

**VILLAGE OF LOMBARD**  
**INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals                      HEARING DATE: September 23, 2009  
FROM: Department of Community              PREPARED BY: Michael S. Toth  
Development                                              Planner I

**TITLE**

**ZBA 09-09; 1107 Woodrow Avenue:** The petitioner requests approval of the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum height of four feet is permitted; and
2. A variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required rear yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted.

**GENERAL INFORMATION**

Petitioner/Property Owner: Timothy Hogan  
1107 Woodrow Avenue  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Zoning: R2 Single Family Residential District  
Existing Land Use: Residential  
Size of Property: 8,400 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Single Family Residences  
South: R2 Single Family Residence District; Single Family Residences

East: R2 Single Family Residence District; Single Family Residences  
West: R2 Single Family Residence District; Single Family Residences

## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on August 5, 2009.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey, prepared by Gentile & Associates, Inc, dated May 22, 2002.

### **DESCRIPTION**

The subject property is located at the southwest corner of Woodrow Avenue and 3<sup>rd</sup> Avenue. The petitioner is requesting a variation to maintain a solid vinyl fence at a height of six feet (6') where only four (4) feet is permitted.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **PRIVATE ENGINEERING SERVICES**

The PES Division has no comment on this request.

#### **PUBLIC WORKS**

##### **Engineering**

Public Works Engineering has reviewed the petition and has no comments.

##### **Utilities**

The Utilities Division of the Department of Public Works does not have any comments on the subject petition.

### **BUILDING DIVISION**

Upon review of the above referenced request for variation to fence height from 4' to 6', the Building Division has the following comment:

- 1) The corner clear line of sight setbacks need to be maintained in order not to create a hazardous situation.

## PLANNING

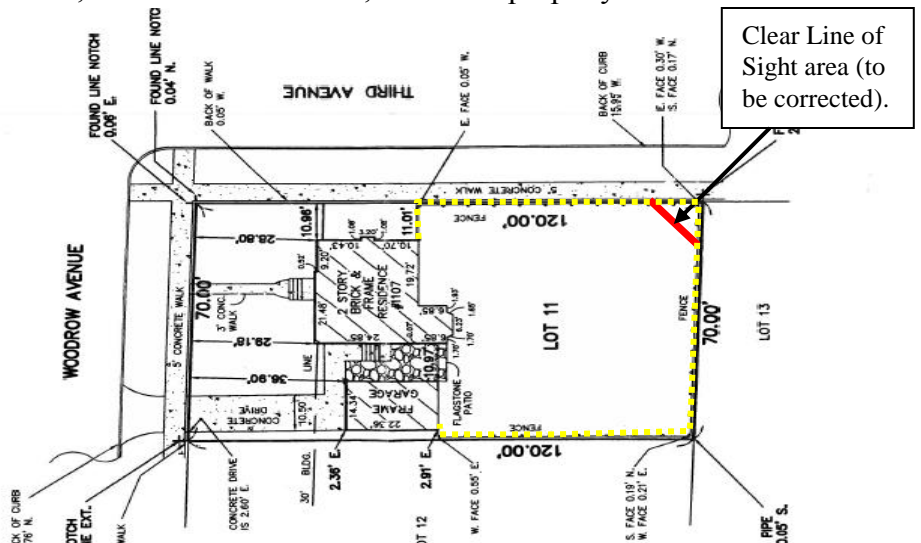
The petitioner is seeking to maintain an existing solid vinyl fence in their corner side yard along 3<sup>rd</sup> Avenue. The petitioner purchased the subject property in June, 2003. According to the petitioner, the subject fence was already present on the property when the property was purchased. Staff researched the permit history of the property and found that no permit was ever issued for the fence. Since the petitioner wishes to maintain the fence as constructed, a variation is required.

The subject fence is constructed of solid vinyl material and is located within the corner side yard along 3<sup>rd</sup> Avenue. The fence is six (6) feet, where only four (4) feet is permitted in the corner side yard; therefore, the fence is considered nonconforming by Code standards. Staff notes that the house itself is also nonconforming with respect to the side yard required setback as it is located only eleven (11) feet from the property line along Third Avenue, where twenty (20) feet is required. A small portion of the fence is also located within a clear line of sight area, which originates from the neighbor's driveway to the south. The fence also abuts the front yard of that same property directly to the south along 3<sup>rd</sup> Avenue, which would require the fence to be four (4) feet or less along the thirty (30) foot rear yard area.

Although the petitioner raised several issues within the Response to the Standards for Variations with regard to privacy and safety, staff does not support the petition since there is not a demonstrated hardship involving the physical characteristics of the property. As the six-foot high fence is within the corner side yard, staff is concerned about the obstruction it creates. Furthermore, the fence blocks the view from the front yard of the neighboring property.

### Clear Line of Sight

Upon original submittal, the existing fence was to remain in its exact location with a six foot (6') portion of the replacement being located within a clear line of sight area. To bring into closer compliance with Village Code, the petitioner has agreed to comply with any clear line of sight issues. On the southeast corner of the existing fence, a six foot (6') portion is located within the twenty foot (20') clear line of site area, which extends north, from the property to the south's driveway. As such, the petitioner has agreed to address the issue by placing the fence on an angle, as to not interfere with the aforementioned clear line of sight area. By replacing the fence, the property would no longer have any clear line of sight issues.





Staff finds that there are no conditions related to the property that prevent compliance with the fence height regulations.

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 subject property is a reverse corner lot as its front yard abuts the front yard of the adjacent property at 412 S. 3<sup>rd</sup> Avenue. The Zoning Ordinance has specific fence regulations that apply to all reverse corner lots in relation to the abutting properties.

4. *The alleged difficulty or hardship is 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. The hardship has been created by the petitioner as a result of the preference for the fence's height and location.

Staff recommends that the petition be denied in its entirety. However, if the Zoning Board of Appeals finds that it would be appropriate to grant a variation, staff recommends that petitioner adhere to the submitted plans and address the clear line of sight issue. Also, the petitioner should be required to obtain a fence permit for the proposed fence.

## **FINDINGS AND RECOMMENDATIONS**

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

Based on the submitted petition and the testimony presented, the requested fence height variations **do not 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 included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 09-09.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Community Development Director

WJH

Zoning Board of Appeals

Re: ZBA 09-09

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c:      Petitioner

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