

AUGUST 26, 2015

Title

ZBA 15-10

Petitioner

Karen Teeter
Archadeck of Chicagoland
3445 Kirchoff Rd.
Rolling Meadows, IL 60008

Property Owner

Cindy and Pat Keating
530 W. St. Charles Rd.
Lombard, IL 60148

Property Location

530 W. St. Charles
(06-07-101-024)
Trustee District: #1

Zoning

R2 Single Family Residence
(Harris' Lombard Hills
Subdivision)

Existing Land Use

Single Family Home

Comprehensive Plan

Low Density Residential

Approval Sought

A variation to increase the permitted height of a fence from six feet (6') to eight feet (8').

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The petitioner is proposing to replace the existing deck with one of identical dimensions. The existing principal structure is not positioned squarely on the lot in relation to the property lines. The proposed deck follows the line of the house it is to be attached to and is nearly seven feet (7') from the side yard property line at the point it is attached to the house. Moving in the direction from the house to the rear property line, the deck gradually encroaches upon the required side yard setback at its approximate mid-point. Ultimately, the northwest corner of the deck encroaches four feet into the side yard setback. Per Section 155.212 Table 2.1, a deck over three feet (3') with the additional height of a privacy fence/wall is not a permitted obstruction within the six foot (6') side yard setback.

APPROVALS REQUIRED

Section 155.205(A)(1)(c) requires a maximum of six feet (6') in height for a fence. The proposed screening on the deck within the six foot side yard setback is eight feet (8') in height exceeding the maximum allowed six feet (6') by two feet (2'). Therefore, a variation is required.

PROJECT STATS

Lot & Bulk (Proposed)

Parcel Size: 14,400 sq. ft.

Building

Footprint: 1,356 sq. ft.

Lot Coverage: 37%

Reqd. Setbacks & Proposed Dimensions (in parens.)

Front (south) 30' (75')

Side (east) 6' (16')

Side (west) 6' (6')

Rear (north) 35' (116')

Submittals

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of Survey and Site Plan, prepared by Schlaf-Sedig & Associates, Inc., dated August 2, 1999; and
4. Deck and Fence Plans, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015.

EXISTING CONDITIONS

The property contains a frame two-story single-family residence with a detached garage. The house was built prior to 1950. The Subdivision was created in 1947.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	R2	Single Family (SF) Residential
South	R2/St. Charles Road	SF Residential
East	R2	SF Residential
West	R2	SF Residential

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project. A full review will be conducted during the building permit review process.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

Private Engineering Services (PES) has no issues or concerns regarding the project.

Public Works:

The Department of Public Works has no issues or concerns regarding the project.

Planning Services Division:

The Zoning Ordinance requires a maximum fence height of six feet (6') within the R2 Single-Family Residential Zoning District. The proposed deck (under three feet in height) with a handrail is a permitted obstruction within the six foot (6') side yard setback. While a two foot, ten inch (2'10") deck is a permitted obstruction, the total height of the fence is calculated by adding the height of the deck to the height of the fence, resulting in an overall height of eight feet (8'). The proposal to build the five foot (5') fence/screening on the deck with an overall fence height of eight feet (8') requires a variance.

To be granted a variation the petitioners must show that they have affirmed each of the “Standards for Variation” outlined in Section 155.210 (A) (2) (a). Not all of the following standards have been affirmed but consideration of the circumstances for items a., b., d. and e. must be examined in further detail:

- 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 if the strict letter of the regulations were to be applied.*

Staff finds that the petitioner’s lot does not have unique physical limitations however the placement of the existing structure impacts the placement of the deck within the required side yard setback.

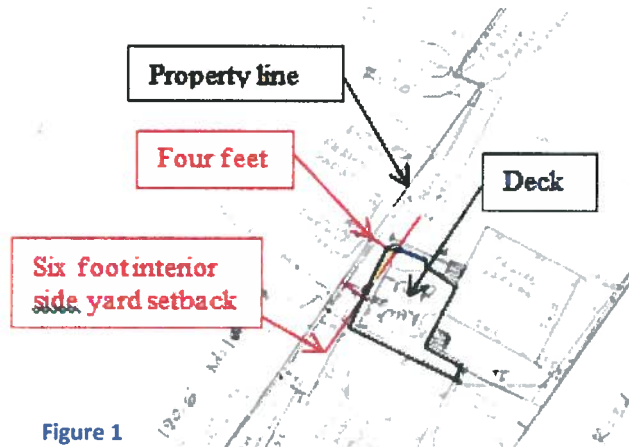


Figure 1

- 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 properties within the same zoning classification.*

The alignment of the principal structure on the property is not typical of R2 Single Family Residential lots in the Village and the surrounding neighborhood.

- 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.*

Staff finds that the hardship has not been caused by the ordinance and has instead been created by the petitioner’s desire to replace an existing deck with a privacy screen. Staff finds that the hardship for this variation is due to the alignment of the principal structure in relation to the property line.

- 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.*

Staff finds that granting the request would not be injurious to neighboring properties.

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

This standard is affirmed.

- 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.

Staff can support the requested variance of the fence height requirements for the following reasons:

1. The alignment of the house is not square with the property lines. Approximately half of the deck screening is allowed per code however the other half encroaches into the side yard setback due to the alignment of the house sitting at an angle. The yellow portion depicted in Figure 1 is the nonconforming area.
2. The proposed improvements will not adversely affect this or other properties in the neighborhood and will be consistent with the existing structure and surrounding neighborhood. The deck is adjacent to the neighboring property's garage and driveway. The proposed deck is replacing an existing deck however a permit for the existing deck could not be located within the Building Division files. Therefore, it is unknown how long the existing deck has been present on the property.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested rear yard setback. 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 rear yard setback variation:

Based on the submitted petition and the testimony presented, the requested variation to reduce the rear yard setback **does comply** with the Standards for Variations in 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 Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 15-10, subject to the following conditions:

1. The subject property shall be developed in substantial conformance with the site plan and elevations, prepared and submitted by Archadeck of Chicagoland, dated July 1, 2015. The height variance applies to the deck screening only and does not apply to any portion of a fence on the ground level.
2. The petitioner shall apply for and receive a building permit for the proposed plans.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.
4. In the event that the principal structure on the subject property is damaged or destroyed to fifty-percent (50%) of its value, the deck shall meet the requirements of the Village Code of Ordinances.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development
c. Petitioner

EXHIBIT A: RESPONSE TO STANDARDS AS PREPARED BY THE PETITIONER



7/22/15

To : Village of Lombard – Zoning Dept.
From : Archadeck of Chicagoland – Wendy Posey
Re : 530 W. St. Charles Road – Standards for Variation

We are asking to install a 5' privacy fence on the northwest side of the deck which would require granting a 2' variance to maintain the 6' side setback requirement.

STANDARDS FOR VARIATIONS

1. The homeowner currently has a privacy fence on their current deck which creates a barrier so they don't look right at their next door neighbor's driveway and garage. They would like to put another privacy fence on the new deck they are having built just like they have currently.
2. The location of the current deck and the replacement deck is right along the side setback requirements which doesn't allow privacy when the homeowner is out on their deck and a privacy fence will help shield the neighbor and their driveway and garage.
3. The purpose of this variation request is not based primarily upon a desire to increase financial gain but to gain privacy from the neighbor which is desired due to the limited lot size.
4. The request for this variance is caused by the requirement of the 6 foot side yard setback.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located because the new deck is similar to the current deck which also has a privacy fence. Also, this project will be built by a licensed contractor that adheres to all building codes and safety standards.
6. The granting of the variation will not alter the character of the neighborhood; we are replacing a deck with a deck.
7. The proposed variation will allow us to add a privacy fence as the current deck does and it will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets. There will be no increased danger of fire and this variation will not impair natural drainage or create drainage problems on adjacent properties. This new deck project will increase the home value as well.

Feel free to contact me if you have any questions or need any additional information.

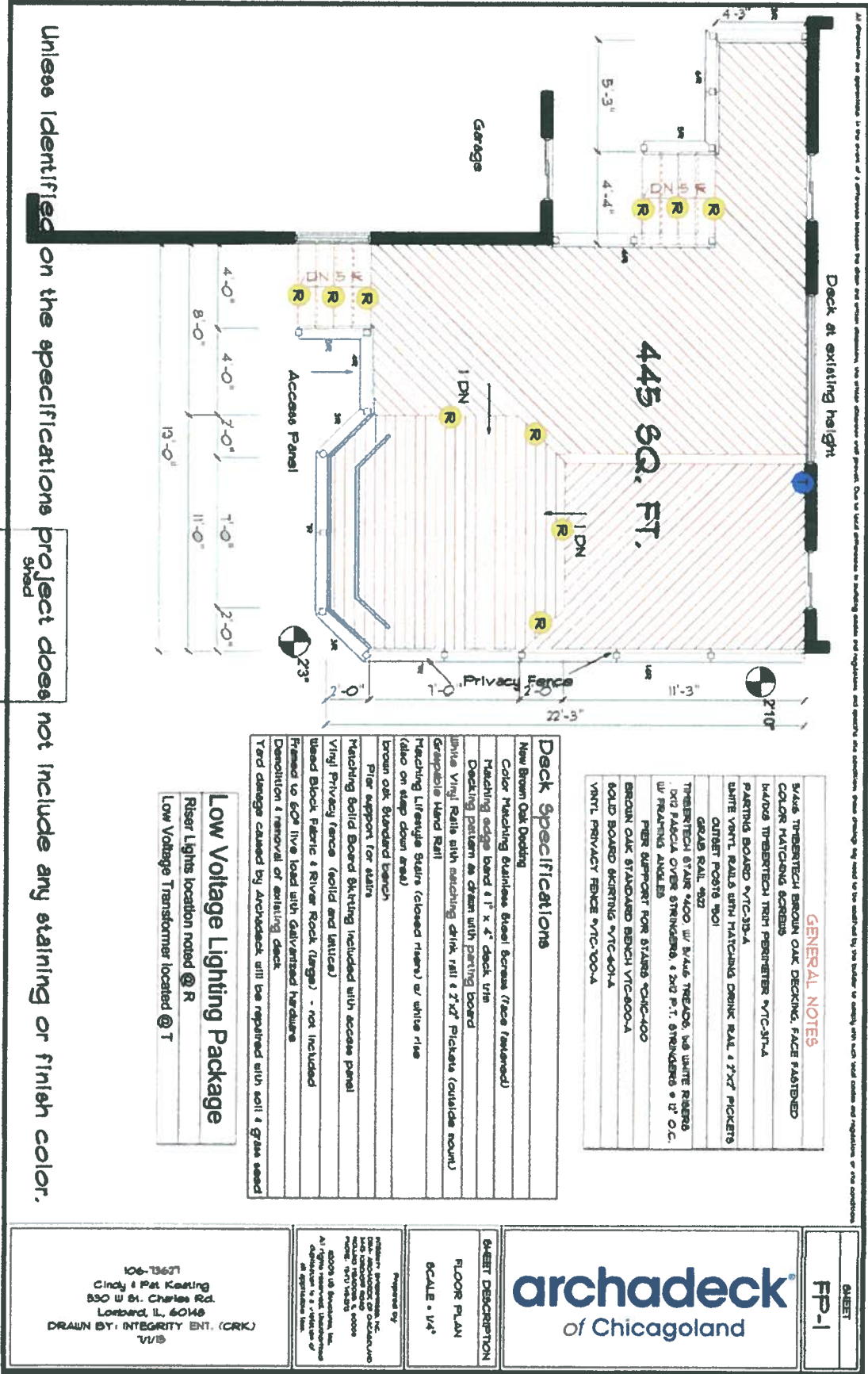
Regards,

Wendy Posey
Director of Production
Archadeck of Chicagoland

Integrity Enterprises Inc., dba Archadeck of Chicagoland / chicagoland.archadeck.com
3445 Kirchoff Rd, Rolling Meadows, IL 60008 / Office: (847) 749 2373 / Fax: (224) 735-3233



EXHIBIT C: DECK PLANS



Unless identified on the specifications project does not include any staining or finish color.

EXHIBIT D: PLANS FOR FENCE TO BE MOUNTED ON DECK

ELEVATION
SCALE 1" = 1'

BUILDERBOARD NAILER & 1x2 VERTICAL TRIM FOR DIAGONAL SLATS ONLY (RIPPED FROM BUILDERBOARD)

ISOMETRIC
SCALE 3/8" = 1'

BLOCKING REQ'D @ EACH SIDE OF RAIL POST

NOTES
- VERTICAL SLATS STANDARD DIAGONAL SLATS OPTIONAL

SECTION
SCALE 1" = 1'

PLAN
SCALE 1" = 1'

1/2" x 6" TIMBERTECH RAIL CAP ATTACHED W/ (2) 2 1/2" SCREWS @ 12" O.C.
 BUILDERBOARD RAIL ATTACHED W/ (2) 2 1/2" SCREWS
 1x2 TRIM RIPPED FROM TWINRISER BOARD
 2x2 TIMBERTECH NAILER
 1/2" VNYL LATTICE (TYP)
 2x2 TIMBERTECH NAILER
 1x2 TRIM RIPPED FROM TWINRISER BOARD
 2x4 RAIL TO NAILED BETWEEN FENCE POSTS
 1x4 TRIM FROM BUILDERBOARD RIPPED IN HALF
 BUILDERBOARD MIDDLE RAIL BETWEEN FENCE POSTS
 4x4 INSET FENCE POST @ 5'-0" O.C. MAX WRAPPED IN TIMBERTECH POST COVER
 1/2" x 5" TIMBERTECH FENCE SLATS
 BUILDERBOARD BOTTOM RAIL BETWEEN FENCE POSTS
 1/2" x 4" RIPPLED TWINRISER TRIM
 BUILDERBOARD FOOT BLOCKS @ POST (POST SKIRT OPTIONAL)
 4x4 FENCE POST ATTACHED W/ (2) 1/2" x 7 1/2" CARRIAGE BOLTS
 BLOCKING REQ'D @ EACH SIDE OF FENCE POST

TITLE
SOLID BOARD TIMBERTECH FENCE w/ LATTICE

SCALE: VARIES

DETAIL
VTC-700-A

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700-A-Solid Board Fence w- Lattice.dwg