

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on October 19, 2012.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Generator location plans, prepared and submitted by the petitioner.
4. Letter of support, prepared by Donald Trinidad (106 E. Windsor Ave), dated September 9, 2012.
5. Generator specification manual.

DESCRIPTION

The petitioner is requesting a variation to allow for an existing emergency standby generator to remain in the interior side yard located on the eastern portion of the subject property. Emergency standby generators are currently not listed as permitted encroachments in the interior side yard; therefore, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

FIRE DEPARTMENT

The Fire Department has no comments.

BUILDING DIVISION

The Building Division offers the following in reference to ZBA 12-04; 151 N. Charlotte St.:

1. This property and house is very unusual in that with the many windows on the first floor, basement window wells, and air conditioning units all placed in the one area of the lot that would meet the zoning code for the generator, it is difficult if not impossible to meet the zoning code along with the requirements of the building code.
2. The current location meets all building codes as well as the requirements of the generator manufacturer.

PUBLIC WORKS

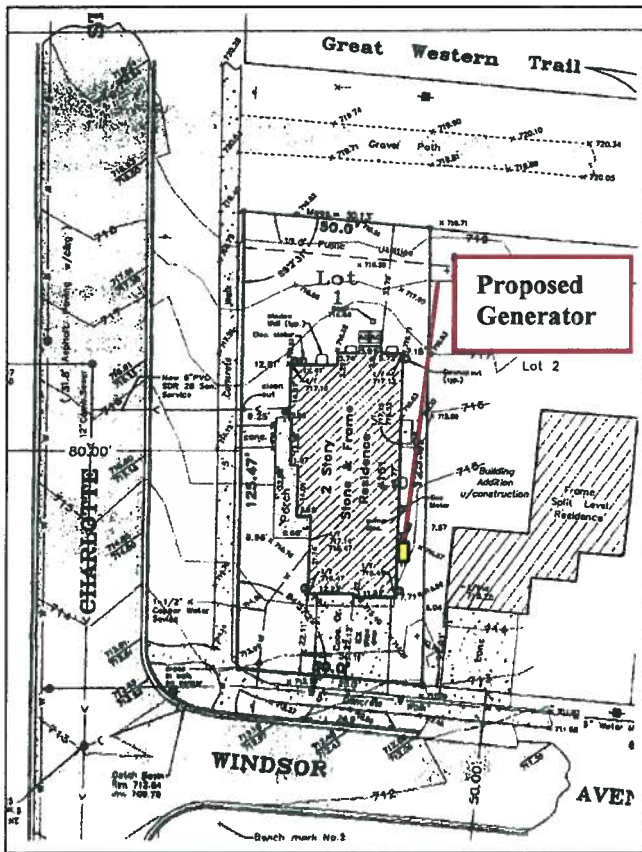
Public Works Engineering has no comments.

PRIVATE ENGINEERING

The location of the generator does not appear to negatively impact the drainage of the site.

PLANNING

The Building Division was notified that an emergency standby generator unit was installed on the subject property. Upon further investigation, it was deemed that the emergency standby generator unit was installed without a permit. When the petitioner subsequently applied for a building permit staff found that the emergency standby generator unit was located in the interior side yard on the eastern portion of the subject property.



The subject property is a fifty (50) foot wide, 6,285 sq. ft. lot located on the northeast corner of N. Charlotte and E. Windsor Ave., directly south of the Great Western Trail. The southeast corner of the house is located approximately 7.71' from the eastern property line. The residence is not positioned perfectly parallel with the eastern property line; as a result, the northeast corner of the residence is located 7.1' from the eastern property line. In 2003 (ZBA 03-11), variations were granted on the subject property to reduce the front yard setback to twenty-two (22) feet and the corner side yard setback to eight (8) feet. The northeast corner of the residence is located thirty-five (35) feet from the northern property line, which meets the minimum rear yard requirement.

As the submitted plans indicate, the generator unit is located five (5) feet from the eastern property line. According to the Zoning Ordinance, generators are not specifically

listed as a permitted encroachment within the required side yard, thus requiring a minimum setback of six feet (6').

Staff believes that there are no reasonable alternatives for relocating the generator unit in compliance with the Zoning Ordinance. Included within the IDRC comments the Building Division states, *this property and house is very unusual in that with the many windows on the*

first floor, basement window wells, and air conditioning units all placed in the one area of the lot that would meet the zoning code for the generator, it is difficult if not impossible to meet the zoning code along with the requirements of the building code. In consideration of Village setback and manufacturers clearance requirements, the only area of the property where an emergency standby generator unit could be placed is the northern portion of the subject property, which is considered the rear yard of the property. As the Building Division's IDRC comments state, the area of the rear yard is already improved with window wells and air conditioning condensers, making it difficult to place any other structures. The rear yard area of the subject property also functions as the only outdoor leisure area on the subject property.

The eastern property is screened by means of a six (6) foot privacy fence. The property that would be most impacted by the generator location is the neighbor located on the property directly to the east of the subject property (106 E. Windsor Ave.). The property owner of 106 E. Windsor Ave. submitted a letter of support for the variation, which has been made part of this public hearing submittal. In the letter, the neighbor indicated that the generator is quieter than traditional portable generators and that they also use the generator during power outages.

Staff finds that the variation associated with the emergency standby generator unit is required due to the existing property configuration. Furthermore, the proposed generator will not increase the visual bulk on the subject property. In summary, staff recommends that this petition be approved as it has met the Standards for Variations as set forth in the petitioners' response to standards (attached).

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the petitioner **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 recommend to the Corporate Authorities **approval** of ZBA 12-04.

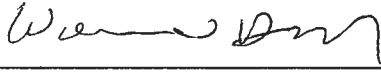
1. The petitioner shall apply for and receive a building permit for the emergency standby generator.
2. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed.

Inter-Departmental Review Group Report Approved By:

Zoning Board of Appeals

Re: ZBA 12-04

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William J. Heniff, AICP

Director of Community Development

WJH:MT

att-

c: Petitioner

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ZBA 12-04: 151 N. Charlotte St.



9/19/2012

Village of Lombard Zoning Board -

I am the homeowner at 106 East Windsor Ave Lombard, IL 60148 directly to the East of Nathan Dhamers at 151 N. Charlotte St Lombard, IL 60148.

I understand that a variance permit has been requested by Mr. Dhamers that would allow for the existing natural gas generator to be located between the back of his house and my attached garage.

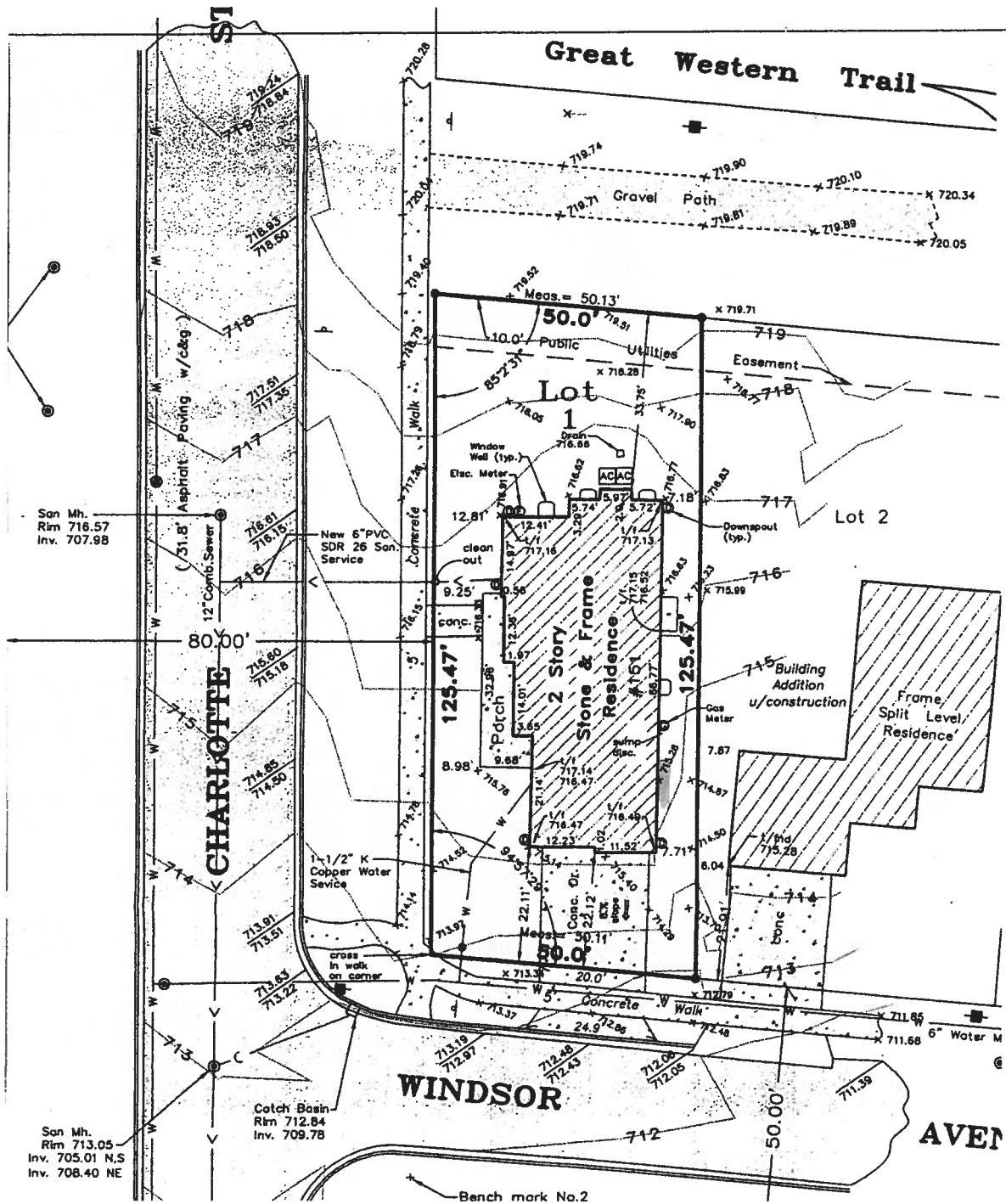
I support this variance as this type of emergency generator is substantially quieter than using a traditional portable gasoline generator in the same area.

When extended outages have occurred Mr. Dhamers has provided my family with access to extension cords and an identified exterior outlet for emergency situations. The extension cords and outlet from the generator benefitted my household and helped us avoid additional damages and inconveniences that may have occurred had our sump pumps and other devices remained without power during power outages, sometimes of more than a day.

Should you need any additional confirmation of my acknowledgment or support on this installation please do not hesitate to contact me directly.



Donald Trinidad
106 East Windsor Ave
Lombard IL 60148
Phone: (630) 916 - 7365



Great Western Trail

Lot 1

Lot 2

CHARLOTTE

WINDSOR

AVENUE

Bench mark No. 2

San Mh.
Rim 716.57
Inv. 707.98

San Mh.
Rim 713.05
Inv. 705.01 N.S
Inv. 708.40 NE

Catch Basin
Rim 712.84
Inv. 709.78

New 6" PVC
SDR 26 San
Service

1-1/2" K
Copper Water
Service

2 Story
Stone & Frame
Residence

Building
Addition
u/construction

Frame
Split Level
Residence

50.0'

125.47'

50.0'

50.00'

Meas. = 50.13'

10.0'

85'-23"

12.81'

9.25'

12.30'

9.68'

8.98'

22.11'

50.11'

20.0'

24.9'

22.12'

11.52'

13.40'

15.40'

11.52'

13.40'

15.40'

11.52'

13.40'

15.40'

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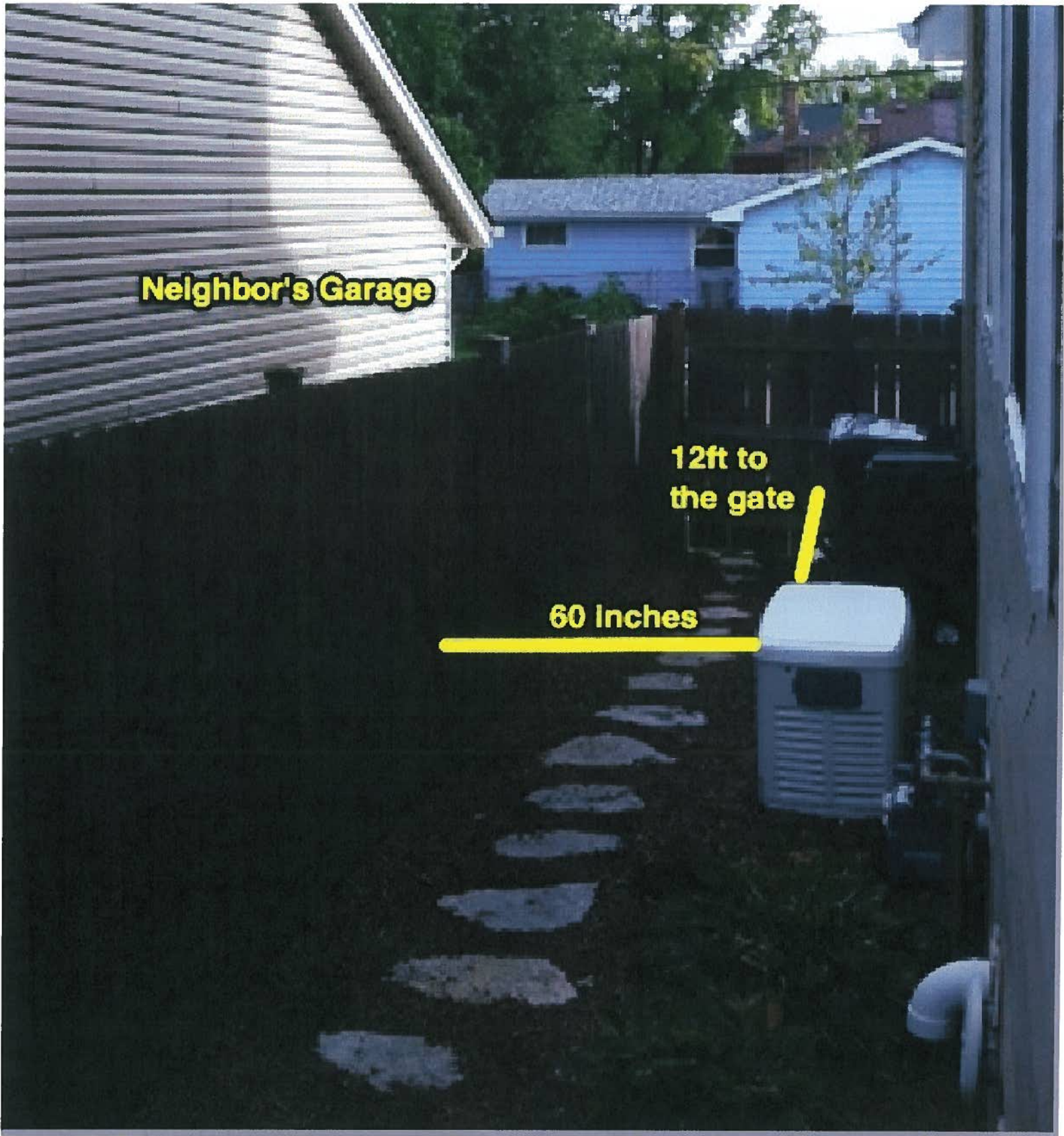
13.40'

15.40'

Neighbor's Garage

**12ft to
the gate**

60 Inches



Toth, Michael

From: Steiskal, Keith
Sent: Friday, September 14, 2012 3:40 PM
To: Toth, Michael
Cc: Heniff, William
Subject: 151 N. Charlotte
Attachments: photo.JPG

Mike,

I went out to meet with the owner of 151 N. Charlotte to discuss their generator that is currently installed in the 6' side-yard setback. I have attached a picture of the only area they could install the generator and meet the zoning code. The problem I found was that area has three basement window wells, two windows that open into the first story of the house, two air conditioners, one yard drain, and a patio with a grade change. The generator has to be a minimum of 7 feet away from any window, 18" away from the air conditioners, etc., so I have found not practical way to meet the zoning code while meeting the listing of the generator in a feasible place at this home.

There are additional factors such as the very low noise level of the installed generator and the screening and sound attenuation provided in its current location. Most importantly, due to the unique nature of this particular lot, the current location is the best location. Therefore, I have suggested the owner contact you to start the variation process. Please let me know if I can be of further assistance.

Keith Steiskal
Building Official
Village of Lombard
(630)620-5763



Toth, Michael

From: Nate Dhamers <Nate_Dhamers@glenbard.org>
Sent: Thursday, September 20, 2012 12:00 AM
To: Toth, Michael
Subject: Dhamers - 151 N. Charlotte St - Generator
Attachments: Letter From Neighbor.pdf

Michael -

Below I have attempted to answer the provided questions with what I think are valid and logical answers. Please review and let me know if additional details or information pertaining to any specific questions would be beneficial. If any of the answers are not satisfactory (or not on track with what should be included) please let me know and I can make any revisions needed for the official application.

I have also attached a letter from my neighbor at 106 E. Windsor who will verify that the use of the generator in it's current location is greatly prefer the the location of the previously used gasoline powered generator that we used during power outages. He clearly confirms that there are no noise issues or concerns and they have no issues with the location of the device.

Thanks again for your assistance with this matter - let me know if anything else is needed.

Nate



**Nathan A. Dhamers
Director of Technology Services
Glenbard Township District 87
596 Crescent Boulevard
Glen Ellyn, IL 60137-4297
Phone & Fax (630) 942-7686**

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

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.

The existing area designated for the installation of an emergency power generator is extremely limited as shown in the attached documentation. There is no safe and logical area available that would not be in the way of existing structures/resources. The side yard basements window wells, main floor windows, air conditioning units, electrical services, communication services, underground drainage systems account for the entire area along that side of the the house/yard . The remaining areas would be too close the sidewalk, too far away from the dwelling, or in another areas that would interfere with utilities or the safety of the home.

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.

We have had multiple contractors on site to provide consultations and estimates for the location of the emergency power generator. None were willing to provide estimates in the current provided area. They all recommended contacting additional staff members from the village to have them review and identify a better more logical, safe and practical location to place the device before quotes would be provided.

Rob-Lynn Power System was recommended by staff as a resource that can might be able to provide a creative solution for installation. Rob Bernardi reviewed the situation and was unwilling to provide an estimate until an alternative area outside of the existing designated area could be identified and approved.

CDK Electrical Service provided a similar response and indicated that a more practical and safe area must be identified that they would not be able to provide an estimate for installation.

D&D Home Improvements recommended continuing to contact professionals/inspectors and others from the village and will only provide an estimate once an alternative location is approved for installation.

An none of these qualified emergency power generator installers were comfortable with providing a solution in the current provided area we must seek an alterative location for this installation.

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

The installation of the emergency power device is intended only to assist with the protection of the home, the comfort of the family within the home and the contents of the home. There has never been any consideration for anything other than for the comfort of the occupants and the protection of the investment of the 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.

Residences in the area have experienced numerous power outages during blizzards, wind storms, and other sever weather events. The majority of these power outage events have been resolved within 4 hours. There have been at least 4 events in the past 24 months where our home and homes in the area have been without power for more than 24 hours. All of these outages have been due to sever weather accordance and have impacted my ability as the Director of Technology Services for the Glenbard School District to delivery emergency communications to our 9500+ families. Relaying announcements and information during school closings, evacuations, and other events as needed via the 5 school web sites, emergency calling systems and mass communication system in a safe/timely manor have been impacted and delayed when there are local power issues.

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.

The installation of the emergency power device will in fact enhance the safety and security to neighbors adjacent to the property as they will be able to make use of exterior outlets as needed during significant outages. The selected emergency power devices are proven safe and will be located in a discrete and secure location on the property where access and visibility is very limited. The desired area on the property is surrounded by a 6ft solid fence which prevents access to the property as well as reduces the sound limited from the engine.

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

The installation of the emergency power device will not alter the characteristics of the neighborhood as there are several other home in the area that are already making use of these types of systems to secure and protect their homes. These devices are becoming more common as the availability increases and additional homes are renovated in the area.

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.

The installation of this type of device will only increase the availability of area resources in the area during sever weather events and long term outages. There is no no additional safety risk - in fact the installation of the device will decrease the risk of damages to homes in the area and in no way diminishes the area properties. As described in the attached supporting letter from the neighbors the use of this type of natural gas generator is

preferred to the use of traditional portable gasoline power generators as it is quieter and how the ability to power multiple circuits during times of need.