VILLAGE OF LOMBARD INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 25, 2008

FROM: Department of Community

Development

PREPARED BY: Stuart

Stuart Moynihan Associate Planner

TITLE

ZBA 08-09; **1601 S. Main St.:** The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6') in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Owner: Mary Ann Girardi

1601 S. Main St. Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: approximately 9,800 square feet

Surrounding Zoning and Land Use:

North: R2PD Single Family Residential Planned Development; developed as Christ

the King Church.

South: R2 Single Family Residence District; developed as Single Family Residences

East: R2 Single Family Residence District; developed as Single Family Residences

West: CR Conservation/Recreation District; developed as Glenn Westlake Middle

School and Manor Hill Elementary School

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ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on June 2, 2008.

- 1. Petition for Public Hearing.
- 2. Response to the Standards for Variations.
- 3. Written response, prepared by the petitioner, describing the history of the property.
- 4. Plat of Survey prepared by Glen D. Krisch Land Surveyor, Inc, dated August 4, 1992, with proposed fence location.

DESCRIPTION

The subject property is located at the southeast corner of Main Street and 16th Street. The petitioner is requesting a variation to allow the installation of a new solid wood fence six (6) feet in height in the corner side yard where a maximum of four (4) feet is allowed. The proposed fence would be constructed along the corner side lot line. The fence would replace an existing six (6) foot fence in the same location which has fallen into disrepair.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has no comments on the subject petition.

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments on the subject petition.

PLANNING

The residence on the subject property is setback approximately eight (8) feet from the corner side property line and therefore does not comply with the required twenty (20) foot corner side yard setback. However, the residence was constructed prior to the improvement of the 16th Street right of way and was not functionally a corner lot at the time the residence was constructed. The subject property was annexed in 1992. The existing six (6) foot fence was also constructed prior to both the right of way improvements and annexation. The fence was legally constructed according to the

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DuPage County Zoning Ordinance at the time. Section 37-4.7-2 (c) states, "SIDE/REAR YARDS: An open or solid fence may be erected to a height not to exceed six (6) feet above grade...." There were no separate provisions for fences in corner side yards. This fence is now in disrepair and in need of replacement.

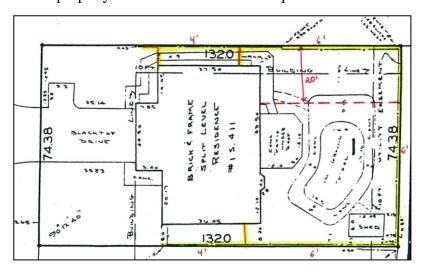






The petitioner has expressed concerns about privacy and safety. The existing-in ground pool had already been constructed at the time the petitioner and her husband purchased the home. The surrounding area of the subject property contains three schools: Christ the King Elementary School, Glenn Westlake Middle School, and Manor Hill Elementary School. The petitioner is concerned about the safety of children that might be tempted to climb a four (4) foot fence to enter the pool.

While privacy and safety concerns may be legitimate on the subject property, they are not necessarily demonstrative of a hardship. However, staff can support a variation due to the unique history and current situation on the property. Both the residence and fence were legally constructed. When the property was annexed, the house and the fence became legal non-conforming structures. The layout in the back yard, which has remained essentially unchanged since annexation, effectively negates the right to a six (6) foot fence at or beyond the required twenty (20) foot set back. Concrete that surrounds the pool as well as portions of walkways would be left outside the fence creating an awkward situation on the property. This is shown in the site plan below:



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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 aforementioned 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 find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 08-09, subject to the following conditions:

- 1. The fence shall be installed in accordance with the site plan submitted as part of this petition.
- 2. The petitioner shall apply for and receive a building permit for the fence prior to construction.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP

Acting Director of Community Development

WJH

c: Petitioner

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