

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: July 2, 2015 (B of T) Date: July 16, 2015

TITLE: ZBA 15-07: 720 E. Prairie Avenue

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to four feet (4') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (LaVere's Pleasant Avenue Subdivision).

The Zoning Board of Appeals recommended approval of this petition by a vote of 6-0.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *for William Heniff*

DATE: July 16, 2015

SUBJECT: ZBA 15-07; 720 E. Prairie Avenue

Please find the following items for Village Board consideration as part of the July 16, 2015 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 15-07;
3. An Ordinance granting approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to four feet (4') where six feet (6') is required within the R2 Single-Family Residence District to allow for an existing emergency generator unit.
4. Supporting documentation associated with the petition.

The ZBA unanimously recommended approval of this petition by a 6-0 vote. Please place this petition on the July 16, 2015 Board of Trustees consent agenda.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

July 16, 2015

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 15-07 – 720 E. Prairie 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 approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback from six feet (6') to four feet (4') within the R2 Single-Family Residence District to allow for an existing emergency generator unit.

The Zoning Board of Appeals conducted a public hearing on June 24, 2015.

Mrs. Madeline McAfee, presented the petition. Mrs. McAfee began by stating that the generator was installed by a contractor in 2011. Mrs. McAfee explained that her hardship is the topography of her lot and its proximity to Vista Pond. At least three times already the rear yard has flooded to the extent that had the generator been placed in the rear of the home at grade level, it would have been completely submerged. Relocating the generator to the rear yard would require a substantially raised platform.

Mrs. McAfee stated that the nearest neighboring structure is a detached garage more than fifty feet (50') away from the generator. Also, the neighbor to the east is a corner lot with the rear of the home being closest to the generator. Therefore, she did not believe the generator had a negative visual impact on the surrounding properties.

In regards to two of the items mentioned by the Building Division in the Inter-Departmental Review Committee Report, Ms. McAfee stated that the wood used for the generator platform is in fact pressure treated lumber and that she will work with the Building Division to ensure that the platform is anchored correctly.

Acting Chairperson Young questioned if there was anyone present to speak in favor of or against the petition. Hearing none, he asked staff for their presentation.

Matt Panfil, Senior Planner, stated that the IDRC report is to be entered into the public record in its entirety. According to Mr. Panfil, late in 2014, the Code Administration Division was notified that an emergency generator was installed on the subject property. Upon further investigation, it was deemed that the generator was installed without a permit. When the petitioner subsequently applied for a building permit, staff found that the generator was located within the required interior side yard setback on the eastern portion of the subject property.

Mr. Panfil reiterated the Mrs. McAfee's comment that the adjacent properties to the east are platted in such a manner that the generator is located nearest to the neighboring rear yards, thus minimizing any negative visual impact on the surrounding properties. Also, Mr. Panfil confirmed that Vista Pond to the immediate north has previously flooded to such an extent that water has covered their entire rear yard up to their deck.

In regards to the Building Division comments, and Mrs. McAfee's responses to said comments, Mr. Panfil explained that these will be addressed during the completion of the building permit review process.

Mr. Panfil continued by stating that in order to be granted a variation each of the Standards for a Variation must be affirmed. Staff finds that all standards have been affirmed, but Mr. Panfil wished to specifically note that staff finds that the subject property's proximity to Vista Pond, and the resulting flood-prone topography, results in a unique physical hardship that provides for no reasonable alternative location for the generator. Also, Mr. Panfil restated that there is not a significant detriment to the public welfare because of the distance between the generator and the nearest neighboring structure.

Mr. Panfil then cited two (2) similar past cases that appeared before the Zoning Board of Appeals. Each case involved an emergency generator located within the minimum required six foot (6') interior side yard setback for the R2 Single-Family Residence Zoning District.

In ZBA 09-06, staff recommended that the Zoning Board of Appeals recommend denial of the requested variation to allow for a generator to encroach one and one-half feet (1.5') into the required interior side yard based on there being reasonable alternative locations for the generator that would comply with Village Code.

In ZBA 12-04, staff recommended that the Zoning Board of Appeals recommend approval of the requested variation to allow for a generator to encroach one foot (1') into the required interior side yard due to the very unusual amount and placement of windows, basement window wells, and air conditioning unit that made it, "difficult if not impossible to meet the zoning code along with the requirements of the building code."

Mr. Panfil concluded his presentation by stating that as in ZBA 12-04, staff recommends approval of the requested variation based on, but not limited to, the following:

1. All Standards for a Variation have been affirmed;
2. There is precedence for a variation to allow for an emergency generator to be located within the required side yard setback where there are no reasonable alternatives that would comply with Village Code; and
3. The generator is located in such a manner that the visual impact to adjacent properties is minimal.

Acting Chairperson Young then opened the meeting for discussion by the ZBA members.

Mr. Tap requested verification that the support structure and anchoring standards are to be included in the conditions of approval. Mr. Panfil responded that the Building Division outlined these requirements within the IDRC Report and the petitioner is required to address them to the satisfaction of the Building Division.

Mr. Bartels asked how the generator was secured since generators are usually on concrete pads. Also, the date as to when generators required permits was requested. Mr. Panfil responded that staff was unaware of the date that generators required permits, but historically they have not been a permitted obstruction in the side yard setback.

Mr. Bedard asked why the generator is already installed in this location. Mr. Panfil responded that the Code Enforcement Division was requested to investigate the address and discovered that a permit was not obtained for the generator.

Acting Chairperson Young asked if the contractor was not aware that a permit was required and if he was registered with the Village. Staff could not speculate if the contractor was aware and was unaware if the contractor was registered with the Village at the time of the generator installation.

Mr. Bartels cited concerns regarding the installation standards of the generator.

Acting Chairperson Young stated that the Zoning Board of Appeals would be approving the location of the generator and not the permit.

Mr. Bedard stated that approval for any requested variance would be granted prior to the issuance of a permit.

On a motion by Mr. Bedard, and a second by Mr. Tap, that the Zoning Board of Appeals recommended by a vote of 6-0 that the Village Board approve the variation associated with ZBA 15-07, subject to the following three (3) conditions:

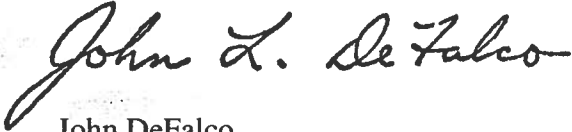
1. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed; and

Re: ZBA 15-07
July 16, 2015
Page 4

2. If the comments in the Inter-Departmental Review Committee Report shall necessitate changes to the previously submitted Building Permit No. 2015-00000093, the petitioner shall apply for and receive a new building permit for the emergency generator; and
3. If the comments in the Inter-Departmental Review Committee Report shall necessitate physical changes to the emergency generator and/or the platform on which it is located, the variation shall become null and void unless work thereon is substantially under way within twelve (12) months of the issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large initial 'J' and 'D'.

John DeFalco
Chairperson
Zoning Board of Appeals

JUNE 24, 2015

Title

ZBA 15-07

Petitioner & Property Owner

Madeline McAfee
720 E. Prairie Avenue
Lombard, IL 60148

Property Location

720 E. Prairie Avenue
(06-05-419-012)
Trustee District #4

Zoning

R2 Single Family Residence
(LaVere's Pleasant Avenue
Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

Variation to reduce the minimum required interior side yard setback from six feet (6') to four feet (4') to allow for an existing emergency generator.

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

Late in 2014, the Code Administration Division was notified that an emergency generator was installed on the subject property. Upon further investigation, it was deemed that the emergency generator was installed without a permit. When the petitioner subsequently applied for a building permit, staff found that the emergency generator was located within the required interior side yard setback on the eastern portion of the subject property. The petitioner is therefore requesting a variation to allow for the existing emergency generator to remain in its current location.

APPROVALS REQUIRED

Per Section 155.212 of the Village of Lombard Zoning Ordinance, emergency generators are not permitted obstructions in required side yards. In order for the emergency generator to remain in its current location, a variation from Section 155.407 (F)(3) to allow for a reduction in the minimum side yard setback from six feet (6') to four feet (4') is required.

EXISTING CONDITIONS

In addition to the existing emergency generator, the property is improved with a two-story brick and frame single family residence with an attached garage. An approximately 360 square foot deck is located off of the rear of the home. In order to help place the request in its proper context, planning staff offers the following:

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 11,185 sq. ft.
Lot Coverage: 25%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south) 30' (33.76')
Side (east) 6' (4')
Side (west) 6' (5.5')
Rear (north) 35' (110.6')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for a Variation;
3. Exhibit Depicting Location of Home, Generator, and Property Line; and
4. Plat of Survey, prepared by Land Surveying Consultants of Illinois P.C., dated December 9, 1988 and submitted May 7, 2015.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	CR	Vista Pond
South	Prairie Ave. / R2	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

The adjacent properties to the east are platted in such a manner that the emergency generator is located nearest to the neighboring rear yards, thus minimizing any negative visual impact on the surrounding properties.

In their application, the petitioner also notes that Vista Pond to the immediate north has previously flooded to such an extent that water has covered their entire rear yard up to the deck. If the petitioner were to relocate their generator to the rear yard, there is serious concern about the combination of heavy rains causing both the electricity to fail, thus requiring the use of the generator, but also flooding that could submerge the generator.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has the following comments regarding the project:

1. The current location is acceptable provided it meets the manufacturer's requirements in regards to the minimum distance from the combustible house wall, windows, etc.;
2. If not already, the wooden platform would need to be constructed of pressure treated lumber or cedar; and
3. If not already, the wooden platform would need to be anchored to the ground to ensure it remains in place during flood events, especially because it is connected to the house with electric and natural gas lines.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) notes that the location of the emergency generator does not appear to be located in the regulatory floodplain or within a drainage swale.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

In order to be granted a variation each of the Standards for a Variation (responses attached) must be affirmed. Staff finds that all standards have 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 the subject property's proximity to Vista Pond, and the resulting flood-prone topography, results in a unique physical hardship that provides for no reasonable alternative for the placement of an emergency generator.

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 unique physical surrounding and topography identified in Standard One are not generally applicable to other properties with the R2 Single-Family Residence district.

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

Staff finds that this standard is affirmed.

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 this standard is affirmed. The Lombard Zoning Ordinance does allow for emergency generators to encroach into the required rear yard setback; however, it does not anticipate for such unique physical surroundings and topography that may inundate the rear yard with floodwater.

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;*

Staff finds that this standard is affirmed. Although the emergency generator is located within the side yard setback, the nearest adjacent structure is a detached garage located in the rear yard of the neighbor to the east, and approximately fifty feet (50') from the emergency generator.

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

Staff finds that this standard is affirmed in that the emergency generator will not substantially increase the visual bulk on the subject property.

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.*

Staff finds that this standard is affirmed. Provided that the petitioner addresses the specific comments provided by the Building Division, the emergency generator should not increase the danger of fire or endanger the public safety.

In consideration of precedent, staff has identified two (2) similar cases that appeared before the Zoning Board of Appeals. Each case involves an emergency generator located within the minimum required six foot (6') interior side yard setback for the R2 Single-Family Residence district.

In ZBA 09-06, staff recommended that the Zoning Board of Appeals recommend denial of the requested variation to allow for an emergency generator to encroach one and one-half feet (1.5') into the required interior side yard based on there being reasonable alternative locations for the emergency generator that would comply with Village Code.

In ZBA 12-04, staff recommended that the Zoning Board of Appeals recommend approval of the requested variation to allow for an emergency generator to encroach one foot (1') into the required interior side yard due to the very unusual amount and placement of windows, basement window wells, and air conditioning unit that made it, "difficult if not impossible to meet the zoning code along with the requirements of the building code." The adjacent neighbor most impacted by the placement of the emergency generator also provided a letter of support for the petition.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 09-06	8/20/2009	736 S. Hammerschmidt Ave.	Emergency generator encroaching 1.5' into the required 6' interior side yard setback.	No recommendation	Approval, 5-0
ZBA 12-04	12/20/2012	151 N. Charlotte St.	Emergency generator encroaching 1' into the required 6' interior side yard setback.	Approval, 4-0	Approval, 6-0

In conclusion, staff can support the requested variation based on, but not limited to, the following:

1. All Standards for a Variation have been affirmed;
2. There is precedence for a variation to allow for an emergency generator to be located within the required side yard setback when there are no reasonable alternatives that would comply with Village Code.
3. The emergency generator is located in such a manner that the visual impact to adjacent properties is minimal.

FINDINGS & RECOMMENDATIONS


The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations, in their entirety, 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 aforementioned variations:

Based on the submitted petition and the testimony presented, the requested variation to reduce the interior side yard setback **does comply** with the Standards for a Variation required by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-07, subject to the following conditions:

1. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed; and
2. If the comments in the Inter-Departmental Review Committee Report shall necessitate changes to the previously submitted Building Permit No. 2015-00000093, the petitioner shall apply for and receive a new building permit for the emergency generator; and
3. If the comments in the Inter-Departmental Review Committee Report shall necessitate physical changes to the emergency generator and/or the platform on which it is located, the variation shall become null and void unless work thereon is substantially under way within twelve (12) months of the issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Inter-Departmental Review Committee Report approved by:


William J. Heniff, AICP
Director of Community Development

c. Petitioner

EXHIBIT A: PETITIONER'S RESPONSES TO STANDARDS FOR VARIATIONS

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;*

1. The generator is currently installed in an optimum location considering all factors involved. In its current location on the side of the house, it is not obtrusive in any way to the closest neighbors, it is close to the electrical and gas supply lines to the house and it is farther away from potential flood waters than if located at the rear of the house.

If the generator were to be re-located to the rear of the house in order to comply with the side yard setback requirement, several hardships would be incurred:

a.) The rear side of the house has a window and electrical meter which would require, by regulations, that the generator be located at least 5 feet from the wall of the house. Moving the generator to a location that meets this regulation would make it much more visible to neighbors and would block the normal use of the deck and gate on that side of back yard. Photo below shows current generator location and back yard. This is a very high traffic area of the back yard with stairs off the deck, the fence gate, the water spigot for garden hose, and garden.



b.) Moving the generator to the back yard in order to be compliant with regulations would require significant extension of both the electrical and gas supply lines which could potentially be a safety issue. We do not want our grandchildren or the children of future owners of this home to be exposed to the generator and utility connections in such an active area of the back yard.

c.) Moving the generator to the rear yard makes it more susceptible to the high flood waters that have been experienced numerous times at our home. Periods of high rains/storms are the most likely times for the normal electrical power to fail. The same periods of high rains also have the highest probability

for flooding. During these times it is critical that the generator can continue to function and not be underwater. The photo below shows that during the April 2013 flood, the water in the back yard (in the area where the generator would have to be moved to) reached the top of the chain link fence. It also reached to the level of the top of deck. A generator at ground level would have been completely submerged in this situation and useless to keep the house and sump pumps powered with electricity. Elevating the generator to avoid flood waters would require the generator to be built onto a high platform making it even more obtrusive to the neighbors and neighborhood. Elevation of the generator would further expose the electrical and gas connections & piping increasing the potential safety concerns.



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;*

2. **The conditions upon which this application is based are unique to this property.**

a.) **The generator in the current side yard location is not near to any of the neighbors' homes and thus does not have any detrimental impact to our neighbors. See overhead view showing the current generator location (in red circle) in relation to neighboring homes.**



b.) **This property is prone to severe flooding making it necessary to locate the generator as far from the source of the floodwaters (Vista Pond) as is reasonable. Floods in 2008, 2010 and 2013 completely surrounded our home with water.**

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

3. **There is no financial gain to the property owners or anyone else by granting this variance.**

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;*

4. **The hardship caused by this ordinance has not been created by any person with an interest in the property. The hardship is a result of the property layout and the history of flooding of the property.**

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;*

5. Granting of this variation to allow the generator to remain in the side yard is the best scenario for public welfare and the neighborhood. In its current location, it is nearly invisible from both the street and the Vista Pond path at the rear of our property. Moving it to the back yard would make it much more visible and obtrusive to our closest neighbors and to passersby walking on the Vista Pond path. Moving it to a location in the backyard could potentially adversely affect property values.

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

6. Granting of this variation will allow the essential character of the neighborhood to remain unchanged. Failure to grant this variation would force a move of the generator to the backyard where it would have a much more obtrusive presence to the neighborhood.

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.

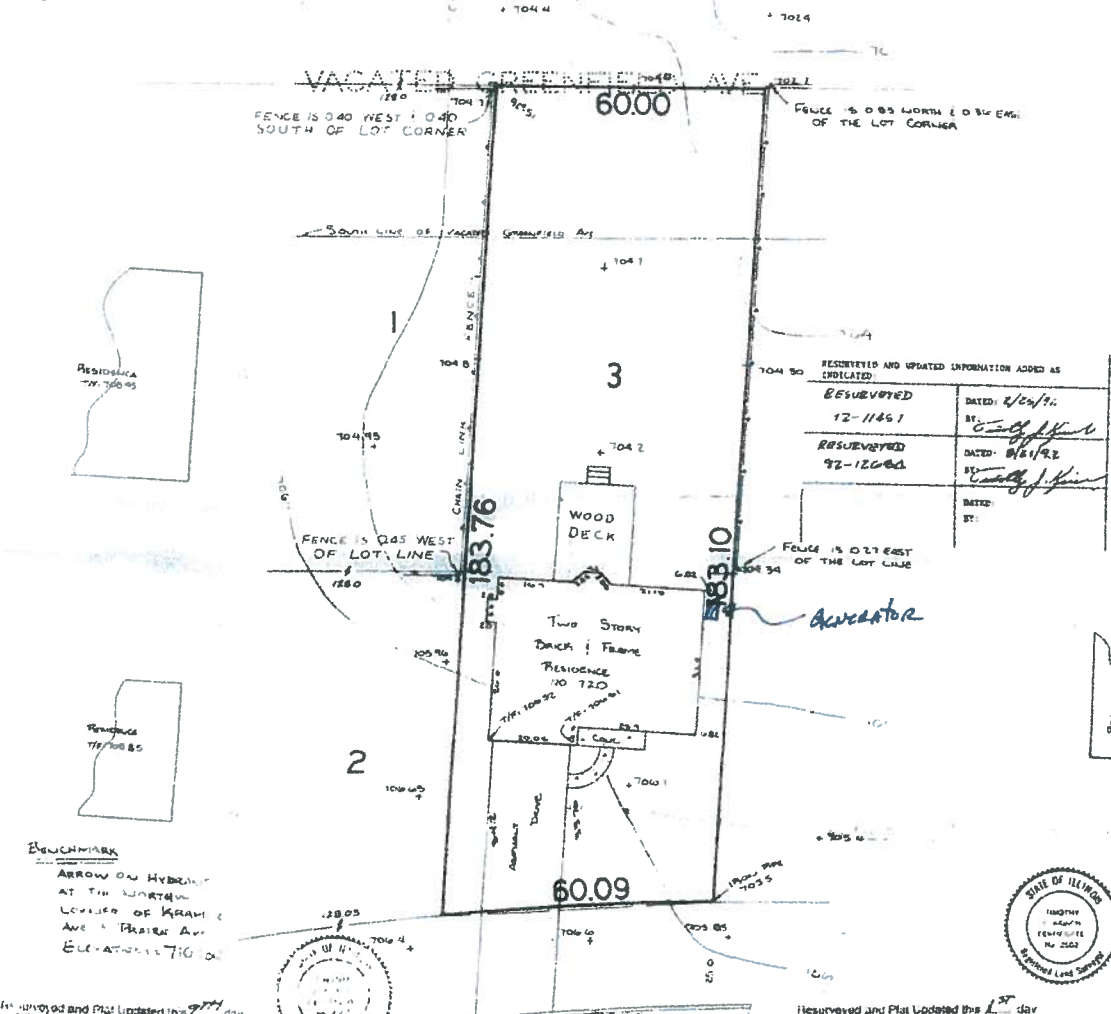
7. The proposed variation will not impair the supply of light, air, create any safety issues or diminish property values. The generator has been in its current location since 2011 and has not created any issues.

EXHIBIT B: PLAT OF SURVEY

PLAT OF SURVEY

BY
LAND SURVEYING CONSULTANTS OF ILLINOIS P.C.
 12 EAST WILLOW ST. LOMBARD ILL. 60148 (312) 620-7589

OF
 LOT 3 IN LA VEE'S PLEASANT AVENUE SUBDIVISION OF LOTS 3 AND 4 IN BLOCK 6, TOGETHER WITH THAT
 PART OF VACATED GREENFIELD ST. PER DOCUMENT 874-2200, LYING NORTH OF AND ADJOINING SAID LOT
 4, IN LOMBARD COUNTPRESEN FARMSTEAD SUBDIVISION, BEING A SUBDIVISION IN THE SOUTH-TALE OF THE
 SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
 MERIDIAN, ACCORDING TO THE PLAT OF LA VEE'S PLEASANT AVENUE SUBDIVISION RECORDED MARCH 24,
 1904 AS DOCUMENT 188-26481, IN DUPAGE COUNTY, ILLINOIS.



RESURVEYED AND UPDATED INFORMATION ADDED AS INDICATED	
RESURVEYED 12-11-81	DATED: 2/24/91 BY: <i>[Signature]</i>
RESURVEYED 92-12-00	DATED: 08/1/92 BY: <i>[Signature]</i>
	DATED: BY:

BENCHMARK
 ARROW ON HYBRID
 AT THE NORTHEAST
 CORNER OF PRAIRIE
 AVE & PRAIRIE AVE
 ELEVATION 1710.00



Resurveyed and Plat Updated this 27th day
 of December 1992
 by Timothy J. Krusch R.L.S. #2502
 Land Surveying Consultants of Illinois P.C.
 12 East Willow Street
 Lombard, IL 60148
 Phone (312) 620-7589

ADDRESS 120 PRAIRIE AVE, LOMBARD
 SURVEYED FOR Baseball Business

ORDER NO. 08-2718
 BOOK 52 PAGE 11-24



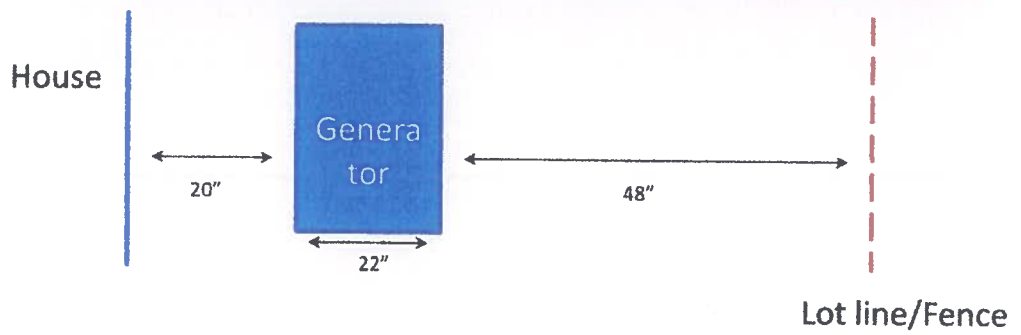
Resurveyed and Plat Updated this 1st day
 of August 1992
 by Timothy J. Krusch R.L.S. #2502
 Land Surveying Consultants of Illinois P.C.
 12 East Willow Street
 Lombard, IL 60148
 Phone (312) 620-7589

PRAIRIE AVE.
 STATE OF ILLINOIS
 COUNTY OF DU PAGE
 I, **TIMOTHY J. KRUSCH**, A REGISTERED LAND SURVEYOR DO HEREBY
 CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT
 THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL
 DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, CORRECT AT
 82° FAHRENHEIT
 REVISED JUNE 1998 *[Signature]*
DATE August 1992 *[Signature]*
 ILLINOIS REGISTERED LAND SURVEYOR #2502

REFER TO DEED, TITLE POLICY AND LOCAL
 ORDINANCE FOR BUILDING RESTRICTIONS
 NO MEASUREMENTS ARE TO BE ASSUMED
 BY SCALING

THIS COPY AND PLAT OF
 SURVEY IS NULL AND VOID
 IF SURVEYOR'S UNDISSESS SEAL
 IS NOT AFFIXED HEREON

EXHIBIT C: GENERATOR DIAGRAM



720 E. Prairie Ave Lombard
Madeleine McAfee

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 15-07; 720 E. Prairie Avenue)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single-Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to allow for an emergency generator unit in the required six foot (6') interior side yard setback; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on June 24, 2015 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to allow for an emergency standby generator unit in the required six foot (6') interior side yard setback.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. All comments in the Inter-Departmental Review Committee Report shall be satisfactorily addressed; and
2. If the comments in the Inter-Departmental Review Committee Report shall necessitate changes to the previously submitted Building Permit No. 2015-

00000093, the petitioner shall apply for and receive a new building permit for the emergency generator; and

- 3. If the comments in the Inter-Departmental Review Committee Report shall necessitate physical changes to the emergency generator and/or the platform on which it is located, the variation shall become null and void unless work thereon is substantially under way within twelve (12) months of the issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

SECTION 3: This ordinance is limited and restricted to the property generally located at 720 E. Prairie Avenue, Lombard, Illinois, and legally described as follows:

LOT 3 IN LA VERE'S PLEASANT AVENUE SUBDIVISION OF LOTS 3 AND 4 IN BLOCK 6, TOGETHER WITH THAT PART OF VACATED GREENFIELD ST. PER DOCUMENT R76-22020, LYING NORTH OF AND ADJOINING SAID LOT 4, IN LOMBARD COUNTRYSIDE FARMETTES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF LA VERE'S PLEASANT AVENUE SUBDIVISION RECORDED MARCH 24, 1988 AS DOCUMENT R88-28451, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-419-012

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2015.

First reading waived by action of the Board of Trustees this _____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015.

Ayes: _____

Nays: _____

Absent: _____

Ordinance No. _____

Re: ZBA 15-07

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Approved this _____ day of _____, 2015

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2015

Sharon Kuderna, Village Clerk