



## ANALYSIS

### SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on September 6, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by Schlaf-Sedig & Associates, Inc. and dated June 13, 2005.
4. Photographs of the existing residence.

### DESCRIPTION

The property owners have recently completed a number of improvements to the subject property including a new front porch, two-story addition in the rear, deck, driveway and an attached garage. As part of the improvements, an additional air conditioning condenser was needed. The contractors placed the new air conditioning condenser next to the existing condenser, which is located in the 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

Fire and Building have no comments on this petition.

#### Public Works Engineering

Public Works 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 new front porch, two-story addition in the rear, deck, driveway and an attached garage. The building permit did cover HVAC work as a new furnace was indicated on the construction drawings. The construction drawings did not indicate that a new air conditioning condenser would be installed. In

conducting the final inspection for the permit, the Bureau of Inspectional Service noticed that a new 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 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 legal non-conforming as it only maintains a 3' setback from the side property line that it shares with the subject property. 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. However, the residence on adjacent property does not have any windows on that side.

Staff finds that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. The condensers cannot be relocated to the rear of the residence because of an existing deck and a window well. 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. Also, there is not enough room to place the condensers on the other side of the house next to the driveway. 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.

## **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:

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

Zoning Board of Appeals

Re: ZBA 06-23

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recommend to the Corporate Authorities **approval** of ZBA 06-23, 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  
Director of Community Development

DAH:MK

att-

c: Petitioner

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