



## **ANALYSIS**

### **SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on June 2, 2008.

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Written response, prepared by the petitioner, describing the proposed fence and the current conditions on the subject property.
4. Plat of Survey prepared by Professional Associated Survey, Inc., dated May 15, 1998, with proposed fence location.

### **DESCRIPTION**

The subject property could be described as a “peninsula” lot being bordered by streets on three sides: Madison Street, Charlotte Street, and Circle Terrace. As it fronts on two parallel streets, the subject property is a through lot. The Lombard Zoning Ordinance definition of a through lot states that both street lines shall be deemed front lot lines. The petitioner is requesting a variation to allow the installation of a solid wood fence five and one half feet (5.5’) in height in the front yard along Madison Street where a maximum of four (4) feet is allowed. The proposed fence would match the height of an existing fence along the right of way line on the neighboring property to the east.

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

#### **ENGINEERING**

##### **Private Engineering Services**

The Private Engineering Services Division has no comments on the subject petition.

##### **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 on the subject petition.

#### **PLANNING**

The peninsula arrangement of the subject property is uncommon in Lombard. This unusual arrangement causes the subject property to have two separate thirty (30) foot front yard setbacks and one twenty (20) foot corner side yard setback. Consequently, there are substantial limitations on

where a fence higher than four (4) feet could be constructed. The petitioner is requesting a variation to construct a fence five and one half (5.5) feet in height near the front lot line. The proposed fence height would match the height of a neighboring legal non-conforming fence on the adjacent lot. The petitioner has stated that the fence is intended to provide safety for his child and privacy in the area that is functionally the rear of the residence. The photographs below show the front yard of the subject property in which the fence would be built and the fence on the neighboring property.



A variation is only necessary for the western forty-three (43) feet of fencing along the front lot line. The petitioner has proposed to install a four (4) foot chain link fence within the clear line of sight area at the corner of Madison Street and Charlotte Street. The fencing will then continue in a northerly direction within the corner side yard as a four (4) foot solid wood fence. This design is shown in the site plan below. The orange line indicates the proposed fence. The green line indicates where a fence taller than foot (4) feet could be constructed according to the Zoning Ordinance.



Response to Standards

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from all other properties in the area. Staff can support a variation due to the unusual layout of the subject property and existing public rights of way. A hardship is present due to the characteristics of the property which are not generally applicable to other parcels in Lombard.

The application of the Zoning Ordinance significantly restricts the possible areas in which a privacy fence could be constructed on the subject property. The subject property is affected by the fence height regulations of both corner lots and through lots. According to the Zoning Ordinance, the subject property has by definition no rear yard. However, the petitioner gains vehicular access to the property from Circle Terrace and primary access to the residence from Charlotte Street. The yard along Madison Street is closest in functionality to a rear yard.

**FINDINGS AND RECOMMENDATIONS**

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

Based on the submitted petition and the testimony presented, the requested variation **does 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 **approval** of ZBA 08-10, subject to the following conditions:

1. The fence shall be installed in accordance with the site plan submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the fence prior to construction.
3. Vehicular access to the property shall not be permitted from Madison Street as long as a fence greater than four (4) feet in height exists in the front yard abutting Madison Street.

Zoning Board of Appeals

Re: ZBA 08-10

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Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP

Acting Director of Community Development

WJH

c: Petitioner

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