

## INTER-DEPARTMENTAL REVIEW GROUP REPORT

PREPARED BY: Michelle Kulikowski, AICP  
Planner I

# TITLE

**ZBA 07-01; 501 N. Garfield Street:** The petitioner requests a variation to Section 155.205 (A)(1)(e)(2) to allow a solid fence within a clear line of sight area.

## GENERAL INFORMATION

Petitioner/Property Owner: Michael J. Mallon  
501 N. Garfield St.  
Lombard, IL 60148

## PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residential

Size of Property: 8,558 square feet

### Surrounding Zoning and Land Use:

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

## SUBMITTALS

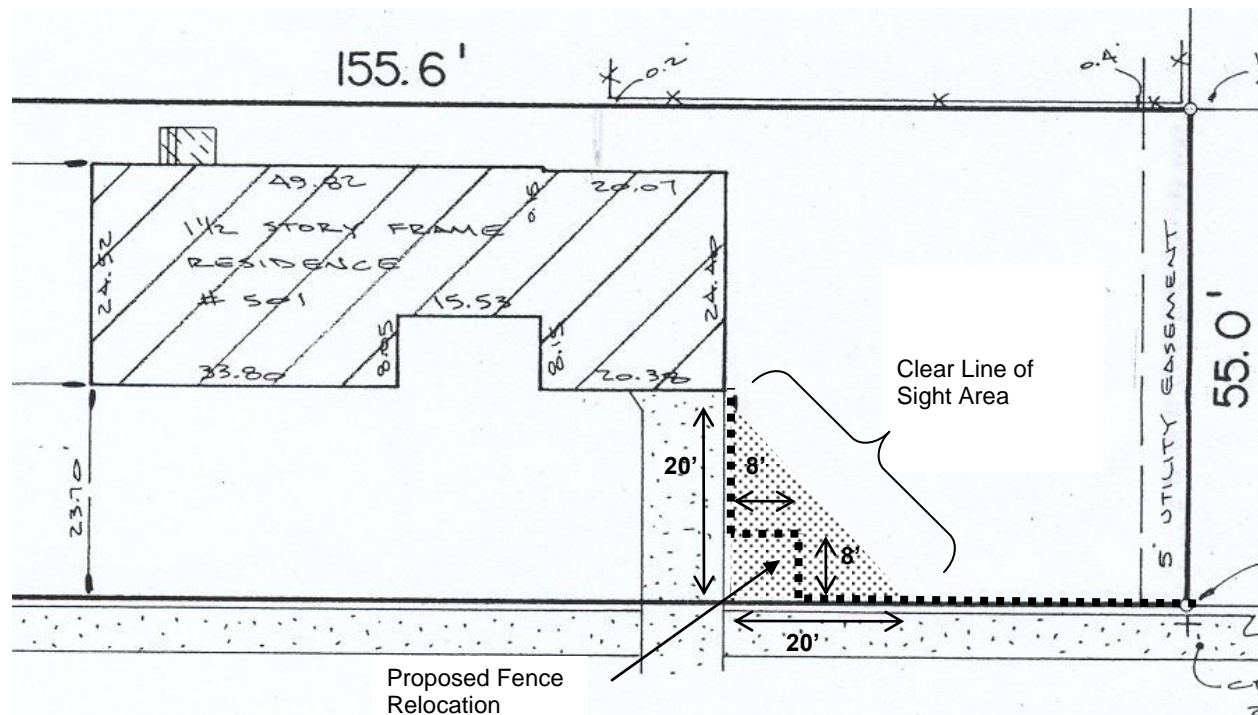
This report is based on the following documents, which were filed with the Department of Community Development on December 4, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated May 14, 1996, and prepared by American Survey Co.
4. Site plan, prepared by the petitioner, showing proposed fence type and location.

5. Photographs, taken by the petitioner, and dated December 2, 2006.

## DESCRIPTION

The petitioner submitted a previous petition (ZBA 06-13) a variation for a fence located on the subject property. Originally, the petitioner was only asking for a height variation for the fence. However, the petitioner installed the fence prior to consideration by the Zoning Board of Appeals. The fence as installed did not meet the regulations for fences with clear line of sight areas. The petitioner then requested a second variation to fence to remain as constructed with a solid fence within a clear line of sight area. The Lombard of Trustees approved the height variation for the fence and denied the variation to allow a solid fence within a clear line of sight. The petitioner has now submitted another petition requesting a variation to allow a solid fence within a clear line of sight area. This petition is based on new plans that propose a different location for the fence. The proposed plans will essentially provide an eight foot (8') by eight foot (8') clear line of sight rather than the twenty foot (20') by twenty foot (20') clear line of sight area as defined by Code.



## **INTER-DEPARTMENTAL REVIEW COMMENTS**

### **ENGINEERING**

#### **Private Engineering Services**

The Private Engineering Services Division has no comment on petition ZBA 07-01 as long as the fence is constructed as shown in the petition package, setting the corner of the fence 8' from the drive.

#### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

### **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no comments regarding this petition.

### **PLANNING**

The fence that the petitioner has installed in the clear line of sight area for the driveway consists of four inch (4") pickets with a two inch (2") opening. Section 155.205(A)(1)(e)(1) of the Lombard Zoning Ordinance states that fences over two feet (2') in height can only be located within a clear line of sight area if they are open construction. By definition, the fence is considered a solid fence as it only maintains approximately 33% of the surface area as open space. The Zoning Ordinance defines "*open construction fence*" and "*solid construction fence*" as follows:

**FENCE-OPEN CONSTRUCTION** is a fence which has over its entirety at least 75% of its surface area in open space which affords a direct view through the fence.

**FENCE-SOLID CONSTRUCTION** is a fence which has over its entirety less than a minimum of seventy-five percent (75%) open space in total for every one (1) foot of linear dimension. Chain link fences with slats do not constitute a solid fence.

The petitioner is proposing to modify the existing fence by relocating portions of the fence to maintain an eight foot (8') by eight foot (8') clear line of sight area adjacent to the drive way. The Board of Trustees has approved similar variation requests in the past (ZBA 05-19). However, staff does not support the variation request to allow a solid fence within a clear line of sight area as it can pose a safety hazard. The purpose of the open construction fence requirement is to provide visibility of pedestrians and oncoming traffic.

*Standards for Variations*

In order 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 there are no conditions related to the property that prevent compliance with the fence height regulations or clear line of sight requirements.

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 regulations for fences within clear line of site areas apply to all properties in all zoning districts.

4. *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. The hardship has been created by the petitioner as a result of the preference for the fence’s location.

5. *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 the requested relief would be detrimental to the public welfare as visibility of pedestrians and traffic is diminished

7. *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 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 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 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 07-01.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

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att-  
c:     Petitioner

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