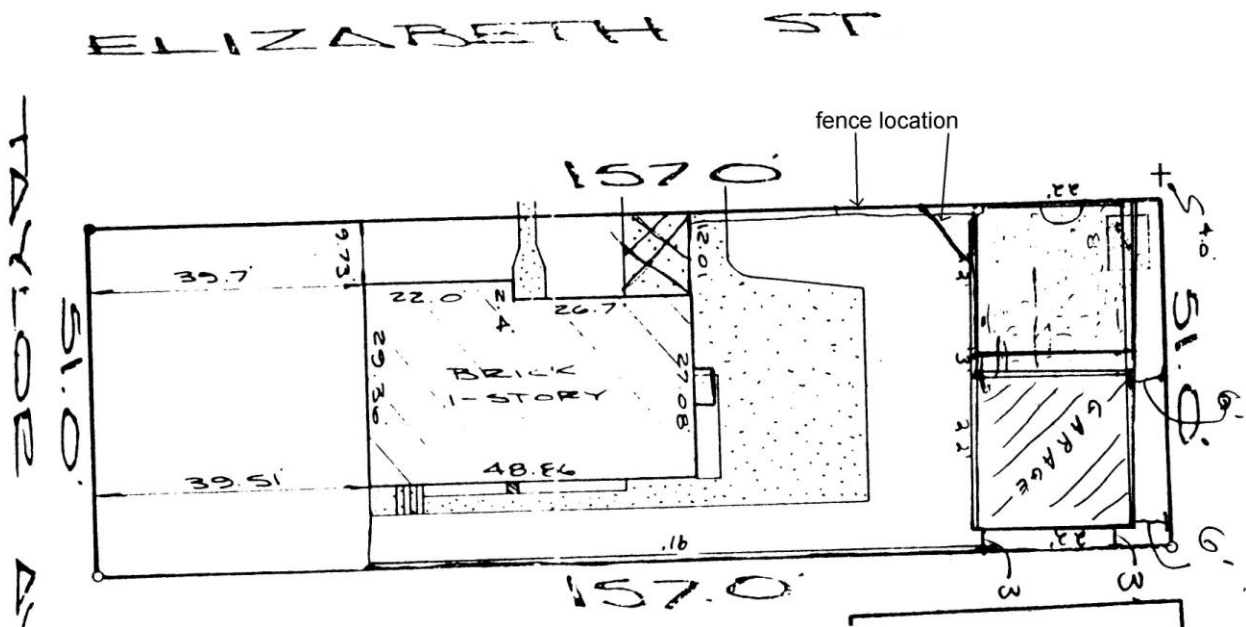


ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on February 20, 2002.

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey, prepared by Village Green Associates Inc. dated May 10, 1986.



DESCRIPTION

The petitioner requests variations to the Lombard Zoning Ordinance requirements regarding fences within clear line-of-sight areas, and a variation to allow a six foot (6') tall fence in the corner side yard, where a four foot (4') tall fence is permitted, in the R2 Single-Family Residence District.

The petitioner built a non-conforming fence on the side of his property in 1999 when a fence permit was not required but the Zoning Ordinance required fences to be outside 20-foot clear line

of sight triangles adjacent to driveways. Also this fence is in a corner side yard and is 6 feet high where a 4 feet high fence is allowed.

ENGINEERING

Private Engineering Services

The Private Engineering Services Division has the following comments regarding the request:

Public Works Engineering

The Engineering Division of Public Works has no concerns regarding the petitioner's request.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has comments regarding the request.

PLANNING

The subject property is at the corner of Elizabeth Street and Taylor Road. The petitioner's erected a fence in 1999 to replace an existing 6-foot high fence that had to be removed when a new garage was constructed. A fence permit was not required by the Village at that time but the Zoning Ordinance required a 20-foot line of sight triangle where the driveway meets the public sidewalk. The Code also required a fence in a corner side yard to be no more than 4 feet in height. The fence was not constructed as per code and was built of solid vinyl at 6 feet in height and an approximate 5-foot line of sight triangle allowed at the driveway.

Staff does not support the request as the 5-foot line of sight triangle that was left at the driveway is still considered a safety hazard and a hardship associated with the property has not been shown. Also the ordinance requiring the line of sight triangle and the maximum four-foot height requirement for the corner side yard was in place when the fence was built.

Although staff does not support either the request for a variation for the 20-foot line of sight triangle or the 6-foot fence in a corner side yard the line of triangle is the most serious deviation from the Zoning Ordinance. Such a deviation presents a public safety hazard and staff believes this to be the most important issue regarding the request.

To be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation". The following standards have not been affirmed:

1. 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 finds that the petitioner's property does not have unique physical limitations that limit the owner from meeting the intent of the ordinance.

2. 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. Staff finds that the conditions are not unique to the subject property. The design and layout of the petitioner's property is typical of any R2 Single Family Residential lot in the Village.
3. 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 ordinance has not caused the hardship, as the fence could have been constructed per the ordinance requirements.
4. 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 be injurious due to encroachments in the clear line of sight.
5. The granting of the variation will alter the essential character of the neighborhood. Staff finds that the requested relief would change the visual and aesthetic character of the neighborhood as it would decrease the amount of visual open space in the corner side yards.
6. The proposed variation will not impair an adequate supply of light and air to adjacent property and substantially 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. Staff finds that the requested relief would negatively impact public safety as visibility of pedestrians and traffic would be diminished.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has not affirmed the Standards for Variations for the requested variations. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of this petition:

Based on the submitted petition and the testimony presented, the requested variation does not comply with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 02-04.

Zoning Board of Appeals

Re: ZBA 02-04

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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:LEW

att-

c: Petitioner

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