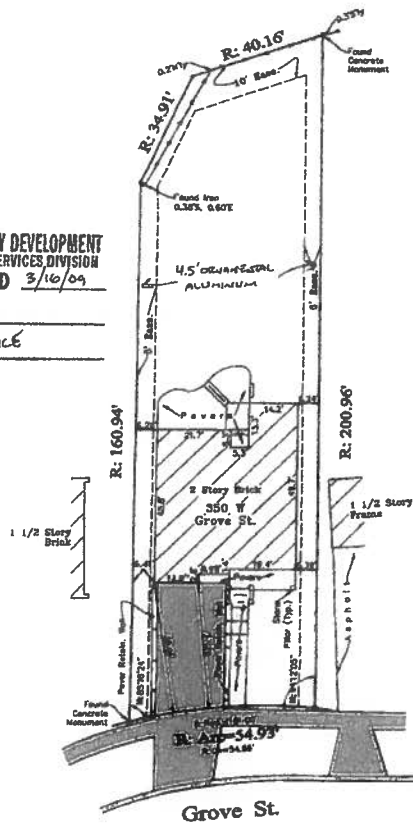
### BOUNDARY AND TOPOGRAPHIC SURVEY

Of Lot 1 in Mary's Resubdivision, being a Resubdivision of E.W. Zander's Grove Addition to Lombard, of part of the  
Southwest 1/4 of Section 6 and the Northeast 1/4 of Section 7, Township 30 North, Range 11, East of the Third Principal  
Meridian, according to the Plat thereof recorded April 16, 2009 as Document Number F2009-005462, in DuPage  
County, Illinois.

ON 20W

COMMUNITY DEVELOPMENT  
PLANNING SERVICES DIVISION  
APPROVED 3/16/09

BY JH  
FOR Fence



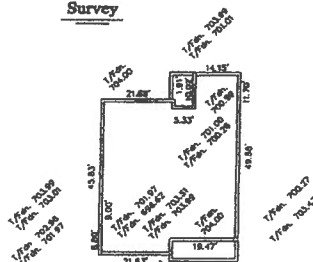
Lot Area: 107,382.2 Sq. Ft.

CLIENT: Stojanovic

AS 100531

LEGEND  
B - PROPOSED BOUNDARY  
B - EXISTING BOUNDARY  
FENCELINE  
UTILITY POLE BY DATA, UNDER  
CONCRETE SHOWING BOUNDARY  
Drain Inlet  
Scale 1" = 20'  
Take Top of that  
When Top of that  
When Top of that

JOHN A. GIBBS & ASSOCIATES, INC.  
200 N. WILSON AVENUE  
CHICAGO, ILLINOIS 60642  
(312) 555-7700



Foundation Elevations

DATE OF SURVEY: Nov. 5, 2008

STATE OF ILLINOIS

COUNTY OF DU PAGE

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION,  
ACCORDING TO THE ORIGINAL RECORDS AND THAT THE ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY.  
ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN  
PROPERTY LINES AND THE ADJACENT VISIBLE IMPROVEMENTS DO NOT ENCRUMBER ON THE ABOVE  
DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MEASUREMENT  
STANDARDS FOR A BOUNDARY SURVEY.

MY LICENSE EXPIRES 7-30-09

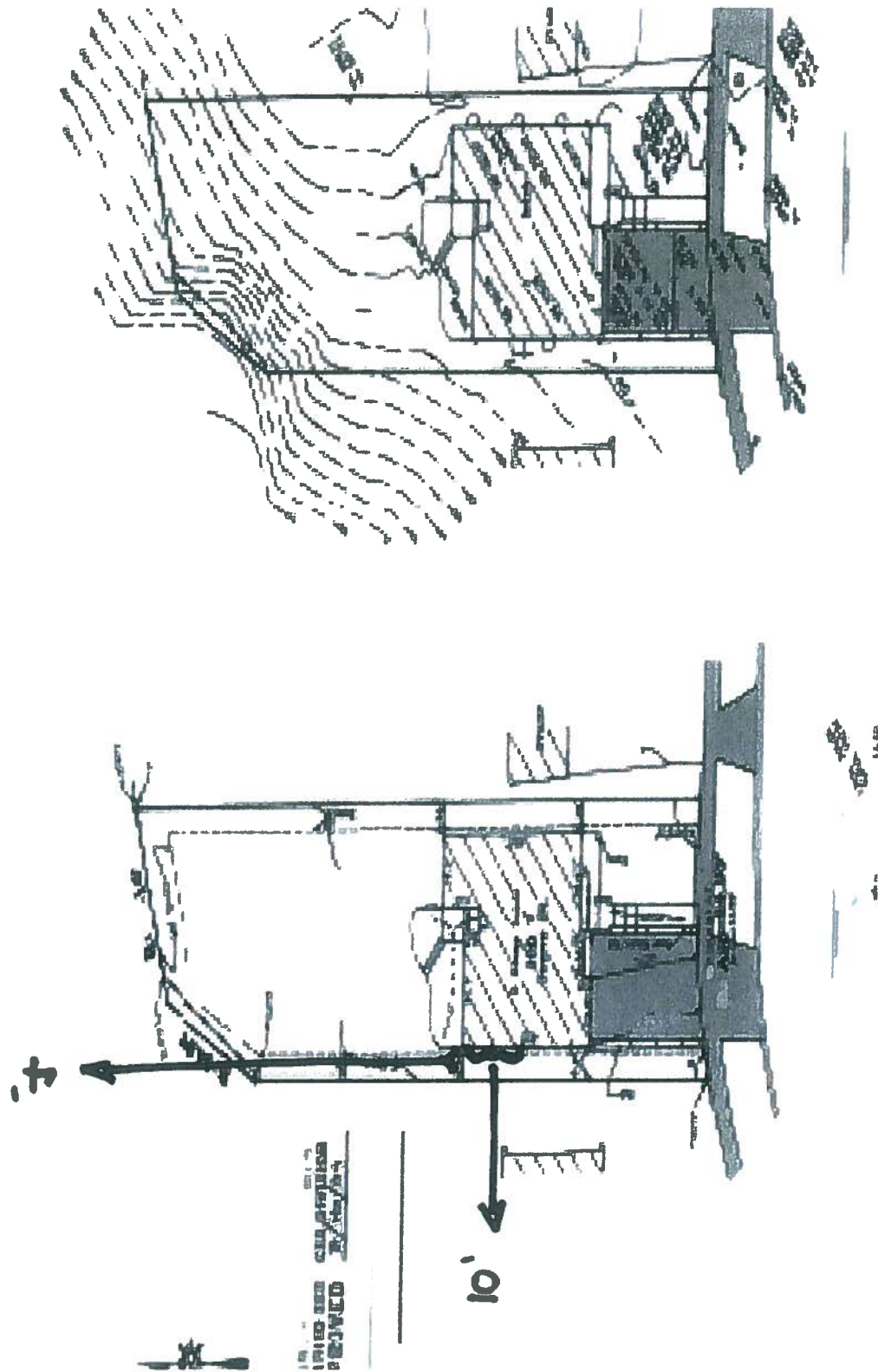
COMPARE THE DESCRIPTION OF THIS PLAT WITH DEED, REFER TO THE TITLE POLICY FOR TERMS OF RECORDS  
NOT SHOWN ABOVE. UNLESS OTHERWISE NOTED, UTILITIES SHOWN ARE NOT KNOWN RECORD,  
UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN  
SHOWN HEREON.

ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYING CORPORATION INC. 495



**EXHIBIT C: GENERATOR DIAGRAM**

**BOUNDARY AND  
TOPOGRAPHY CURVE**



**EXHIBIT D: E-MAIL CORRESPONDENCE BETWEEN PETITIONER & PROPERTY  
OWNER TO THE WEST**

**From:** [redacted] ([redacted])  
**Sent:** Thursday, August 13, 2015 1:32 PM  
**To:** Henry, Paul  
**Subject:** Re: 360 W Grove Lombard

Paul

Thanks for the information. Doesn't appear to be a problem from my standpoint. If you need anything from me let me know.

Dan Hennessey  
2844 Melrose Ln.  
Naperville, IL 60564

-----Original Message-----

**From:** Henry, Paul <[redacted]>  
**To:** Dan Hennessey <[redacted]>  
**Sent:** Thu, Aug 13, 2015 10:47 am  
**Subject:** RE: 360 W Grove Lombard

Dan,

I'm seeking a variance to put a standby generator alongside the rear 10' of my house. Given the sloping topography of the yard and the tendency for water to accumulate on the east side of the yard during a storm, the west side was the best location. The unit would encroach up to 4' into the side yard setback line, probably a little less. The Village Planning team thought the tenant's input would be valuable.

I've attached the spec sheet for the unit.

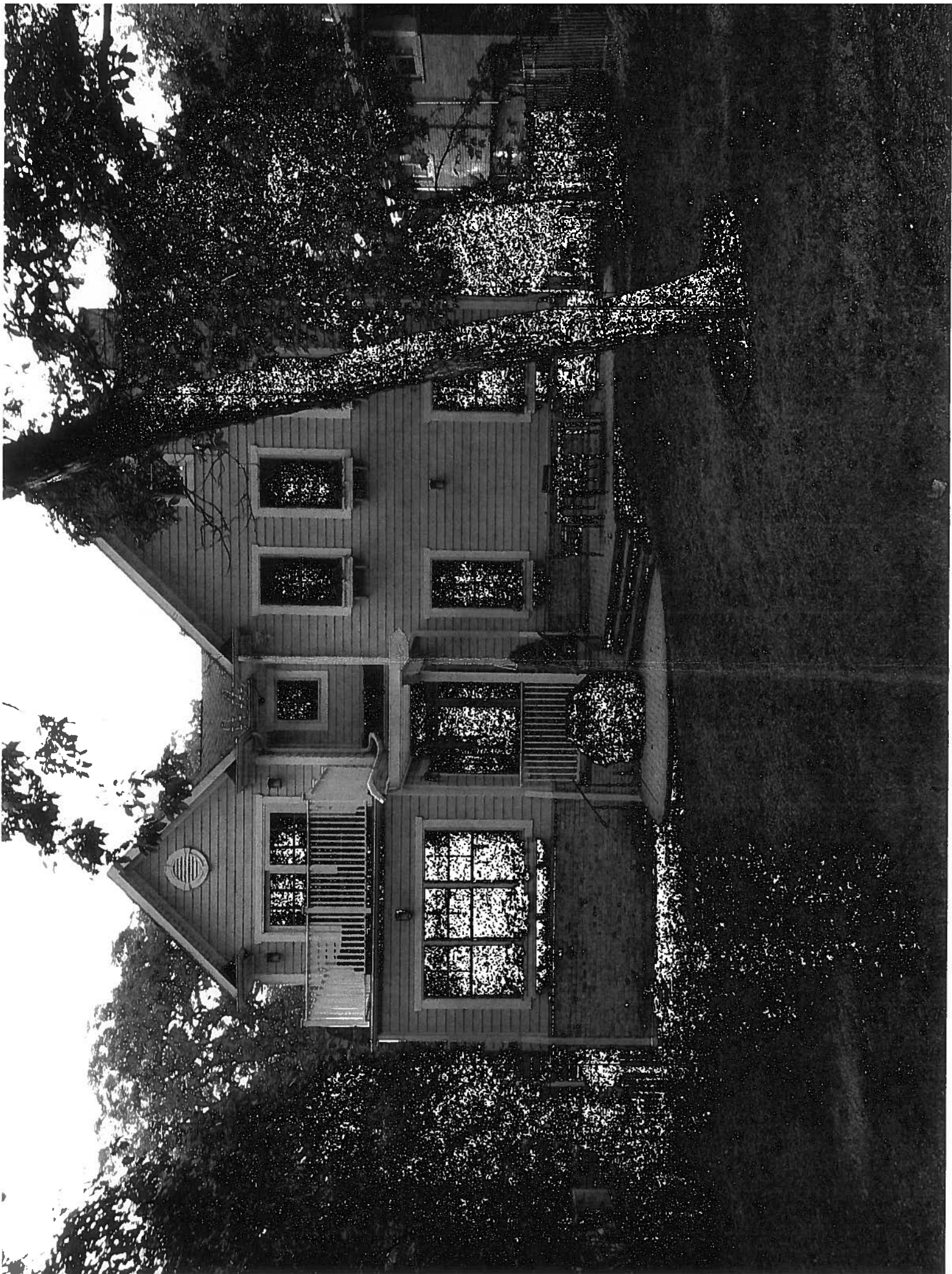
Paul

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**From:** Dan Hennessey [mailto:[redacted]]  
**Sent:** Thursday, August 13, 2015 8:44 AM  
**To:** Henry, Paul  
**Subject:** Re: 360 W Grove Lombard

Paul  
I talked to a Village rep about your proposal on Tuesday. Give me more info. My renters shouldn't be involved.  
Thanks  
Dan

Sent from my iPhone







## Nowakowski, Tamara

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**From:** Panfil, Matthew  
**Sent:** Thursday, September 24, 2015 10:58 AM  
**To:** Nowakowski, Tamara  
**Subject:** FW: ZBA 15-11

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**From:** p h [<mailto:phila83@yahoo.com>]  
**Sent:** Thursday, September 24, 2015 10:48 AM  
**To:** Panfil, Matthew  
**Subject:** Re: ZBA 15-11

Matt,

Thanks again for your support with the ZBA. I would like to request a "waiver of the 1st" and have my variance request decided at the October 15th Trustee's meeting. If the Trustees approve in October, this would allow the generator to be installed before winter weather arrives.

Paul

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**From:** "Panfil, Matthew" <[PanfilM@villageoflombard.org](mailto:PanfilM@villageoflombard.org)>  
**To:** p h <[phila83@yahoo.com](mailto:phila83@yahoo.com)>  
**Sent:** Tuesday, August 11, 2015 8:06 AM  
**Subject:** RE: ZBA 15-11

Paul:

Thank you for the update. Unfortunately this will require a new notification in the newspaper and via mail. As the newspaper would be unable to publish more than fifteen (15) days from the meeting we will need to continue the public hearing until the next Zoning Board of Appeals meeting on September 23.

Please contact me with any additional questions or concerns.

Thank you,

	<p><b>Matt Panfil, AICP</b> Senior Planner Village of Lombard 255 E Wilson Ave. Lombard, IL 60148</p> <p>Phone: (630) 620-5744 Fax: (630) 629-2374 Email: <a href="mailto:panfilm@villageoflombard.org">panfilm@villageoflombard.org</a> Web: <a href="http://www.villageoflombard.org">www.villageoflombard.org</a></p> <p>Follow us:   </p>
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**From:** p h [<mailto:phila83@yahoo.com>]  
**Sent:** Tuesday, August 11, 2015 6:05 AM  
**To:** Panfil, Matthew  
**Subject:** ZBA 15-11



Matt,

I received the Notice of Public Hearing yesterday.

There is a clarification/correction that I wanted to point out. Because of the width of the generator and the 18" minimum gap specified b/t the structure and the generator, the total space to be consumed by the generator will be 4' from the side of the house. Because the house is currently sited right to the edge of the setback line, the encroachment into the setback would be a total of 4' (likely a few inches less). So the variation would be to reduce the minimum setback to two feet (2'), where 6 feet (6') is required.

Paul Henry

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

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

**(ZBA 15-11; 350 W. Grove Street)**

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 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 September 23, 2015 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 proposed emergency generator; and
2. Such approval shall become null and void unless work thereon is substantially under way within twelve (12) months of the date of issuance, unless extended

by the Board of Trustees prior to the expiration date of the ordinance granting the variation.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 350 W. Grove Street, Lombard, Illinois, and legally described as follows:

LOT 1 HENRY'S RESUBDIVISION, BEING A RESUBDIVISION OF E.W. ZANDER'S GROVE ADDITION TO LOMBARD, OF PART OF THE SOUTHWEST ¼ OF SECTION 6 AND THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 2008 AS DOCUMENT NUMBER R2008-062492, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-07-200-010

**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 \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

Ordinance No. \_\_\_\_\_  
Re: ZBA 15-11  
Page 3

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Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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Sharon Kuderna, Village Clerk

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