

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 24, 2009
FROM: Department of Community PREPARED BY: Michael S. Toth
Development Planner I

TITLE

ZBA 09-06; 736 Hammerschmidt Avenue: 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.

GENERAL INFORMATION

Petitioner/Property Owner: Robert and Lori Sarocka
 736 Hammerschmidt
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residential
Size of Property: Approximately 12,804 Square Feet

Surrounding Zoning and Land Use

North: R2 Single Family Residential District; developed as Single Family Residences
South: R2 Single Family Residential District; developed as Single Family Residences
East: R2 Single Family Residential District; developed as Single Family Residences
West: R2 Single Family Residential District; developed as Single Family Residences

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 21, 2009.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Spot Survey, prepared by prepared by ARC Design Resources Inc.

DESCRIPTION

The petitioner wishes to install a generator unit four and one-half feet (4.5') from the northern property line of the subject property where a six foot (6') setback is required. As air conditioning systems and/or generator units are not listed as a permitted encroachment within side yards, a variation is required.

INTER-DEPARTMENTAL REVIEW COMMENTS

FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding the request at this time.

PUBLIC WORKS

Public Works Engineering

Public Works Engineering does not support this petition for the following reasons:

- 1) The generator should have been considered in the original layout.
- 2) There is adequate space in the rear yard for the placement of the generator.

Utilities

The Utilities Division of Public Works does not have any comments on this project.

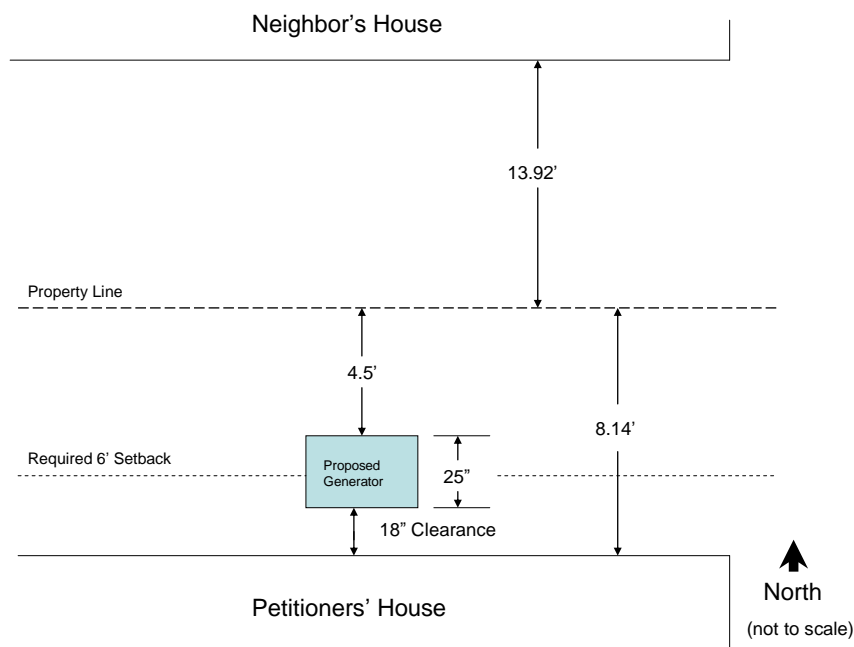
PRIVATE ENGINEERING

The PES Division of Community Development has the following comments on the above petition:

- 1) There appears to be ample space in the rear of the house.

PLANNING

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. As the diagram below illustrates, 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. Staff notes that temporary generators are permitted within required yards because they are only used for short-term time periods (temporary); they are not tied to the principal structure via piping, wiring or foundation; and they are not located on a slab.

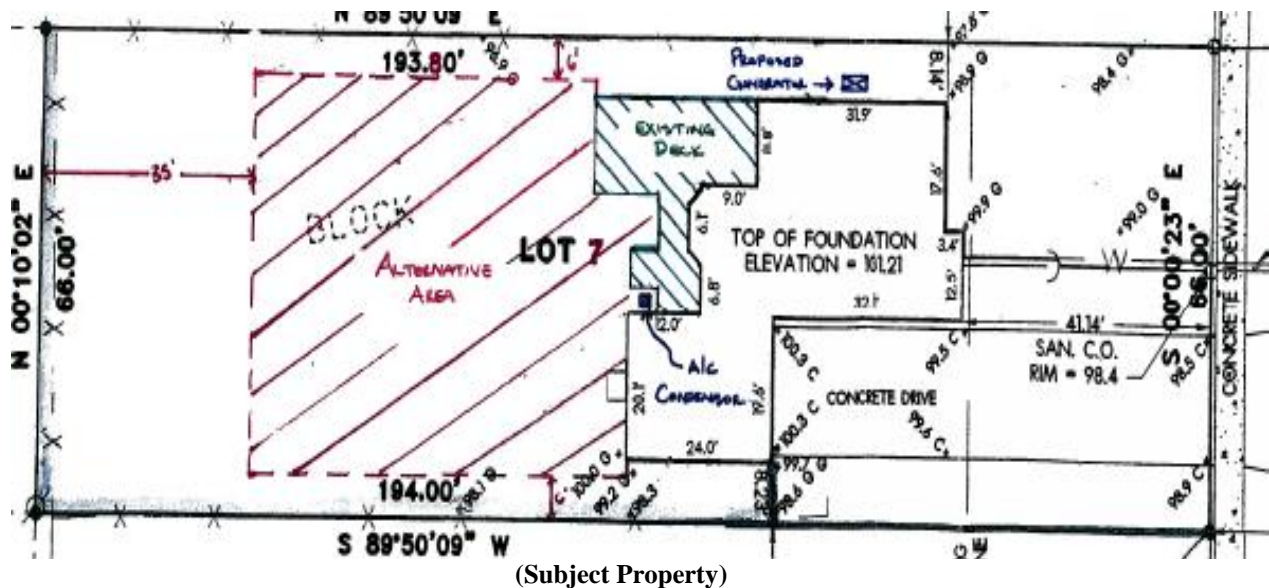


(Proposed Location Diagram)

It is noted that there are no recorded easements of the subject property. Also, the residence on the adjacent property to the north is located 13.92 feet from the side property line that it shares with the subject property. As such, there is a twenty-two foot (22') separation and a six foot (6') privacy fence between the subject property and the neighbor to the north. The provisions of the Zoning Ordinance would require a minimum twelve foot (12') separation between the two residences.

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. There is a deck attached to the rear of the house and extends out to the west an estimated 420 square feet in surface area.



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.

Standard for Variations

In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:

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.*

Staff finds that there are no conditions related to the property that prevent compliance with the established regulations. The property does not have physical surroundings,

shape, or topographical features that differ substantially from other lots in the neighborhood. It is solely the demands of the petitioner that have warranted the requested relief.

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.*

Staff finds that the conditions are not unique to the subject property. Many other properties with a similar layout and design have been able meet the established regulations.

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

The petitioner states that locating the generator in the proposed location would place it in closer proximity to the gas and electric meters. The additional cost incurred by the petitioner to locate the proposed generator unit in the rear yard does not constitute a land use hardship, but rather a financial hardship.

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.*

Staff finds that the difficulties have been created by the petitioner as a result of the preference for the generator's location in the side yard.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

Staff finds that the variation will alter the essential character of the neighborhood by allowing additional bulk and noise disturbances onto the subject property and surrounding properties.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the variation:

Based on the submitted petition and the testimony presented, the requested variation **does not 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

Zoning Board of Appeals

Re: ZBA 09-06

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on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 09-06.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

WJH:MT

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c: Petitioner

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