


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

X

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: April 9, 2007 (B of T) Date: April 19, 2007
TITLE: ZBA 07-03: 250 W. Willow Street
SUBMITTED BY: Department of Community Development 

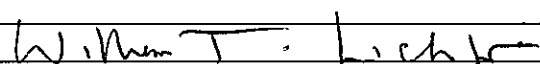
BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests a variation from Section 155.212 of the Zoning Ordinance to allow a central air conditioning unit as a permitted obstruction within an interior side yard in the R2 Single Family Residence District. (DISTRICT #1)

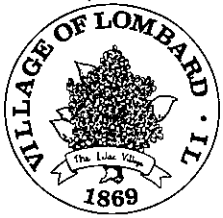
The Zoning Board of Appeals recommended approval of this petition with amended conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X  _____ Date 4/16/07

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: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP *DAH*
Assistant Village Manager/Director of Community Development

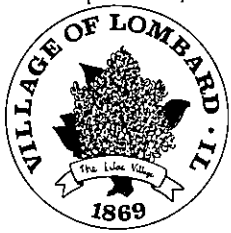
DATE: April 19, 2007

SUBJECT: ZBA 07-03: 250 W. Willow Street

Attached please find the following items for Village Board consideration as part of the April 19, 2007 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 07-03;
3. An Ordinance granting approval of the requested variation; and
4. Companion site plan associated with the petitioner's request.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

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Village President
William J. Mueller

April 19, 2007

Village Clerk
Brigitte O'Brien

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

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: ZBA 07-03; 250 W. Willow St.

Dear President and Trustees:

Village Manager
William T. Lichter

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.212 of the Lombard Zoning Ordinance to allow a central air-conditioning unit as a permitted obstruction within an interior side yard in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on March 28, 2007. Dean Frigo, owner of the property, presented the petition. He stated that he came in and spoke with Angela Clark (past Village of Lombard Planner) who gave him verbal confirmation that he could go ahead and place the second air conditioning condenser next to the larger preexisting condenser in the side yard setback. He then stated that he is before the Zoning Board of Appeals to ask for a variance to allow for the placement of the second air conditioning condenser.

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

Chairperson DeFalco then opened the meeting for public comment. There was no one in the audience present to speak for or against the petition.

Michael Toth, Associate Planner, presented the staff report. He stated that the property owners completed a number of improvements to the subject property including a residential addition. He then noted that as part of the improvements, an additional air conditioning condenser was needed. Mr. Toth also noted that the contractor placed the new air conditioning condenser next to the existing condenser, which is located in the interior side yard. He then stated that air conditioning condensers are not listed as a permitted encroachment within side yards. He then stated that a variation is needed.

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

Mr. Toth then moved on to state that the Zoning Ordinance lists air conditioning condensers as permitted encroachments within rear yards, but does not list them as permitted encroachments within interior side, corner side or front yards. He then

declared that the intent was that air conditioning condensers within front and corner side yards would worsen the appearance of the streetscape and condensers within interior side yards could become a noise nuisance if it is placed too close to the windows of an adjacent residence.

Mr. Toth stated that the air conditioning condensers on the subject property are located in the eastern side yard. He mentioned that the residence on the adjacent property to the east is located twelve feet (12') from the side property line that it shares with the subject property. Mr. Toth then noted that there is an eighteen foot (18') separation between the two residences whereas the provisions of the Zoning Ordinance would require only a 12' separation between the two residences.

Pertaining to lots in the R2 zoning district, Mr. Toth mentioned that 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'). He then noted that the subject lot has a total lot area of 6,544 square feet and a lot width of only 46.74 feet. He mentioned that relief was granted through ZBA 03-16 allowing the reduction in lot width to 46.74 feet. He also mentioned that the subject lot was also granted relief through ZBA 03-12 to allow for twelve feet (12') where twenty feet (20') is required. Mr. Toth stated that because the lot is smaller than most typical R2 lots and is located on a corner, the efficient areas for the condensers to be located have been significantly reduced. There is adequate space between the residence to the east and also the fact that the subject lot is located on a corner allows the optimal amount of space for emergency response vehicles. He then noted that the additional condenser would not further hinder any access ways than what is already there.

Mr. Toth stated that staff finds that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. He stated that placing the condensers in the rear yard would not be recommended because the efficiency would be greatly reduced due to the distance the line would have to extend to reach the furnace in the basement. He concluded the report by noting that because the subject lot is a corner lot, placing the condensers in either the front yard or western side yard (the corner side yard) would be aesthetically displeasing.

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

Mr. Young asked if the variation pertains to both air conditioning condensers. He then asked if relief had ever been granted for the preexisting air conditioning condenser in the side yard setback.

Michael Toth, Associate Planner, was unaware of any past relief granted for the preexisting air conditioning condenser.

Mr. Young stated that it would be a good idea to grant relief to both units as a third condition of approval to ensure that if anything were to happen to either unit, the petitioner would not have to waste money to seek additional relief for the preexisting unit.

Jennifer Backensto, Planner II, noted that the condition of approval is tied to the existing residence. The air conditioners would have to come into compliance when the residence is damaged or destroyed, not necessarily when the air conditioning condensers themselves are damaged.

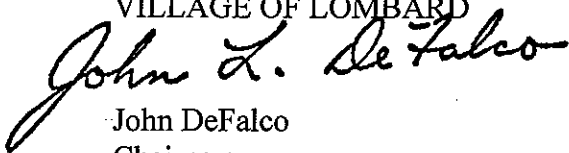
Mr. Young stated that he would like to have the preexisting air conditioning condenser added to the variation as a second condition of approval.

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the requested corner side yard variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Mr. Young and a second by Mr. Polley, the Zoning Board of Appeals recommended approval of the requested variation associated ZBA 07-03 by a roll call vote of 5 to 0, subject to the following conditions:

1. 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 the six foot (6') interior side yard provisions.
2. Should either of the air conditioning condensers located on eastern portion of the property be damaged or destroyed, their replacement shall not be subject to any additional relief.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

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ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 22, 2007.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, prepared by prepared by L.S.C.I., Inc dated May 21, 1992.
4. Photographs of the existing residence.

DESCRIPTION

The property owners completed a number of improvements to the subject property including a residential addition. As part of the improvements, an additional air conditioning condenser was needed. The contractor placed the new air conditioning condenser next to the existing condenser, which is located in the interior side yard. Air conditioning condensers are not listed as a permitted encroachment within side yards. Therefore, a variation is needed.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Since the next door neighbor's house is approximately eighteen (18') feet from the petitioner's house and thus about sixteen (16') feet from the a/c units themselves and there is already an a/c unit in the side yard, we feel a second unit is acceptable.

Public Works Engineering

Public Works Engineering has no comments on this petition.

Private Engineering

Private Engineering Services has no comment on this petition.

Planning

The property owner applied for a building permit to construct a residential addition. The building permit did cover HVAC work; however the construction drawings did not indicate that an additional air conditioning condenser would be installed. In conducting the final inspection

for the permit, the Bureau of Inspectional Service noticed that an additional air conditioning unit was placed next to the house and notified the Community Development Department. When the property owner requested a Certificate of Completion for the project, he was notified that the Community Development Department would not sign off on a final Certificate of Completion unless the new air conditioning condenser was relocated or a variation was granted.

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

The air conditioning condensers are located in the eastern side yard. The residence on the adjacent property to the east is located twelve feet (12') from the side property line that it shares with the subject property. There is an eighteen foot (18') separation between the two residences whereas the provisions of the Zoning Ordinance would require only a 12' separation between the two residences.

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 6,544 square feet and a lot width of only 46.74 feet. Relief was granted through ZBA 03-16 allowing the reduction in lot width to 46.74 feet. The subject lot was also granted relief through ZBA 03-12 to allow for twelve (12') feet where twenty (20') is required. Because the lot is smaller than most typical R2 lots and is located on a corner, the efficient areas for the condensers to be located have been significantly reduced. As previously mentioned, there is adequate space between the residence to the east and also the fact the subject lot is located on a corner allows the optimal amount of space for emergency response vehicles. The additional condenser would not further hinder any access ways than what is already there.

Staff finds that there are no reasonable alternatives for relocating the air conditioning condensers in compliance with the Zoning Ordinance. Placing the condensers in the rear yard would not be recommended because the efficiency would be greatly reduced due to the distance the line would have to extend to reach the furnace in the basement. Because the subject lot is a corner lot, placing the condensers in either the front yard or western side yard (the corner side yard) would be aesthetically displeasing.

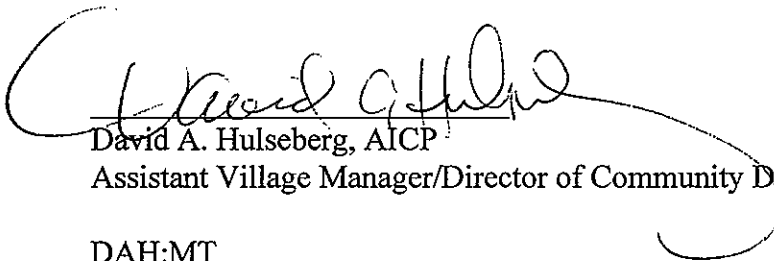
FINDINGS AND RECOMMENDATIONS

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 07-03, subject to the following condition:

1. 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 the six foot (6') interior side yard provisions.

Inter-Departmental Review Group Report Approved By:

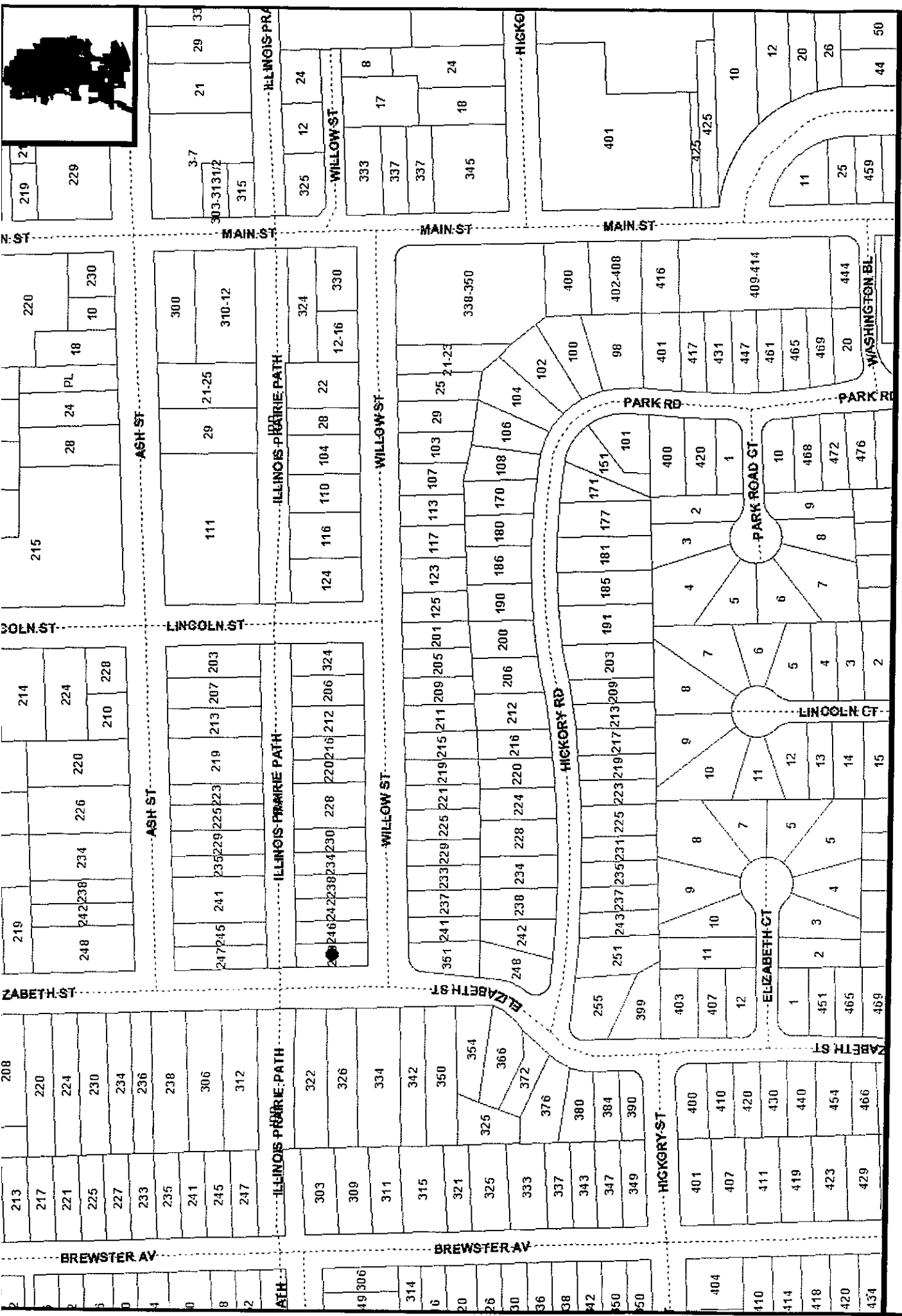


David A. Hulseberg, AICP
Assistant Village Manager/Director of Community Development

DAH:MT

att-

c: Petitioner



250 W Willow

1 in. = 245.2 feet



To whom it may concern,

In our opinion, a hardship would occur if a strict letter of zoning was enforced. Our home was built in 1927, prior to the adoption of this ordinance. We needed to renovate our old home and would like to modernize some of the homes features to accommodate our growing family's needs. We are not attempting to increase the non-conformity, but instead improve and maintain the homes character.

In our opinion we do have a unique situation regarding the zoning laws of today. The zoning laws were put into affect after our house was built in 1927, making this 6' side yard setback an issue for the accommodation of our air-conditioning units.

We have no intention of making financial gains from these improvements. As life-long residents of Lombard, we are committed to the improvement of the community and hope to contribute to the neighborhood's gentrification.

The hardship is created by an ordinance that was written after our house was built. We will not be increasing the non-conformity.

In our opinion, the granting of the variation will not be detrimental to the public welfare or other property in the neighborhood. As mentioned above, we are only hoping to contribute to the improvements that are occurring in our wonderful neighborhood.

In our opinion, the granting of the variation will not alter the essential character of our neighborhood. On the contrary we have worked with an architect to ensure that we maintain the integrity of the original home throughout our renovation process.

In our opinion, none of the concerns mentioned (drainage, safety, air, ect.) will be affected by the granting of this variation. We merely replaced one old a/c unit and added one new a/c unit in the position Angela Clark told us would be acceptable.

ORDINANCE NO. _____

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

(ZBA 07-03: 250 W. Willow Street)

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 Title 15, Chapter 155, Section 155.212 of said Zoning Ordinance, to allow a central air-conditioning unit as a permitted obstruction within an interior side yard in the R2 Single-Family Residence District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on March 28, 2007 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 to allow a central air-conditioning unit as a permitted obstruction within an interior side yard; and,

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

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 is hereby granted from the provisions of Title 15, Chapter 155, Section 155.212 of the Lombard Zoning Ordinance for the property described in Section 2 below, so as to allow a central air-conditioning unit as a permitted obstruction within an interior side yard.

SECTION 2: That this ordinance is limited and restricted to the property generally located at 250 W. Willow, Lombard, Illinois, and legally described as follows:

LOT 1 OF FRIGO'S RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 2003 AS DOCUMENT R2003-386681, IN DUPAGE COUNTY, ILLINOIS.

Ordinance No. _____

Re: ZBA 07-03

Page 2

PIN: 06-07-402-019

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

1. 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 the six foot (6') interior side yard provisions.
2. Should either of the air conditioning condensers located on eastern portion of the property be damaged or destroyed, their replacement shall not be subject to any additional relief.

SECTION 4: That 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 _____, 2007.

First reading waived by action of the Board of Trustees this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk