

August 20, 2009

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

Subject: ZBA 09-06; 736 Hammerschmidt Avenue:

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 a variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the interior side yard setback to four and one-half feet (4.5') where six feet (6') is required within the R2 Single-Family Residence District to allow for the installation of a permanent natural-gas-operated generator unit.

The Zoning Board of Appeals conducted a public hearing on June 24, 2009.

Chairperson DeFalco opened the meeting for public comment. The petitioner, Bob Sarocka, property owner, presented the petition. Mr. Sarocka, began by stating that they would like to install a gas generator to run the sump pump if the power were to fail. He added that in the past they have used a temporary generator for a two-day time period, but when they are not home they cannot run that generator.

Mr. Sarocka stated that they are seeking a variance to place the generator in the side yard. He stated that their neighbors have no problem with the request and there is a wood privacy fence located between themselves and the neighbors to the north. Mr. Sarocka added that the generator would meet Code if placed in the rear yard; however, the rear yard is prone to flooding. He also mentioned that placing it in the side yard would place it closer to the gas meter.

Chairperson DeFalco asked if anyone was present to speak for or against the petition. There was nobody present to speak for or against the petition.

Chairperson DeFalco then requested the staff report. Michael Toth, Planner I, presented the staff report. Mr. Toth stated staff has drafted this IDRC Report to

submit to the public record in its entirety. The petitioner applied for a building permit to install a permanent natural-gas-operated generator unit in the northern interior side yard. The house on the subject property is located approximately 8.14' from the northern property line. According to the generator's specification manual, which was submitted as part of this petition, the generator is required to maintain at least eighteen inches (18") of clearance from the house. The generator unit is twenty-five inches (25") wide; as such, the remaining setback from the northern property line would be four and one-half feet (4.5'). The R2 – Single Family District requires a minimum side yard of six feet (6'). According to the Zoning Ordinance, generators are not specifically listed as a type of structural encroachment within any required yard.

Mr. Toth stated that staff notes that there are no recorded easements of the subject property.

Mr. Toth stated staff finds that there are reasonable alternatives for relocating the generator unit in compliance with the Zoning Ordinance. Pertaining to lots in the R2 – Single Family District, 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'). The subject lot has a total lot area of 12,804 square feet and a lot width of sixty-six feet (66'). The rear yard requirement for the R2- Single Family Residential District is thirty-five feet (35'). As such, the proposed generator unit could be located up to thirty-five feet (35') from the rear property line. According to the plat of survey submitted as part of this petition, the house is located (at its closest point) ninety-seven feet (97') from the rear property line, which leaves an estimated 3,300 square feet of buildable area in the rear of the property for the placement of a generator unit. The 3,300 square foot area includes the side yard setback requirement and any accessory structures.

Mr. Toth stated that staff believes that there is adequate space in the rear of the property to locate the proposed generator unit. As there are no hardships associated with the physical characteristics of the subject property, staff is not supportive of the setback variation for the generator unit at its proposed location.

Mr. Toth stated that the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make a motion recommending denial of the side yard setback variation.

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

Dr. Corrado asked if there would be any noise associated with the generator.

Lori Sarocka, property owner, stated that the noise levels would be similar to that of a lawnmower. She added that they would need to run the generator once a week for twelve minutes. She stated that they would most likely run it for twelve minutes on a Tuesday when the sirens are tested.

Mr. Tap discussed some of the specific sound levels discussed in the specification manual.

Mr. Sarocka stated that he had reviewed the sound levels and he had discussed the issue with his neighbors.

Lori Sarocka stated that her neighbors also have a similar flooding problem and their sump pumps are always required to run as well. She added that the generator would have a “good neighbor plug” so the neighbors could use the generator if needed.

Mrs. Newman asked if the generator would only run during power outages.

Lori Sarocka replied yes, but the generator would still need to run for twelve minutes per week.

Mrs. Newman asked if the sump pump ran constantly and what the effects of the standing water in the back yard.

Lori Sarocka stated that there is lots of standing water in the back yard after a rainfall.

Bob Sarocka stated that even if the generator were to be placed in the back yard it would only be eighteen inches further from the property line.

Chairperson DeFalco asked if the generator is to be located behind the garage.

Bob Sarocka replied; no, the generator would be located on the north side of the property.

Mr. Tap asked if there is flooding in the area where the air-conditioning condenser is located.

Lori Sarocka stated that water comes right up to the air-conditioning condenser and it is located on a slab.

Chairperson DeFalco asked if a concrete slab could be poured for the generator.

Bob Sarocka replied; yes, but the further away from the house the higher off the ground it would need to be.

Chairperson DeFalco asked staff if they knew of any flooding issues and whether or not the generator could be placed on a raised slab.

Mr. Toth stated that this is the first time he was made aware of any flooding issues on the subject property. He stated that he would need to discuss any flooding issues with the Engineering Department and the question of whether or not the generator could be placed on a raised slab would need to be discussed with the Building Department.

Mr. Tap asked the petitioner if there are additional costs associated with locating the generator in the rear yard and if that is one of the reasons for the variation.

Lori Sarocka replied, yes. She added that the generator would be blocked from the neighbors to the north by a wood privacy fence and it would be blocked from the street view by large trees.

Chairperson DeFalco stated that the neighbor's house to the north is fourteen feet from the property line, but if a new house were to be built, it could be built six feet from the property line.

Bob Sarocka stated that the house to the north is a very nice house and only five years old so it is unlikely that it would be rebuilt any time soon.

Chairperson DeFalco stated that the ZBA cannot consider finance as a hardship; however, flooding would be considered a hardship. He then mentioned that the ZBA has recommended approval of some replacement a/c units in the past. He added that the proposed generator would be a new unit. Chairperson DeFalco then stated that similar to Lombard Pharmacy, conditions could be added to address the time of day that the generator could be run.

Mr. Tap stated that there are too many other areas where the generator could be located that would not require a variance.

On a motion by Mr. Tap and a second by Dr. Corrado, the Zoning Board of Appeals recommended by a vote of 3 to 1 that the Village Board deny the variation. The motion having failed, Mrs. Newman made a motion to approve the variation which was seconded by Dr. Corrado. The Zoning Board of Appeals voted 2 to 2 to approve the variation.

Based upon the testimony presented by the petitioner, which included the introduction that there is flooding on the subject property, the ZBA was unable to obtain four votes for either denial or approval of the petition. Therefore, this petition will be forwarded to the Village Board with no ZBA recommendation.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals