

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 18, 2010.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by prepared by Teratek, Inc. dated December 14, 2009.

DESCRIPTION

As part of the construction of a new single family residence, two (2) existing air conditioning condensers were placed three (3) feet from the northern property line on the subject property, located within the interior side yard. As new air conditioning condensers are not listed as a permitted encroachment in the interior side yard, a variation is needed.

INTER-DEPARTMENTAL REVIEW COMMENTS

BUILDING

The Building Division has no comments.

FIRE

The Fire Department has no comments regarding this proposed variation to the Zoning Ordinance.

PUBLIC WORKS ENGINEERING

Public Works Engineering has no comments on this petition.

PRIVATE ENGINEERING

The PES Division of Community Development has the following comment on this petition:

- 1) The air conditioners shall not interfere with the sideyard swale. Should a variance be granted, a condition should be added to require that the units be mounted on brackets attached to the house, off of the ground.

PLANNING

The petitioner purchased the home under construction on the subject property in 2009. The previous property owner had been advised by the Village that the placement of new air conditioning condensers was not permitted in the interior side yard. The air conditioning units were not depicted on the approved plans for the new residence. In conducting the final inspection for the Certificate of Occupancy, the Building Division noticed that the air conditioning units were placed in the interior side yard and notified the Planning Services Division. When the property owner requested a Certificate of Completion for the project, he was notified that the Community Development Department could not sign off on a final Certificate of Completion unless the new air conditioning condensers were relocated or a variation was granted.

The Zoning Ordinance lists new air conditioning condensers as permitted encroachments only within a certain portion of the rear yard, but does not list them as permitted encroachments within interior side, corner side or front yards. The intent was that air conditioning condensers within interior side yards could become a noise nuisance if it is placed too close to the windows of an adjacent residence.

The subject air conditioning condensers are located in the interior side yard along the northern side yard. The subject property shares the northern property line with a property in the B2 zoning district (Marberry Cleaners). The subject business is setback over thirty (30) feet from its southern property line (the northern property line of the subject property).



(Subject air conditioning condensers)

Pertaining to lots in the R2 zoning 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 (60') feet. The subject lot has a total lot area of 16,000 square feet; however, the lot width is only 50.00 feet. Because the lot width is smaller than most typical R2 lots, the efficient areas for the condensers to be

located are significantly reduced. There is adequate space behind the residence, but the petitioner has indicated in the Standards to Variations that moving the units would be costly and would diminish the efficiency of the units.

Staff finds that the air conditioning condensers are in a suitable location as the property to the north is a commercially zoned property. While economic hardship does not constitute a hardship associated with the physical composition of a property, relocating the condensers to the rear yard would be costly and would not be recommended because the efficiency of the units could be greatly reduced.

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 recommend to the Corporate Authorities **approval** of ZBA 10-05, subject to the following conditions:

1. The property owner shall obtain a building permit for the air conditioning condensers.
2. 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 any required Code provisions.
3. That the petitioner shall satisfactorily address all comments included within the IDRC report.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

WJH:MT

c: Petitioner