

April 19, 2007

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

Subject: ZBA 07-03; 250 W. Willow St.

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 March 28, 2007. Dean Frigo, owner of the property, presented the petition. He stated that he came in and spoke with Angela Clark (past Village of Lombard Planner) who gave him verbal confirmation that he could go ahead and place the second air conditioning condenser next to the larger preexisting condenser in the side yard setback. He then stated that he is before the Zoning Board of Appeals to ask for a variance to allow for the placement of the second air conditioning condenser.

Chairperson DeFalco then opened the meeting for public comment. There was no one in the audience present to speak for or against the petition.

Michael Toth, Associate Planner, presented the staff report. He stated that the property owners completed a number of improvements to the subject property including a residential addition. He then noted that as part of the improvements, an additional air conditioning condenser was needed. Mr. Toth also noted that the contractor placed the new air conditioning condenser next to the existing condenser, which is located in the interior side yard. He then stated that air conditioning condensers are not listed as a permitted encroachment within side yards. He then stated that a variation is needed.

Mr. Toth then moved on to state 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. He then

declared 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.

Mr. Toth stated that the air conditioning condensers on the subject property are located in the eastern side yard. He mentioned that 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. Mr. Toth then noted that 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, Mr. Toth mentioned that 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 feet (60'). He then noted that the subject lot has a total lot area of 6,544 square feet and a lot width of only 46.74 feet. He mentioned that relief was granted through ZBA 03-16 allowing the reduction in lot width to 46.74 feet. He also mentioned that the subject lot was also granted relief through ZBA 03-12 to allow for twelve feet (12') where twenty feet (20') is required. Mr. Toth stated that 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. There is adequate space between the residence to the east and also the fact that the subject lot is located on a corner allows the optimal amount of space for emergency response vehicles. He then noted that the additional condenser would not further hinder any access ways than what is already there.

Mr. Toth stated that staff finds that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. He stated that 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. He concluded the report by noting that 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 unpleasing.

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

Mr. Young asked if the variation pertains to both air conditioning condensers. He then asked if relief had ever been granted for the preexisting air conditioning condenser in the side yard setback.

Michael Toth, Associate Planner, was unaware of any past relief granted for the preexisting air conditioning condenser.

Re: ZBA 07-03
April 19, 2007
Page 3

Mr. Young stated that it would be a good idea to grant relief to both units as a third condition of approval to ensure that if anything were to happen to either unit, the petitioner would not have to waste money to seek additional relief for the preexisting unit.

Jennifer Backensto, Planner II, 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.

Mr. Young stated that he would like to have the preexisting air conditioning condenser added to the variation as a second condition of approval.

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. Young and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 07-03 by a roll call vote of 5 to 0, subject to the following conditions:

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.
2. Should either of the air conditioning condensers located on eastern portion of the property be damaged or destroyed, their replacement shall not be subject to any additional relief.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

att-
H:\CD\WORDUSER\ZBA Cases\2007\ZBA 07-03\Referral Let 07-03.doc