

April 25, 2018

Title

ZBA 18-02

Petitioner & Property Owner

Cindy Wong-Williams
303 Collen Drive
Lombard, IL 60148

Property Location

303 Collen Drive

Zoning

R2 Single Family Residence

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to allow a six foot (6') tall solid fence in the corner side yard; a variation to allow a six foot (6') tall solid fence in a rear yard that abuts the front yard of an adjacent lot.

Prepared By

Anna Papke, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

The subject property is a reverse corner lot developed with a single-family home. There is currently a six-foot tall solid wood fence around the perimeter of the rear and corner side yards. The property owner would like to replace the existing fence with a fence of similar height and construction. However, the Zoning Ordinance limits fences in corner side yards to a maximum of four feet in height. Further, fences in rear yards that abut front yards on adjacent properties are limited to four feet in height. As currently constructed, the fence does not conform to the Zoning Ordinance.

The current fence was constructed in the late 1990s, at which point the Village did not require permits for residential fences. The Village currently requires permits for residential fences. The property owner is seeking variances in order to get a permit to replace the fence with a similar fence.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 8,498 SF
Fence Height 6 feet

Reqd. Setbacks & Existing Dimensions (in parens.)

Front (north) 30' (31.5')
Side (west) 6' (8.5')
Corner Side 20' (9.0'
(east) approx.)
Rear (south) 25' (47.0'
approx.)

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation; and
3. Plat of Survey prepared by Timothy J. Krisch, dated May 9, 1997.

APPROVALS REQUIRED

The petitioner requests that the Village take the following actions for the subject property located within the R2 Single-Family Residence District:

1. Grant approval of a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a corner side yard; and
2. Grant approval of a variation from Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot.

EXISTING CONDITIONS

The property is improved with a split-level single-family residence.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family Home
South	R2	Single Family Home
East	R2	Single Family Home
West	R2	Single Family Home

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Fire Department:

The Fire Department has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Private Engineering Services:

Private Engineering Services (PES) has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Public Works:

The Department of Public Works has no comments regarding the petition. Additional comments may be forthcoming during permit review.

Planning Services Division:

The property is currently developed with a six-foot tall solid wood fence located in the rear, interior side, and corner side yards (Exhibits A and B). The petitioner proposes to replace the existing fence with an identical fence in the same location.

Section 155.205(A)(1)(c) of the Zoning Ordinance permits fences of solid construction to be a maximum of four feet tall in corner side yards. Further, fences in rear yards that abut the front yard of an adjacent lot may be a maximum of four feet tall. Exhibit C shows the fence height permitted by the Zoning Ordinance in the rear and side yards of the subject property.

The petitioner states that the existing six-foot tall fence is in poor repair and needs to be replaced. The petitioner is concerned that a replacement fence that meets the height requirements of the Zoning Ordinance would not provide adequate privacy or security.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.103(C)(7). Staff offers the following commentary on these standards with respect to this petition:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

Staff observes that the subject property has a unique shape. Due to a bend in Elizabeth Street, the rear of the property (south property line) is narrower than the front of the property (north property line, along Collen Drive). The requirement to keep the fence to a maximum of four feet tall where adjacent to the neighboring front yard will have a larger impact on the rear yard of the subject property than would be the case on other corner properties in the Village with more conventional geometry.

- b. *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.*

This standard is affirmed. The unusual shape of the subject property with respect to the rear yard is a unique feature.

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

This standard is affirmed.

- d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

This standard is affirmed.

- e. *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.*

This standard is affirmed. The single-family residence adjacent to the south of the subject property sits at an angle relative to the shared property line. The six-foot tall fence on the shared property line angles away from the front of the neighbor's house (see Exhibit A), which limits the visual impact of the fence on the neighbor's front yard.

- f. *The granting of the variation will not alter the essential character of the neighborhood.*

This standard is affirmed. Staff notes that the proposed fence will be identical in location and height to the fence currently on the property. Conditions in the neighborhood will not change.

Further, there are a number of fences in corner side yards in the surrounding neighborhood that are similar to the type of fence the petitioner proposes to install.

- g. *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*

This standard is affirmed.

In consideration of precedent, staff has identified 21 similar cases that appeared before the Zoning Board of Appeals since 2005. Each case involves a request for a six foot (6') tall solid fence in a corner side yard in a single-family residential zoning district.

Of the 21 cases, the Zoning Board of Appeals recommended approval of the requested variation 11 times. The Village Board approved all 21 requests, with the exception of the portion of ZBA 15-05 requesting a solid fence in the clear line of sight. Staff notes the fence on the subject property in ZBA 18-02 does not impact any clear lines of sight.

CASE NO.	DATE	ADDRESS	SUMMARY	ZBA	BoT
ZBA 05-02	4/21/2005	322 E. Elm St.	6' tall solid wood fence within a corner side yard.	Approval, 4-1	Approval, 6-0
ZBA 05-06	6/2/2005	324 S. Ahrens Ave.	6' tall wood picket fence within a corner side yard (15' off of property line)	Approval, 6-0	Approval, 6-0
ZBA 06-13	9/21/2006	501 N. Garfield St.	6' tall wood picket fence within a corner side yard.	Approval, 6-0	Approval, 6-0
ZBA 06-20	1/4/2007	614 E. Berkshire Ave.	6' tall solid wood fence within a corner side yard.	Approval, 5-1	Approval, 6-0
ZBA 07-06	8/9/2007	466 N. Main St.	5' tall solid wood fence within a corner side yard.	Denial, 4-0	Approval, 5-0
ZBA 07-09	8/9/2007	130 E. Sunset Ave.	6' tall solid wood fence within a corner side yard.	Denial, 4-0	Approval, 5-0

ZBA 07-10	8/9/2007	220 W. Central Ave.	6' tall solid wood fence within a corner side yard.	None, 2-2	Approval, 5-0
ZBA 08-04	5/15/2008	1005 E. Washington Blvd.	4' tall solid wood fence with a 1' tall lattice extension within a corner side yard.	Denial, 6-0	Approval, 6-0
ZBA 08-07	8/21/2008	197 S. Lombard Ave.	5' tall solid wood fence within a corner side yard.	None, 3-2	Approval, 6-0
ZBA 08-09	9/4/2008	1601 S. Main St.	6' tall solid wood fence within a corner side yard.	Approval, 5-0	Approval, 6-0
ZBA 08-14	10/2/2008	242 W. Berkshire Ave.	6' tall solid wood fence within a corner side yard.	Approval, 5-0	Approval, 6-0
ZBA 08-16	1/15/2009	350 N. Fairfield Ave.	6' tall solid wood fence within a corner side yard.	None, 3-2	Approval, 6-0
ZBA 09-09	10/15/2009	1107 Woodrow Ave.	6' tall solid vinyl fence within a corner side yard.	Approval, 5-0	Approval, 6-1
ZBA 09-11	1/21/2010	617 E. Berkshire Ave.	6' tall solid wood fence within a corner side yard.	Approval, 5-0	Approval, 6-0
ZBA 10-02	5/20/2010	302 S. Grace St.	6' tall solid wood fence within a corner side yard.	Denial, 1-4	Approval, 6-0
ZBA 11-02	6/2/2011	403 W. Ethel Ave.	6' tall solid fence within a corner side yard.	None, 3-3	Approval, 6-0
ZBA 11-03	5/19/2011	1147 E. Adams St.	6' tall solid wood fence with a corner side yard.	Approval, 4-1	Approval, 6-0
ZBA 13-05	11/7/2013	640 N. Charlotte St.	6' tall solid wood fence within a corner side yard.	Approval, 5-0	Approval, 6-0
ZBA 14-08	6/24/2014	551 N. LaLonde Ave.	6' tall solid fence within a corner side yard.	None, 3-3	Approval, 5-0
ZBA 14-10	9/24/2014	236 W. Sunset Ave.	6' tall solid fence within a corner side yard.	Denial, 4-2	Approval, 6-0
ZBA 15-05	5/27/2015	601 N. Grace St.	6' tall solid fence within a corner side yard; 6' tall solid fence within the clear line of sight.	6' in corner side yard: Approval, 6-0 6' in clear line of sight: Denial, 6-0	6' in corner side yard: Approval, 6-0 6' in clear line of sight: Denial, 6-0

Staff finds that because there are so few properties within the Village that are similar to the subject property, recommending approval would not set a long range precedent that could be commonly applied to other properties.

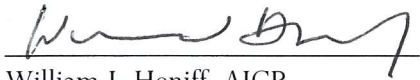
FINDINGS & RECOMMENDATIONS

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 as discussed at the public hearing, and those 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 18-02 with the following conditions:

1. The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit B; and
2. The petitioner shall apply for and receive a building permit for the proposed replacement fence.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A – Existing Conditions



Looking northwest toward subject property



Looking north toward subject property



Looking west toward subject property



Looking west, with view of neighbor's front yard

EXHIBIT B – Site Plan
Showing location of existing and proposed replacement fence

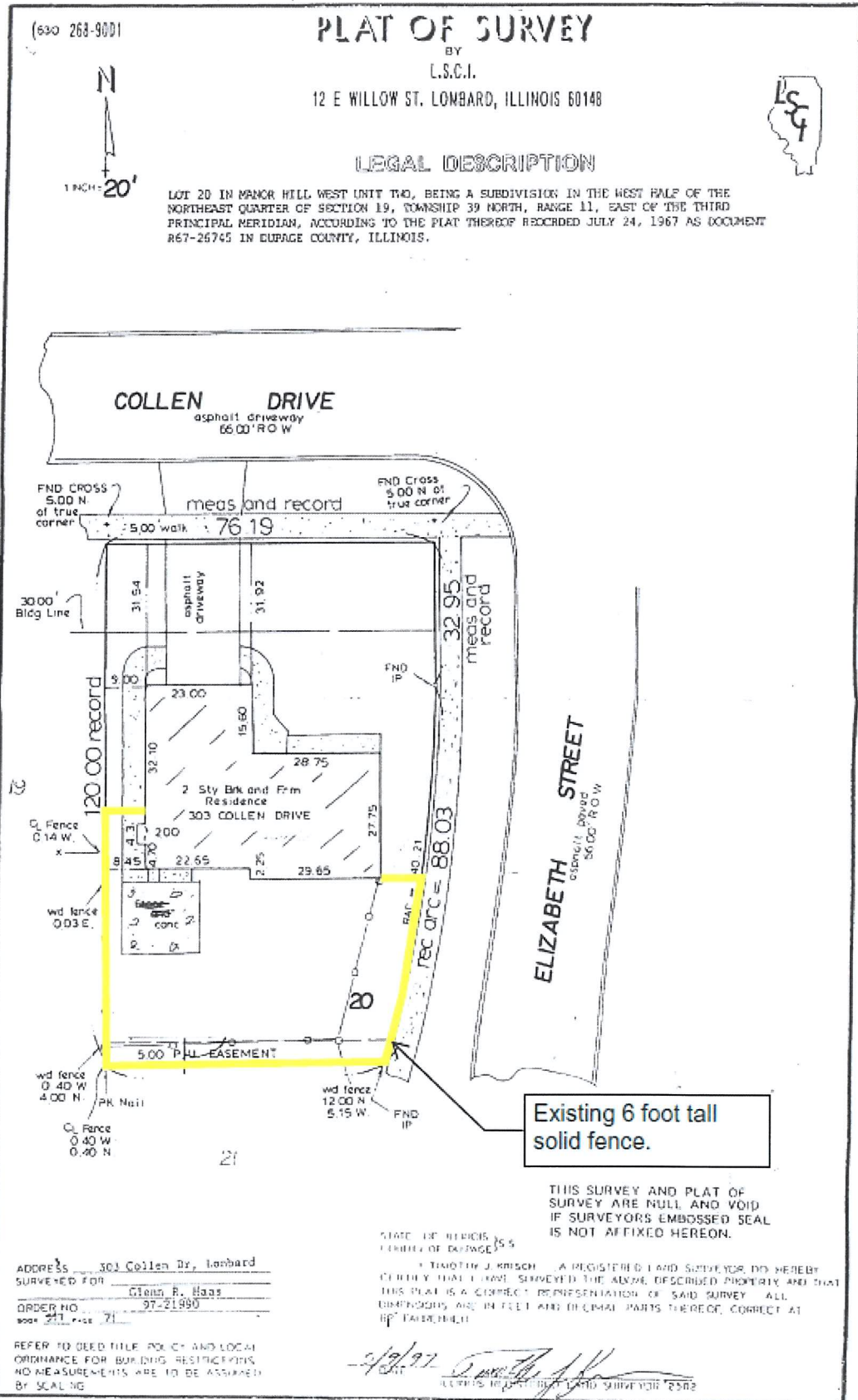


EXHIBIT C – Permitted by Zoning Ordinance
Showing Zoning Ordinance requirements for existing and proposed replacement fence

