

May 19, 2005

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

Subject: ZBA 05-06; 324 S. Ahrens

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 corner yard from four feet (4') to six feet (6') the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on April 27, 2005. Topi Viitala, property owner, presented the petition. Mr. Viitala stated that he previously appeared before the Zoning Board requesting a variation for a six-foot fence in a corner side yard. He stated that the final decision on the fence had been delayed after three Village Board meetings, but was ultimately denied. Mr. Viitala stated that he was now requesting to move the fence fifteen feet away from the property line. He stated that if he were to move the fence the required twenty feet the back door of the residence would be on the opposite side of the fence.

Chairperson DeFalco then opened the meeting for public comment. Brian LaVan, 805 E. Division, stated that he was the property owner immediately west of the petitioner. He stated that he was fine with the fence's present location. He stated that if the petitioner were required to move the fence in he would have to construct additional fencing on his own lot.

Chairperson DeFalco asked if the previous fence was constructed to code. He asked if the fence were in the same location and the materials used. Mr. LaVan stated that the fence was on the property line, but it was chainlink.

Angela Clark, Planner II, presented the staff report. She stated that the petitioner had appeared before the Zoning Board before and the petition was

subsequently denied by Village Board. She stated that staff had discussed the possibility of moving the fence further into the yard. She stated that the petitioner's home is located fifteen feet from the property line and was considered legal nonconforming. Ms. Clark stated that staff has typically encouraged property owners to move fences outside of the required corner lot area if they wanted to erect six foot fences. She stated that if the petitioner were to move the fence in twenty feet the rear door of the residence would be outside of the fence. She stated that there would not be any line of sight issues as the neighboring driveway was more than thirty feet from the property line. Ms. Clark stated that staff recommended approval of the petition.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Young stated that he felt badly that Mr. LaVan enjoyed years of fencing and would have to make modifications because the petitioner constructed an illegal fence. Mr. Young stated that regardless of whether or not the fence was constructed to code Mr. LaVan would still have to place additional fencing if the petitioner had decided to simply remove the fence.

Chairperson DeFalco asked where the fence was in location to Mr. LaVan's fence. Mr. LaVan stated that the fences abutted one another.

Ms. Clark stated that the petitioner's fence would still be within the front yard of the neighbor's property. She also noted the conditions of approval limiting the relief to the existing residence. She stated that perhaps the condition should be limited to the fence.

Mr. Bedard noted that if the condition were limited to the fence it would hinder subsequent replacement and repairs of the fence. Ms. Clark agreed. Chairperson DeFalco stated that the condition should be left as written in the staff report.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation for **approval** of the requested variation subject to conditions.

1. That the petitioner shall apply for and receive a building permit for the relocation of the fence on the subject property.
2. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any fencing on the property shall meet all current height requirements.

The roll call vote was 6 to 0 to recommend approval of ZBA 05-06.

Re: ZBA 05-06
May 19, 2005
Page 3

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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