

August 20, 2009

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

Subject: PC 09-19; Text Amendments to the Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The Village of Lombard is proposing Text Amendments to the Lombard Zoning Ordinance, amending Section 155.212 to establish replacement central air-conditioning systems as permitted obstructions in certain required yards.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on July 20, 2009.

Chairperson Ryan stated that this petition has been brought forward by the Village and will be presented by staff.

Michael Toth, Planner I, presented the staff report. The Planning Services Division is proposing code amendments to address the issue of replacement central air-conditioning systems located within the interior side yard.

Mr. Toth stated that the Zoning Ordinance requires central air-conditioning systems meet the required interior side yard setback. There have been a number of permits that have come in over the years for the replacement of nonconforming central air-conditioning systems in the interior side yard. As air conditioning units are not a permitted encroachment in the side yard, they would therefore need to conform to the required setback for structures within the applicable zoning district. Per Section 155.303 of the Zoning Ordinance, once a nonconforming structure is removed, the rights to the nonconforming location are lost and the structure would need to come into compliance with Code. This would mean that any time a central air-conditioning system was to be replaced in a location that was not permitted by Code, a variation would be required.

Mr. Toth stated that unlike a structure, such as a fence or shed, there are more critical elements involved with the piping and electrical components of a home that make the replacement of the a/c unit more complicated. He added that staff wishes to continue to prohibit central air-conditioning systems units as a permitted encroachment in the front and corner side yard. In addition, any new (or additional) air-conditioning units would have to meet the minimum interior side yard requirement.

Mr. Toth stated that the proposed amendments have been drafted to prohibit any replacement central air-conditioning systems to further encroach into the interior side yard. The rationale for allowing a four foot (4') encroachment in the interior side yard assumes the six foot (6') setback required of most single-family residences, takes into consideration the required clearance from the house and the width of the unit.

Mr. Toth stated that staff recognizes the costs associated with the relocation of a central air conditioning unit and also does not wish to punish residents who try to obtain a permit for the replacement of the air conditioning unit. Therefore, staff finds that allowing replacement air conditioning systems to be listing as a permitted encroachment in the interior side yard (with provisions) would reduce the number of variation requests, encourage residents to obtain a permit, eliminate relocation costs and maintain the existing character of residential properties throughout the Village.

Mr. Toth stated that in order to address the demand for the replacement of central air conditioning systems in the side yard, Section 155.212 "Permitted Obstructions in Required Yards" will now recognize "Replacement central air-conditioning systems" as a permitted encroachment in the side yard, with exceptions.

Referring to the standards for text amendments, Mr. Toth stated that the proposed amendments would not create additional nonconformity, but rather allow existing nonconforming central air-conditioning systems to be replaced, without requiring a variation. He then stated that this amendment would be consistent with staff and Board policies. The Village has adopted previous amendments regulating the location of certain accessory structures within required yards. Mr. Toth then referred to the list of past Board approvals for a/c units in the side yard.

Chairperson Ryan opened the meeting for discussion and questions by the Plan Commission. The Commissioners had no comments.

After due consideration of the petition and the testimony presented, the Plan Commission found that the text amendment complies with the Zoning Ordinance and therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, **approval** of PC 09-19.

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Respectfully,

VILLAGE OF LOMBARD

Donald Ryan
Chairperson
Lombard Plan Commission

att-

c. Petitioner
 Lombard Plan Commission

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