

**August 26, 2020**

**Title**

ZBA 20-04

**Petitioner**

Helen (Sue) Bartuch  
730 E. Sunset Avenue  
Lombard, IL 60148

**Property Owner**

Helen (Sue) Bartuch  
730 E. Sunset Avenue  
Lombard, IL 60148

**Property Location**

730 E. Sunset Avenue

**Zoning**

R2 Residential Single Family

**Existing Land Use**

Residential Single Family

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation to allow for an emergency generator to be located in the required side yard setback. The generator encroaches approximately three feet into the required yard.

**Prepared By**

Anna Papke, AICP  
Senior Planner



**LOCATION MAP**

**PROJECT DESCRIPTION**

The subject property is located in the R2 Residential Single Family District. The subject property is developed with a single-family home and a detached garage. The property owner installed an emergency generator on the property prior to obtaining a building permit. During permit review, staff determined that the generator had been installed in the side yard setback. Section 155.212 of Village Code prohibits generators from encroaching into the side yard setback. The petitioner is seeking a variance in order for the generator to remain in its present location.

**APPROVAL(S) REQUIRED**

The petitioner requests that the Village grant a variation from Section 155.212 of the Lombard Code of Ordinances to provide for an emergency generator to be located in the required side yard setback in the R2 Single-Family Residence District.

**EXISTING CONDITIONS**

The property contains a two-story frame single family residence. The property also has a detached garage and associated driveway.

## PROJECT STATS

### Lot & Bulk

Parcel size: 9,246 sq. ft.

Required side yard setback: 6 feet

Side yard setback of existing house: 6.9 feet

### Surrounding Zoning & Land Use Compatibility

North, east, south and west:  
R-2, Single Family Residential

### Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Petitioner's narrative; and
4. Plat of survey/site plan.

## INTER-DEPARTMENTAL REVIEW

### Building Division:

The Building Division has no comments on the subject petition. Additional comments may be forthcoming during permit review.

### Fire Department:

The Fire Department has no comments on the subject petition. Additional comments may be forthcoming during permit review.

### Public Works/Private Engineering Services:

The Department of Public Works has no comments on the subject petition. Additional comments may be forthcoming during permit review.

### Planning Services Division:

The subject property is located in the R2 Residential Single-Family District. The subject property is developed with a two-story wood frame house and a detached garage at the rear of the property.

Village Code Section 155.212, Permitted obstructions in required yards, prohibits emergency generators from encroaching into side yards. Emergency generators are permitted to encroach into rear yards. In the case of a property where there is not sufficient space to install a generator to the side of the house without encroachment into the side yard setback, staff advises property owners to install generators to the rear of the house.

During permit review, the applicant indicated that the installer was unable to place the generator to the rear of the house due to the number of openings (windows and doors) in that side of the house. Building codes and emergency generator specifications require that generators be installed at minimum of 18 inches from the wall of a structure, and a minimum distance of five feet from any opening in the structure. See Figure 1.

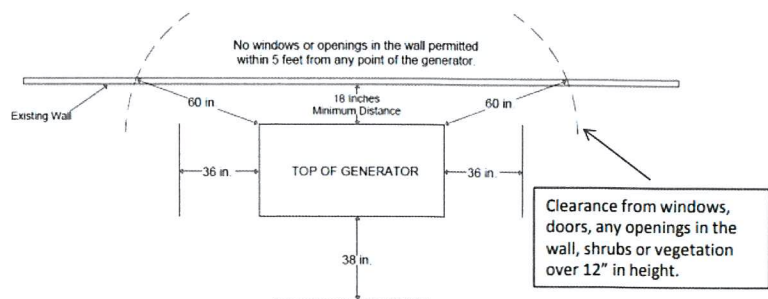


Figure 1. Separation requirements for generators.

The Building Commissioner inspected the subject property and agreed that the number of openings in the rear elevation of the house would pose a challenge to placing the generator behind the house. The Building Commissioner further noted that installing the generator more than 18 inches perpendicularly away from the house in order to achieve a five-foot separation from windows and doors would reduce the efficiency of the generator. The side elevation of the house along which the generator was installed has only one opening, providing the ability to place the generator closer to the house while maintaining separation from openings. See Figures 2 and 3.



Figure 2. Rear (north) elevation of subject property.



Figure 3. Side (west) elevation.

Further, the layout of the subject property with respect to neighboring properties is unusual. The subject property fronts Sunset Avenue. The property immediately to the west of the subject property (727 E. Kaplan Court) is a through lot, with the front yard located along Kaplan Court and the rear yard along Sunset Avenue. The rear yard of the subject property also directly abuts the front yard of the property at 611 N. Kramer Avenue (Figure 3).

As a result of this unusual lot layout, the emergency generator at 730 E. Sunset Avenue is farther away from the residences on the two neighboring properties than it would be if it were installed to the rear of the house. The location on the side of the house may limit the impact of the generator on neighboring properties.

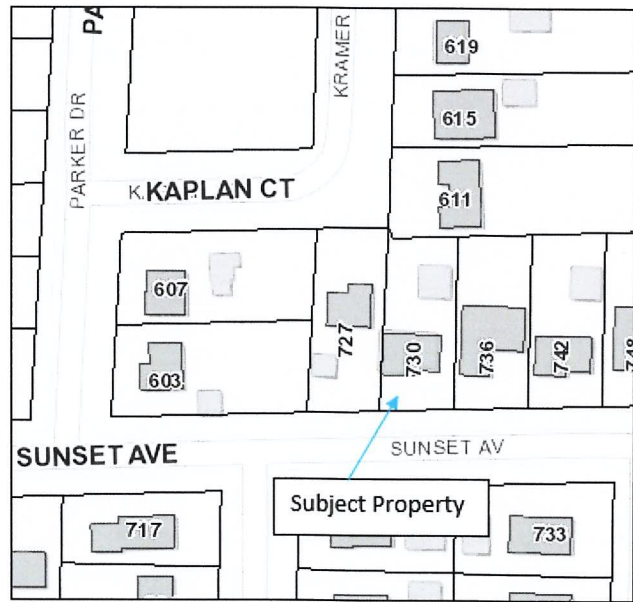


Figure 3. Subject property and surrounding neighborhood.

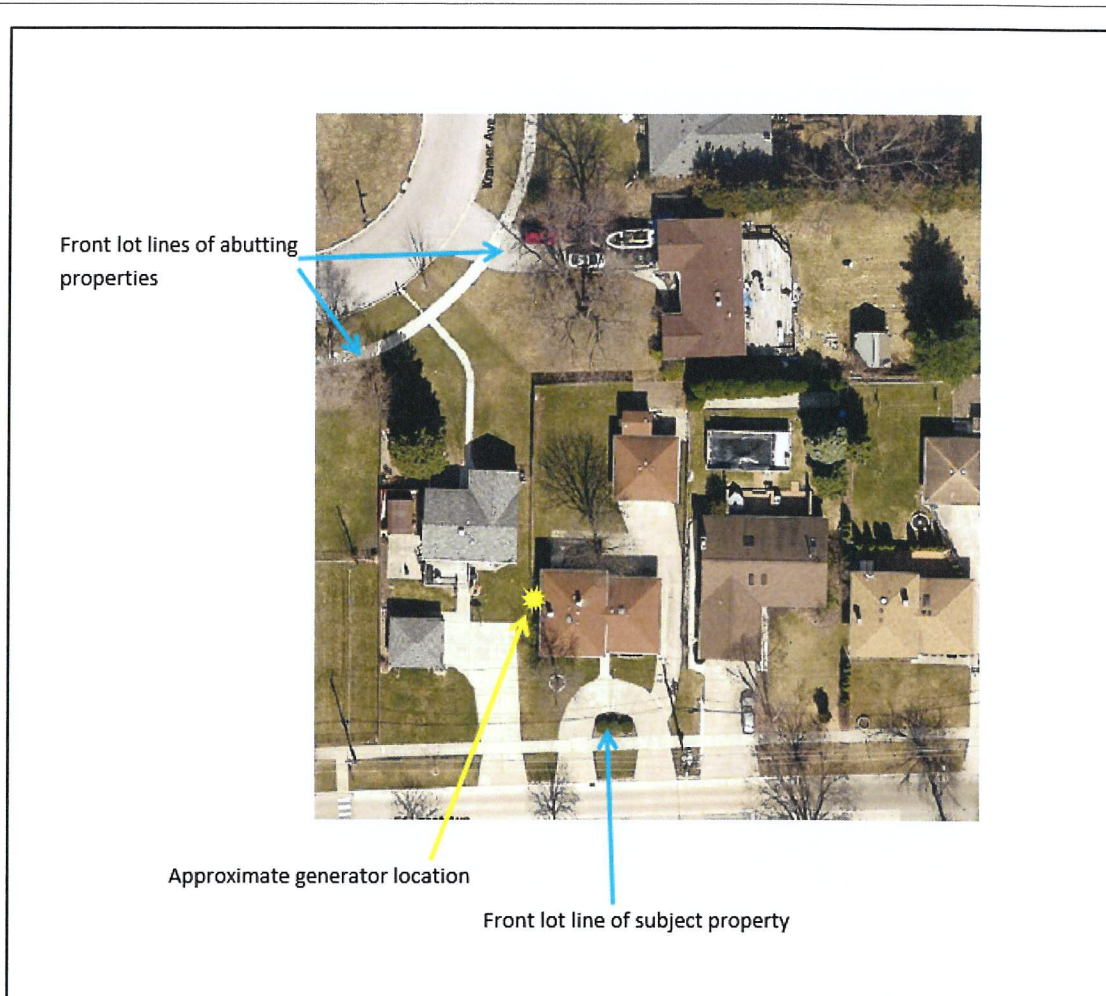


Figure 4. Subject property and adjacent properties.

Staff recognizes that it would be challenging for the petitioner to meet the requirements of the Zoning Ordinance as well as the Building Code if the generator were placed to the rear of the home. Staff considers this circumstance as sufficient hardship to justify a variance.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

This standard is affirmed. Existing development on the site along with separation requirements result in limited options for placement of the generator.

- b. *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.*

This standard is affirmed. Characteristics of existing development on the subject property, including window placement on the rear façade of the house, limit the petitioner's ability to place the generator in the rear yard, as would typically be required. This circumstance is specific to the subject property.

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

This standard is affirmed.

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

This standard is affirmed.

*e. 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.*

This standard is affirmed. Staff finds that granting the request would not be injurious to neighboring properties. In fact, allowing the generator to remain in the side yard setback will increase separation between the generator and development on adjacent properties.

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

This standard is affirmed. Staff finds the generator will be of minimal visual and auditory impact to surrounding properties due to lot layout, as discussed above. The generator is also located near an existing air conditioning unit.

*g. 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*

This standard is affirmed.

#### *Past Precedent*

In recent years there have been three other ZBA petitions requesting relief to permit generators to encroach into the interior side yard setback. The three variances were ultimately granted. The circumstances surrounding ZBA 12-04 were similar to the circumstances on the subject property in that options for placement of the generator were limited by the number of openings in the rear elevation of the home.

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

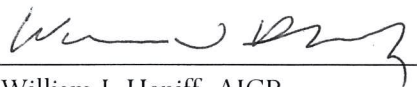
**FINDINGS & RECOMMENDATIONS**

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 to allow an emergency generator in the side yard setback:

Based on the submitted petition and the testimony presented, the requested variation **does comply** with the Standards required for a variation by the Lombard Village Code; and, therefore, I move that the Zoning Board of Appeals adopt the findings included as part of the Inter-departmental Review Report as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 20-04, subject to the following conditions:

1. The emergency generator shall be installed in accordance with the submitted plans and elevations prepared by the petitioner, and made a part of the petition;
2. The petitioner shall apply for and receive a building permit for the emergency generator; and
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
 Director of Community Development

c. Petitioner

3/3/20

To Whom it may concern

I am applying for a variance for the location of my generator for the following reasons.

1. Because of the way my house is built and the way it is positioned on my property, there is no other feasible location for it.
2. The way my house is positioned on the property the location of the generator does not infringe on my neighbor's property.
3. I am not trying to increase my financial gain with the installation of the generator. I only want to be safe in the event of a power outage.
- 4
5. The granting of this variation will not affect public welfare or affect the neighborhood in any way.
6. It will also have no effect on my neighbors, streets, or public safety and will not diminish property values in the neighborhood.

Thank you for your attention

Helen Susan Bartuch  
730 E. Sunset - Lombard.  
630-620-5045

7/28/2020

To Whom It May Concern

My name is Helen Susan Bartuch. My address is 730 E. Sunset (Lombard). I am respectfully requesting a variance for the location of my generator which is located at the west side of my home. It is not feasible for it to be located anywhere else. It is necessary for me to have a generator as I am a widowed senior citizen who lives alone with no one to help me.

My neighbors to the west, Phil and Sissy Turen have no problem with the appearance, noise or location of my generator. Their signatures below attest to this fact.

Thank you for your kind attention in this matter.

Sincerely,

Helen S. Bartuch

Phone 630-620-8045

cc: Bill Heniff  
Scott Nichols

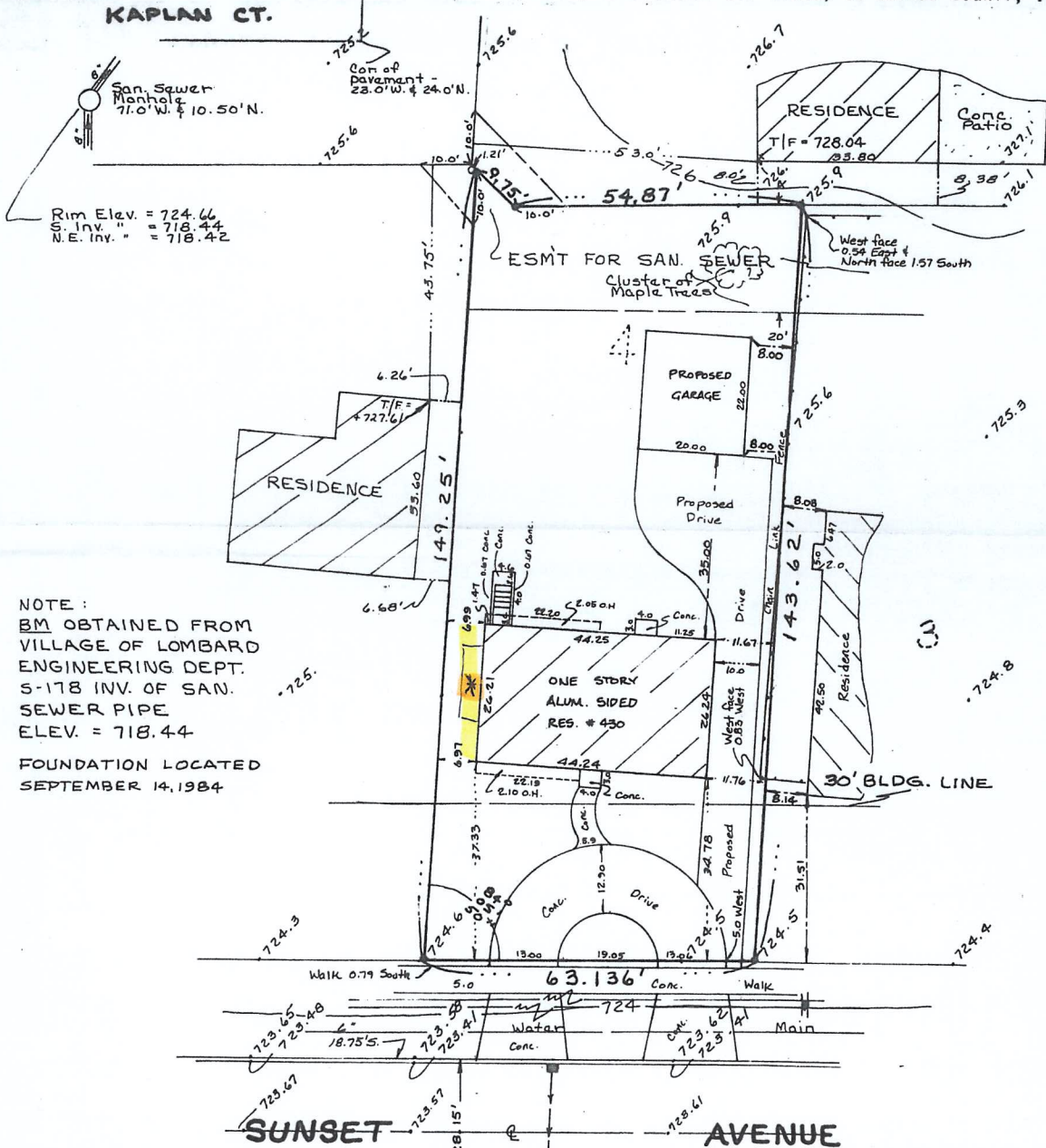
Syanne Turen  
Philipp Turen



registered land surveyors

LOT 4 IN PRIGNANO'S RESUBDIVISION OF LOT 2 IN SCHRATT'S RESUBDIVISION OF LOT 21 IN BLOCK 3 IN LOMBARD HEIGHTS, ALONG WITH THAT PART OF LOT 20 AND WITH THAT PART OF THE WEST HALF OF VACATED WESTWOOD AVENUE LYING EAST OF AND ADJOINING SAID LOT 20, LYING SOUTH OF AND ADJACENT TO A LINE DRAWN FROM A POINT ON THE EAST LINE OF THE WEST HALF OF VACATED WESTWOOD AVENUE 71.18 FEET SOUTH OF THE NORTH LINE OF LOT 20 PROJECTED EAST TO THE EAST LINE OF SAID WEST HALF OF WESTWOOD AVENUE, AND TO A POINT ON THE LINE BETWEEN SAID LOT 20 AND LOT 21, SAID POINT BEING 10.96 FEET SOUTHEAST OF THE COMMON CORNER OF SAID LOTS 20 AND 21, ALL IN BLOCK 3 IN LOMBARD HEIGHTS, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID PRIGNANO'S RESUBDIVISION RECORDED OCTOBER 4, 1983, AS DOCUMENT R93-71623, IN DUPAGE COUNTY, ILL.

KAPLAN CT.



NOTE:  
 BM OBTAINED FROM  
 VILLAGE OF LOMBARD  
 ENGINEERING DEPT.  
 5-178 INV. OF SAN.  
 SEWER PIPE  
 ELEV. = 718.44

FOUNDATION LOCATED  
 SEPTEMBER 14, 1984

LEGEND:

- = Iron Pipe Set
- = Iron Pipe Found
- = Overhead Wires

Base Scale : 1 inch = 20 feet

Distances are marked in feet and decimal parts thereof

Ordered by : GEORGE PRIGNANO

Checked by : S.A.S.

Surveyed by : F.J.G. & P.F.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE  
 REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER  
 RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT  
 DEED, CONTRACT AND ZONING ORDINANCE.

Order No. 82-3051

Rim Elev. = 723.75  
 W. Inv. " = 717.95  
 N. Inv. " = 718.15

NOTE! ALL IMPROVEMENTS  
 LOCATED FOR GEORGE  
 PRIGNANO ON OCTOBER  
 30, 1985.

by: Frank J. Gentile  
 ILL. S. No. 2248

STATE OF ILLINOIS  
 COUNTY OF DUPAGE S.S.

I, FRANK J. GENTILE HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE,  
 AT AND UNDER MY DIRECTION, OF THE PROPERTY DESCRIBED ABOVE, AND  
 THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID  
 SURVEY.

December 9 A.D. 19 83

by: Frank J. Gentile  
 ILLINOIS REGISTERED LAND SURVEYOR NO. 2248