

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: November 24, 2008 (B of T) Date: December 4, 2008

TITLE: ZBA 08-15: 1300-1366 S. Finley Road

SUBMITTED BY: Department of Community Development *WVD*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests that the Village approve the following actions for the subject property located within the R5PD General Residential Planned Development District:

1. A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5').
2. A variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width. (DISTRICT #2)

The ZBA recommended approval of this petition with amended conditions.
Please place this item on the December 4, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

Date

Date

Date

11/25/08

David A. Hulseberg

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WHD*

DATE: December 4, 2008

SUBJECT: ZBA 08-15; 1300-1366 S. Finley Road

Please find the following items for Village Board consideration as part of the December 4, 2008 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 08-15; and
3. An Ordinance granting approval of the requested front yard fence height variation and approval of the clear line of sight encroachment; and
4. Plans associated with the petition.

Please contact me if you have any questions regarding the aforementioned materials. The Zoning Board of Appeals recommended approval of the zoning actions associated with the petition.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



December 4, 2008

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

Subject: ZBA 08-15; 1300-1366 S. Finley Road

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') and a variation to Section 155.205(A)(1)(c)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

The Zoning Board of Appeals conducted a public hearing on November 19, 2008. David Friedman (5005 W. Touhy Ave, Skokie, IL), property management for International Village, presented the petition. Mr. Friedman stated International Village wishes to replace the existing masonry wall with a new fence. He added that the masonry has existed for over 30 years and a new fence would be an aesthetic improvement. He stated that the new fence would be a six (6) foot ornamental fence and would replace the existing stucco wall. Mr. Friedman stated that a four (4) foot fence does not work for that location due to security issues. He then added that the location of the piers does not create a conflict with the clear line of site and the new fence would actually increase visibility.

Chairperson Defalco opened the meeting for public comment. No one spoke either for or against the petition.

Chairperson Defalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. Mr. Toth stated that the petitioner is seeking to replace an existing six foot (6') masonry wall with an ornamental steel fence six feet (6') in height. Therefore a variation to increase

"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."

David A. Hulseberg
Village Manager

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

William J. Mueller
Village President
Brigitte O'Brien
Village Clerk

the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') is required. In addition, two (2) of the existing brick pillars currently stand within clear line of sight areas at the northern driveway along Finley Road. As these pillars are two feet (2') in width with a cap two and one half feet (2.5') in width, a variation is necessary to allow two of these pillars to remain within the clear line of sight areas.

Mr. Toth stated that the existing masonry wall adjacent to Finley Road exceeds the maximum height of four feet (4') allowed by the Zoning Ordinance for walls and fences within the front yard setback. Since this proposal would replace greater than fifty percent (50%) of the value of this non-conforming structure, a variation is necessary to allow these pillars at seven and one half feet (7.5') to remain.

It is staff's opinion that this proposal would be more aesthetically pleasing and bring the wall into closer compliance with code. The petitioner has stated that the fence would provide better security at six feet (6') in height rather than the four feet (4') allowed by code. Staff concurs and believes that the fence, as proposed, would provide greater visibility onto the property for both the passersby and law enforcement.

It is also staff's opinion that the petitioner's proposal will actually increase visibility in the clear line of sight area as the fence will be of open construction. Staff feels that both variations can be supported because they bring the existing wall as a whole into closer compliance with the Zoning Ordinance.

Staff is recommending approval of the petition, subject to the seven conditions listed in the staff report.

Chairperson Defalco opened the meeting for discussion among the members.

Mr. Tap stated that the existing piers provide a fair amount of visual space. He added that he agrees with staff's opinion that the fence would increase visibility.

Chairperson Defalco referred to condition #6 of the IDRC Report that states in the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area. Chairperson Defalco asked the petitioner why the subject pillars couldn't be removed all together.

Mr. Friedman stated that removing those pillars would disrupt the aesthetic continuity. He added that the termination points should not be smaller than the other pillars. He then stated that it would be aesthetically unpleasing to go from a massive pillar to a small pillar as a termination point. Mr. Friedman added that he doesn't want to see the pillars ripped down.

Mrs. Newman stated that she agrees with the petitioner. She then asked how far back the pillars are from the road.

Mr. Toth stated that the pillars are in the range of 20-30 feet from the road. The clear line of site area is created where the property line meets the driveway; regardless of how far back the property line is set.

Chairperson DeFalco asked the petitioner if there is currently any landscaping in the subject area.

Mr. Friedman responded that there is no landscaping in that area.

Chairperson DeFalco reminded the petitioner that shrubs are regulated the same as fences in that they have a restricted height in the front yard and that those shrubs are to remain below four (4) feet. He then stated that a separate condition of approval should be added, which regulates any subsequent landscaping.

Chairperson read the conditions of approval then directed staff to add another condition (#8).

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board approve a variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') and a variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6'') to thirty inches (30'') in width, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the fence prior to construction.

2. The fence shall be installed in accordance with the site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Krirsch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.

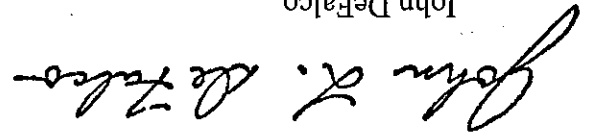
3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.

4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').

5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.
6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.
7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.
8. Any subsequent landscaping to be located in the front yard of the subject property shall conform to the height restrictions outlined in the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco

Chairperson

Zoning Board of Appeals

**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals
HEARING DATE: November 19, 2008

FROM: Department of Community Development
PREPARED BY: Stuart Moynihan
Associate Planner

TITLE

ZBA 08-15; 1300-1366 S. Finley Road: The petitioner requests that the Village approve the following actions for the subject property located within the R5PD General Residential Planned Development District:

1. A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5').

2. A variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

GENERAL INFORMATION

Petitioner: Steve Apke
124 Aberdeen Drive
East Dundee, IL 60118

Property Owner: Villages II, LLC
5005 West Touhy Ave.
Skokie, IL 60077

Relationship of Petitioner to Property Owner: Fence Contractor

PROPERTY INFORMATION

Existing Zoning: R5PD General Residential District Planned Development

Existing Land Use: Multi-Family Apartment Buildings

Size of Property: Approximately 39.3 acres

Surrounding Zoning and Land Use:

North:	B4APD Roosevelt Road Corridor District Planned Development and B4A Roosevelt Road Corridor District; developed as Dania Furniture and Lombard Toyota.
South:	R2 Single Family Residence District; developed as Single Family Residences
East:	R5PD General Residential District Planned Development; developed as Multi-Family Apartment Buildings
West:	Unincorporated residential properties; 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 October 15, 2008.

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Brochure from Ameristar/Montage Fence which describes the proposed "Classic" style fence.
4. Site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Kirsch Land Surveyor, Inc., dated December 15, 2004, with proposed fence location.

DESCRIPTION

The subject property is located along Finley Road south of Roosevelt Road. The petitioner is seeking to replace an existing six foot (6') masonry wall, with seven and one half foot (7.5') high brick pillars, located along Finley Road with an ornamental steel fence six feet (6') in height. The existing brick pillars would remain. Therefore a variation to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') is required. In addition, two (2) of the existing brick pillars currently stand within clear line of sight areas at the northern driveway along Finley Road. As these pillars are two feet (2') in width with a cap two and one half feet (2.5') in width, a variation is necessary to allow two of these pillars to remain within the clear line of sight areas.

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 regarding this request.

PLANNING

The existing masonry wall adjacent to Finley Road exceeds the maximum height of four feet (4') allowed by the Zoning Ordinance for walls and fences within the front yard setback. The petitioner is proposing to replace sections of the masonry wall with a Montage "Classic" style ornamental fence of open construction between the existing brick pillars. Since this proposal would replace greater than fifty percent (50%) of the value of this non-conforming structure, a variation is necessary to allow these pillars at seven and one half feet (7.5') to remain.

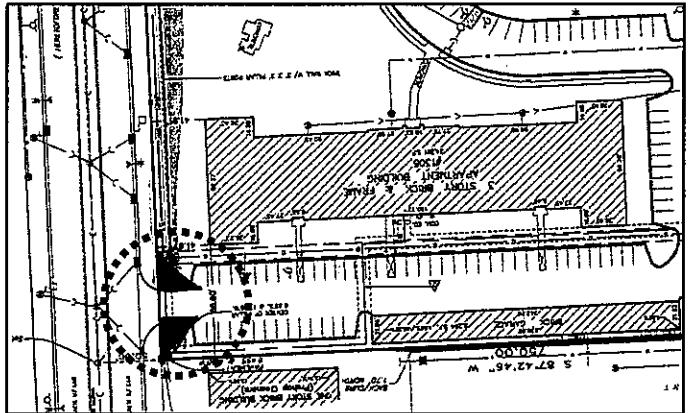


The approval of this variation would also allow the petitioner to construct the fence sections as proposed at six feet (6') in height. The petitioner believes the proposed fence would be a visual improvement to the property and that a fence constructed at four feet (4') in height would be out of balance with respect to the existing brick pillars.

While the proposed fence height would be greater than allowed by the Zoning Ordinance, it is staff's opinion that this proposal would be more aesthetically pleasing and bring the wall into closer compliance with code. The petitioner has stated that the fence would provide better security at six feet (6') in height rather than the four feet (4') allowed by code. Staff concurs

and believes that the fence, as proposed, would provide greater visibility onto the property for both the passersby and law enforcement.

The petitioner is also seeking a variation to allow two (2) of the existing brick pillars at the northern driveway along Finley Road to be within the clear line of sight areas. Pursuant to the Zoning Ordinance, supporting members of a fence in the clear line of sight area shall not be greater than six inches (6") in width. The existing brick pillars are thirty inches (30") in width. The original planned development was silent with respect to fencing and no permit was issued for the wall as permits were not required until 2000.



The above plan shows the location of these pillars within clear line of sight triangles (in red). Currently, the pillar on the southern side of the driveway is of only minor concern regarding visibility as the driveway is right turn in and right turn out only. The pillar on the northern side of the driveway could block some visibility to and from Finley Road. However, the petitioner's proposal will actually increase visibility in the clear line of sight area as the fence will be of open construction.

Staff feels that both variations can be supported because they bring the existing wall as a whole into closer compliance with the Zoning Ordinance.

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 variations:

Based on the submitted petition and the testimony presented, the requested variations do comply with the Standards required for variations 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 08-15, subject to the following conditions:

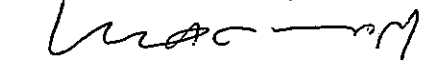
1. The petitioner shall apply for and receive a building permit for the fence prior to construction.
2. The fence shall be installed in accordance with the site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Kirsch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.

3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.
4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').

5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.

6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.
7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.

Inter-Departmental Review Report Approved By:



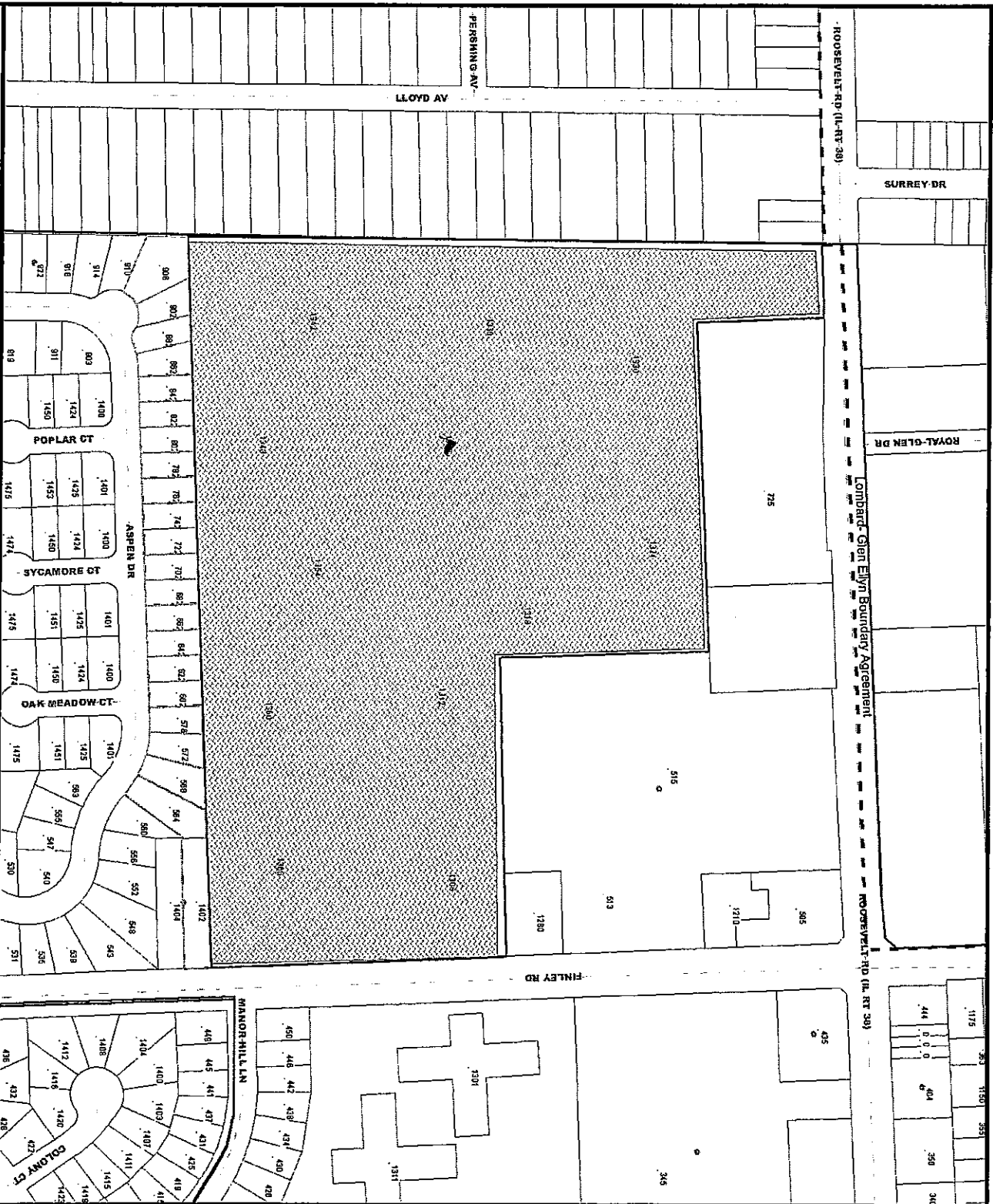
William J. Heniff, AICP

Director of Community Development

WJH

c: Petitioner

1300-1366 S. Finley Rd.



- Active Cases
- Address Points
- Centerline
- JURIS
- RIVER
- + RWR
- TOLLWAY
- TRAIL
- Parcels
- Trustee Boundaries
- - - Boundary Agreement

334 ft



International Village Sign Variation Request – October 10, 2008 (File IV-Fence)

International Village Apartments

1300 S. Finley Road

Lombard, Illinois 60148

The existing fence surrounding the property consists of brick piers 7'-2 1/2" high with solid stucco faced infill sections 5' – 10%" high. Due to unsightly conditions, the stucco infill sections are to be removed and replaced with an open style wrought iron fence. Code allows only a 4'-0" high fence. We want to install a 6'-0" high fence in order to maintain security and proportion to the existing piers which are to remain. This request is for a fence height that is 1%" over the existing sections to be removed.

In order to install 6'-0" wrought iron fence sections, we are requesting a variance to the 4'-0" height limitation. As part of the petition application to the Village of Lombard there is a requirement to respond to specific statements as to why the variance should be granted. The following constitute the responses to seven (7) standards as noted in the Lombard Zoning and Sign Ordinance Section 155.103.C.7:

1. The property abuts to a busy arterial street and there is a security purpose for the fence. Installation of a 4'-0" high fence reduces the level of security currently in place and poses exposure to unauthorized access to the property.
2. The existing masonry piers that will provide structural support for portions of the new sections of fence are to remain due to their architectural character and design as part of the overall design of the existing apartment buildings. The fence surrounding the property is integral to the overall quality of this residential development and it would not be appropriate to remove the masonry piers. The height of the infill needs to be in balanced with respect to the existing masonry piers that are to remain.
3. There is no financial gain associated with the request for variance. The replacement of the existing section of fence is due to visually unsightly and dated appearances.
4. The ordinance imposes a security and aesthetic hardship to the property owner's desire to improve overall appearance and implement a site improvement to enhance the quality level of the residential atmosphere of the development and neighborhood.
5. The variance will not create conditions detrimental to the public welfare or be injurious to other properties or neighborhood improvements. The new fence infill will establish an updated and timeless aspect to the perimeter fence eliminating the harsh barrier along the perimeter of the property created by the existing fence.
6. The variance will not alter the essential character of the neighborhood for reasons stated above.
7. The variance will allow the fence to significantly increase natural light in addition to improving overall safety of the property allowing internal surveillance from outside the property to discourage unauthorized access and observe suspicious activity.

Sincerely,

F&F Realty Ltd.

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

(ZBA 08-15; 1300-1366 S. Finley Road)

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 R5PD General Residential Planned Development District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') in the R5PD General Residential Planned Development District ; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on November 19, 2008 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested fence height variation and clear line of sight area, and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals and have determined that it is in the best interest of the Village of Lombard to approve the requested fence height 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 is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') in the R5PD General Residential Planned Development District ; and,

SECTION 2: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

SECTION 3: This ordinance is limited and restricted to the property generally located at 591 S. Charlotte Street, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST (ASSUMED BEARING), ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 45.80 FEET TO THE SOUTHERLY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38), SAID POINT BEING THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, 1474.74 FEET TO THE NORTH LINE OF PINEBROOK OF MILLERS MEADOW, RECORDED AS DOCUMENT R79-03224; THENCE NORTH 87 DEGREES 55 MINUTES 44 SECONDS EAST, ALONG SAID NORTH LINE AND ITS EXTENSION EASTERLY, 1726.32 FEET TO THE WEST LINE OF FINLEY ROAD, SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 19; THENCE NORTH 02 DEGREES 21 MINUTES 37 SECONDS WEST ALONG SAID WESTERLY LINE OF FINLEY ROAD AND PARALLEL WITH SAID EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 699.81 FEET TO THE SOUTH LINE OF FINLEY-ROOSEVELT ASSESSMENT PLAT RECORDED AS DOCUMENT R72-12515; THENCE SOUTH 87 DEGREES 42 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE, 700.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN SAID FINLEY-ROOSEVELT ASSESSMENT PLAT; THENCE NORTH 02 DEGREES 21 MINUTES 37 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1 AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 482.18 FEET (DEED = 479.00 FEET) TO THE SOUTH LINE OF RON POSTMA SUBDIVISION, RECORDED AS DOCUMENT R86-12771; THENCE SOUTH 87 DEGREES 50 MINUTES 45 SECONDS WEST, ALONG SAID SOUTH LINE OF SAID RON POSTMA SUBDIVISION, 776.57 FEET (DEED = 775.43 FEET) TO THE SOUTHWEST CORNER OF LOT 1 IN SAID RON POSTMA SUBDIVISION; THENCE NORTH 02 DEGREES 14 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, 295.73 FEET TO THE SOUTH LINE OF SAID ROOSEVELT ROAD; THENCE SOUTH 87 DEGREES 42 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF ROOSEVELT ROAD, 177.18 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-19-100-013

SECTION 4: This ordinance shall be granted subject to compliance with the following conditions:

1. The petitioner shall apply for and receive a building permit for the fence prior to construction.

2. The fence shall be installed in accordance with the site plan based on the ALTA/CASMLand Title Survey prepared by Glen Krirsch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.

3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.

4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').

5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.

6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.

7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.

8. Any subsequent landscaping to be located in the front yard of the subject property shall conform to the height restrictions outlined in the Zoning Ordinance.

SECTION 5: 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 _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____
Approved this _____ day of _____, 2008.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk



MEMORANDUM

TO: David A. Huliseberg, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: December 4, 2008

SUBJECT: ZBA 08-15; 1300-1366 S. Finley Road (Internationale Village) – Request for
Continuance

The Zoning Board of Appeals (ZBA) recommended approval of a fence variation associated with this petition at their November 19, 2008 meeting. After consideration of the matter by the ZBA, staff has received a further request to address three nonconforming and/or outstanding issues, pertaining to brush materials located on site, drainage concerns and sidewalk provisions. Staff discussed these matters today with the petitioner/property owner. However, in order to ascertain the full scope of these requests and to provide a response for the Board, the petitioner is requesting that this petition be continued to the December 18, 2008 Village Board meeting.