

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: September 20, 2010

FROM: Department of
Community Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 10-13; Text Amendments to the Zoning Ordinance: The Village requests text amendments to the Lombard Zoning Ordinance relative to fencing and accessory structures located on Through Lots. The definition of ‘Through Lot’ would also be amended for purposes of clarity.

GENERAL INFORMATION

Petitioner: Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

ANALYSIS

DESCRIPTION

Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots. In order to address these requests, staff has reviewed all provisions relative to through lots and is proposing amendments relative to fence height and the placement of accessory structures on such lots.

INTER-DEPARTMENTAL REVIEW COMMENTS

PUBLIC WORKS

The Department of Public Works has no comments.

PRIVATE ENGINEERING SERVICES

The Private Engineering Services has no comments.

BUILDING DIVISION

The Building Division has no comments.

FIRE DEPARTMENT

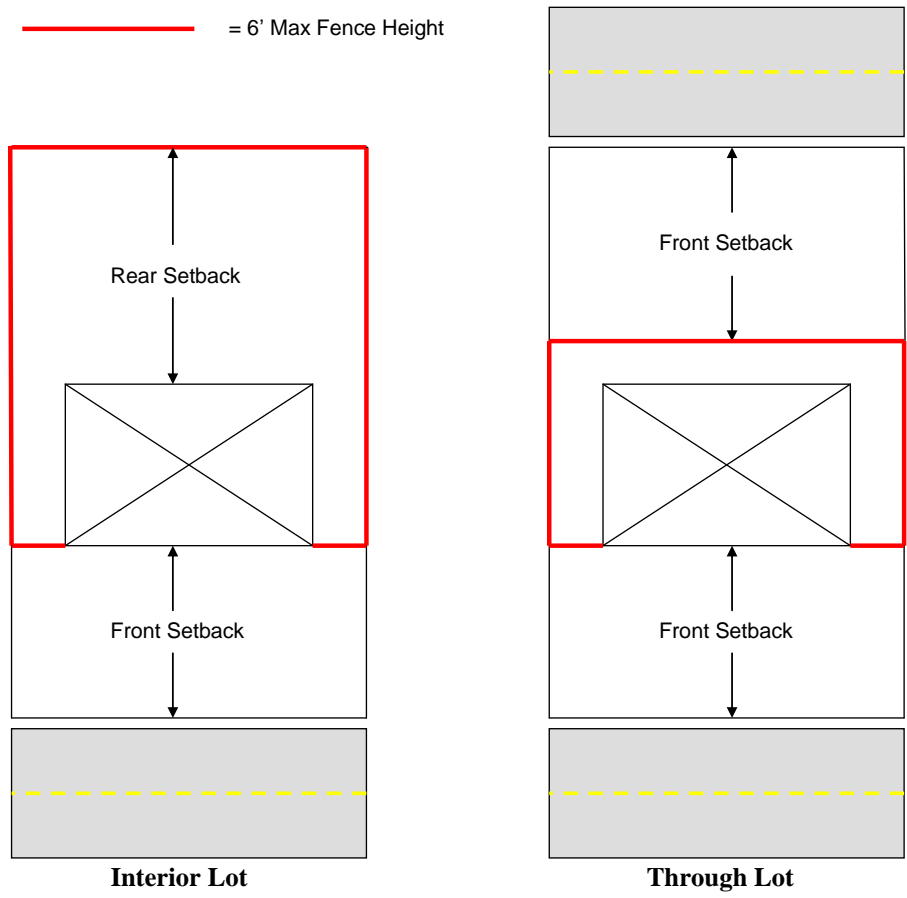
The Fire Departments has no comments.

PLANNING

By definition, a lot that faces two parallel public streets is considered a ‘through lot’. Pursuant to the Zoning Ordinance, a through lot is defined as having two front yards. As such, accessory structures and fences in excess of four (4) feet in height are not permitted in front yards. Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots.

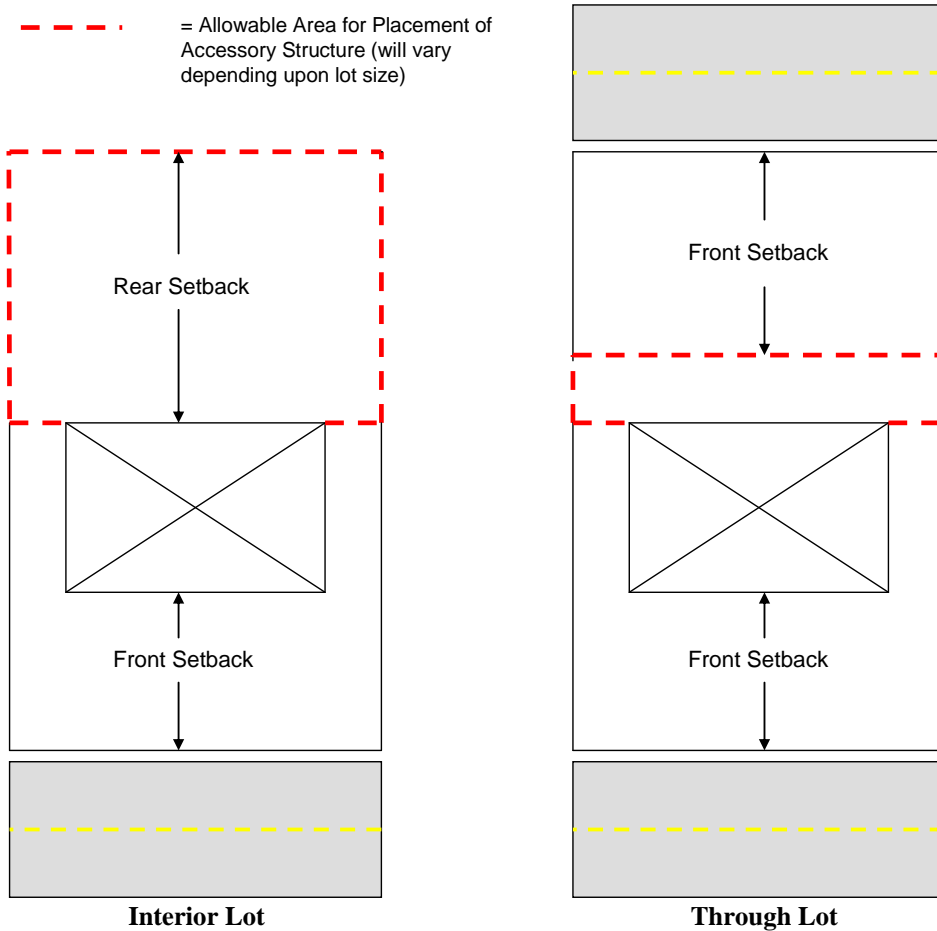
Fences

On an interior lot, the principal structure is bound by the front yard setback, two side yard setbacks and a rear setback. In this traditional configuration, a fence can be erected to a maximum height of six (6) feet in the side and rear yards of the property. However, as a through lot technically has two front yards, a fence in excess of four (4) feet is limited to the interior side yard.



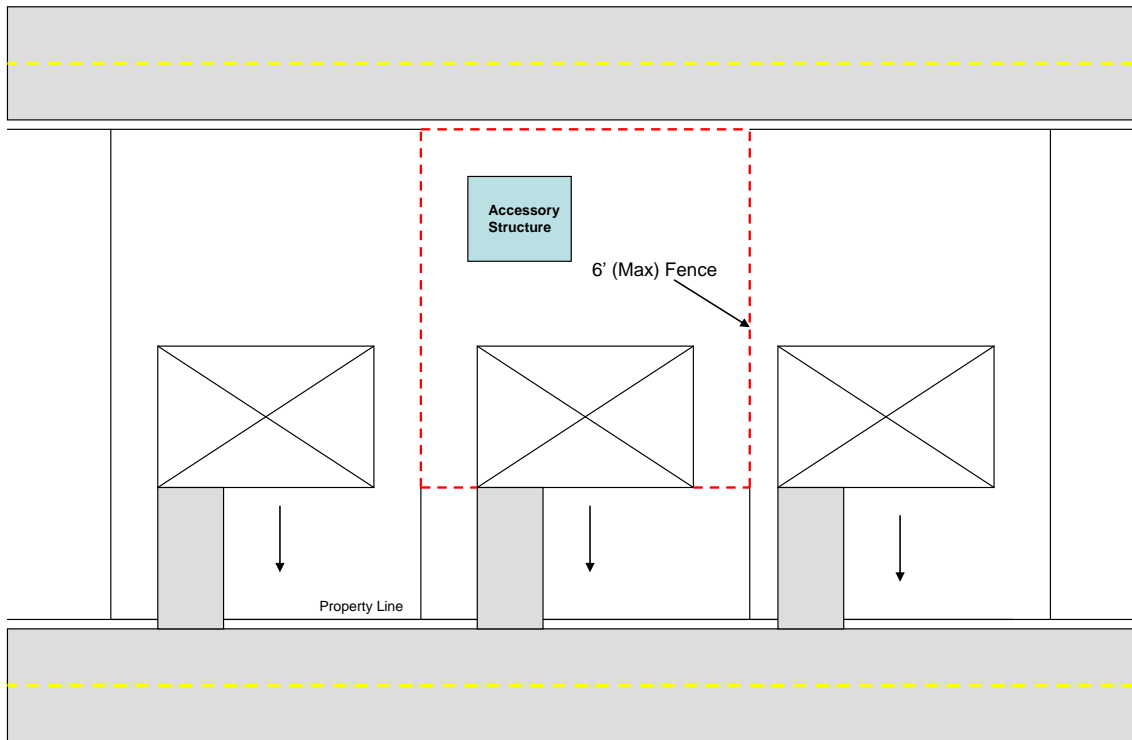
Accessory Structures

Accessory structures are not listed as permitted encroachments in the front or side yard. Moreover, all detached accessory structures must also be located behind the front wall of the principal building that is nearest to the front lot line. As such, the placement of an accessory structure is limited to either the buildable area of the lot (behind the principal structure) or the rear yard. The placement of an accessory structure on a through lot is further restricted to the buildable area of the lot.

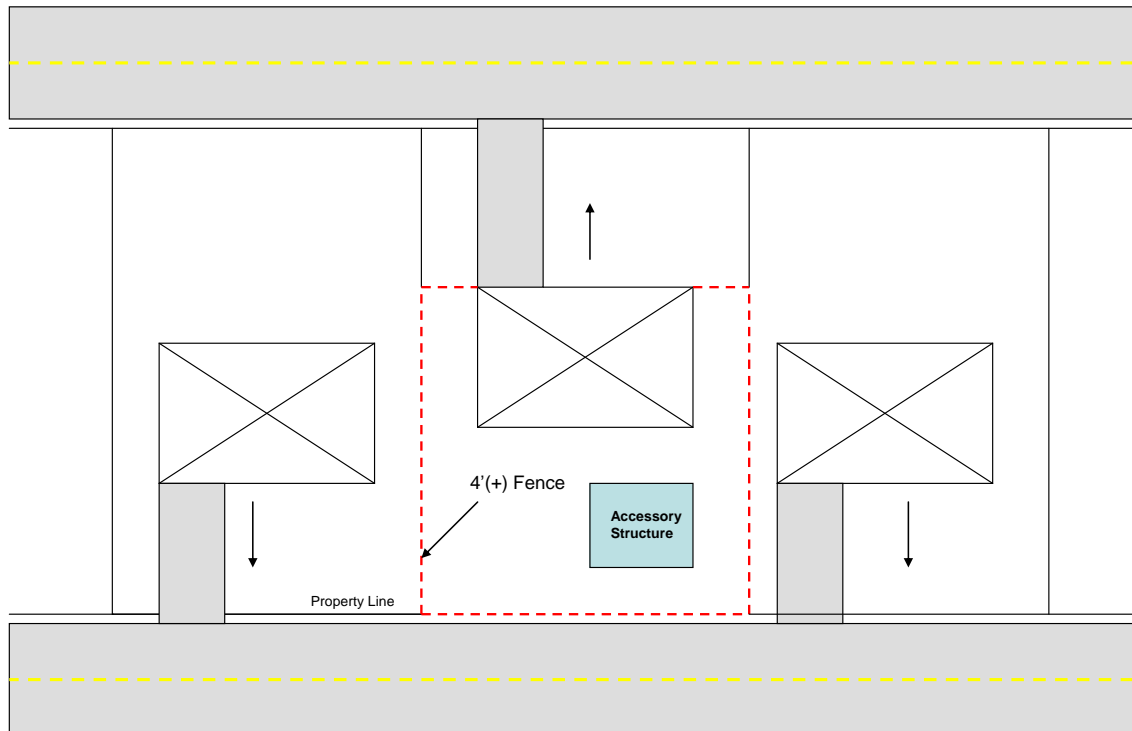


Staff recognizes the demand to allow properties located on through lots to have the same level of privacy (through the use of a fence in excess of four (4) feet) and use of accessory structures that are afforded to interior lots. Through the proposed text amendments, single family through lots would be permitted to place an accessory structure or erect a fence to a maximum of six (6) feet, which is consistent with the interior lot provisions; however, certain conditions must apply.

In order to place accessory structures or erect a fence (in excess of four (4) feet) on through lots in an area once deemed to be a front yard, each through lot would be required to take driveway access from the same right of way as both adjacent properties. If this requirement is met, the lot line opposite the access right of way would be treated as a rear yard. This provision was created in order to maintain consistency on the block face and to ensure that accessory structures and fences (in excess of four (4) feet) would not be placed adjacent to the front yard of the neighboring property (the front yard taking access from the same right of way). Such provisions already exist within code to protect property owners from the impact caused by adjacent properties.



Proposed Amendments - Acceptable Block Face

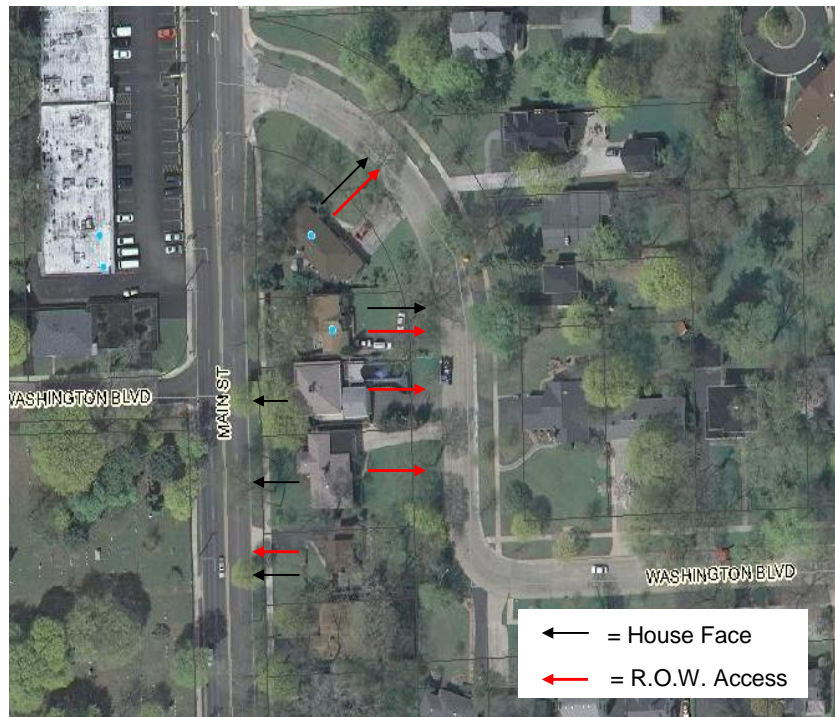


Proposed Amendments - Unacceptable Block Face

Existing Conditions

Staff conducted an analysis of all existing through lots within the Village. There are a total of 75 through lots, and with the exception of one block (located on 16th Street) the majority of through lots are located on (or abut) a Minor Arterial Route (as recognized by the Comprehensive Plan). Staff notes that the through lots along 16th Street are located across the street from Four Seasons Park. Furthermore, with the exception of one area (S. Main Street and Washington Blvd) all of the through lots examined held the same block face, which means that every house on the block takes access from the same right of way. All of these homes also face the same right of way from which they take access from.

In the case of the S. Main Street and Washington Blvd area, there are a total of five properties that form a peninsula. Three of those properties face S. Main Street, but only one both faces and takes access to S. Main Street. Only two lots face and take access from Washington Blvd. The other two face S. Main Street, but take access from Washington Blvd. Because of this area's unique lot configuration, each property would be required to either meet the fence and/or accessory structure requirements or seek a variation, even if the proposed amendments were adopted.



S. Main Street and Washington Blvd. Through Lots

The definition of ‘Through Lot’ does not specify which yard shall be deemed the front yard, but rather states that both street lines shall be deemed front lot lines. The definition of ‘Lot Line, Front’ allows corner lots to select either street line as the front lot line and states that the front lot line of “land-locked land” shall be that lot line that faces access to the lot. This definition does not specifically address through lots, but staff has historically made the interpretation that the front line is considered the lot line that the house faces and takes right of way access from. For technical

purposes, homes that face their applicable right of way, but take access from a rear alley, would not be applicable to the proposed text amendments as those alleys are considered access easements and not public right of way.

Prior to the year 2000, the Village did not require permits for fences. Code provisions relative to fences (height, location, etc) did officially exist; however, without a formal permit process, these provisions were often disregarded. As a result, many of the through lots currently have fences in excess of four (4) feet. Typically during the permit process - now - is when permit applicants (living on through lots) discover that their existing fence is non-conforming and the current code provisions must be met, otherwise a variation must be obtained.

Staff has always been consistent with the regulation of accessory structures on through lots; more specifically, staff has always considered the two front yard provision as part of the location requirement. Although there have not been any recent variations involving the placement of accessory structures on through lots, there has been a demand to allow such structures in the rear portion of the property. Furthermore, if a through lot could have the ability to erect a six (6) foot fence, this would provide a screening element for an accessory structure.

Staff has a history of amending provisions of the Zoning Ordinance to address emerging land use issues. As an example, corner lots - once deemed to have two front setbacks, were eventually granted the ability to consider one street exposure as a 'corner side yard', as opposed to a more restrictive front yard. This amendment allowed corner lots to have a larger building footprint and also expanded the amount of usable area of a property for other types of structures. Staff believes that the proposed amendments would also allow property owners to utilize their property to a greater extent, without sacrificing bulk regulations and/or aesthetic issues. Staff notes that the difference between allowing additional fence and accessory structure consideration for through lots, as opposed to corner side yards is the fact that these through lots are located along major thoroughfares and not in the middle of residential neighborhoods. As such, the visual impact would be less detrimental.

Standards for Text Amendments

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed. The standards and staff's responses are noted below:

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments would be uniformly applied to any through lot within the Village. In the event that a specific property cannot meet the code provisions, the variation process would still apply.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed text amendments would be applied to all single family residential zoning districts. The overall objective is to provide properties on through lots with the same site improvement opportunities afforded to other single family residential properties located in the Village. No additional consideration would be provided.

3. *The degree to which the proposed amendment would create nonconformity;*

The proposed text amendment would not create any non-conforming situation; however they could potentially alleviate any existing non-conforming situations.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

By the current definition, a lot that faces two parallel public streets has two front yards, which is considered a 'through lot'. Accessory structures and fences in excess of four (4) feet in height are not permitted in front yards. The proposed amendment will make the ordinance more permissive as it would allow accessory structures and fences in excess of four (4) feet in height to be placed on one appropriate front yard area of a through lot.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

As stated in the Comprehensive Plan, the Village should encourage compatible, well designed development in the community, with an emphasis on quality site design and building orientation, and site improvements. The proposed amendments are intended to provide through lot properties with the same quality design site improvement opportunities afforded to other single family residential properties located in the Village.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

Historically, Village staff has received a number of requests to allow accessory structures and fences in excess of four (4) feet in height on through lots. Although no past rulings exist relative to this issue, staff recognizes the demand to afford these properties with the same level of privacy (through the use of a fence in excess of four (4) feet) and the use of accessory structures.

Proposed Text Amendments

The following are the proposed text amendments for the Zoning Ordinance and Code of Ordinances. Proposed changes to the Zoning are denoted by the **underlined** text.

Section 155.205(A)(1)(c)

(iv) On a through lot within the R0, R1 or R2 Single Family Residence District that takes driveway access from the same right of way as both adjacent properties, the lot line opposite the access right

of way shall be treated as a rear lot line and allowed a maximum fence height of six (6) feet. This provision shall not apply if either of the adjacent properties takes driveway access from a right of way other than that accessed by the subject property.

~~(iv)~~ (v) Maximum height, as prescribed by this section, shall be permitted to vary by up to three (3) inches to allow for grade changes; clearance under fences for maintenance, footers or other obstacles customary to the use intended to be fenced; or reasonable human error. Fence posts or decorative finials may not cause the fence to exceed the maximum height limitation by more than three (3) inches.

Section 155.210(A)(2)

(c) On a through lot within the R0, R1 or R2 Single Family Residence District that takes driveway access from the same right of way as both adjacent properties, the lot line opposite the access right of way shall be treated as a rear lot line for purposes of accessory structure placement. This provision shall not apply if either of the adjacent properties takes driveway access from a right of way other than that accessed by the subject property.

155.801 WORD USAGE RULES AND DEFINITIONS

LOT, THROUGH is a lot having a pair of opposite lot lines along two, more or less parallel public streets, and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines, unless otherwise provided for in this ordinance.

FINDINGS AND RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Lombard Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 10-13.

Inter-Departmental Review Group Report Approved By:

William Heniff, AICP
Director of Community Development