

ANALYSIS

SUBMITTALS

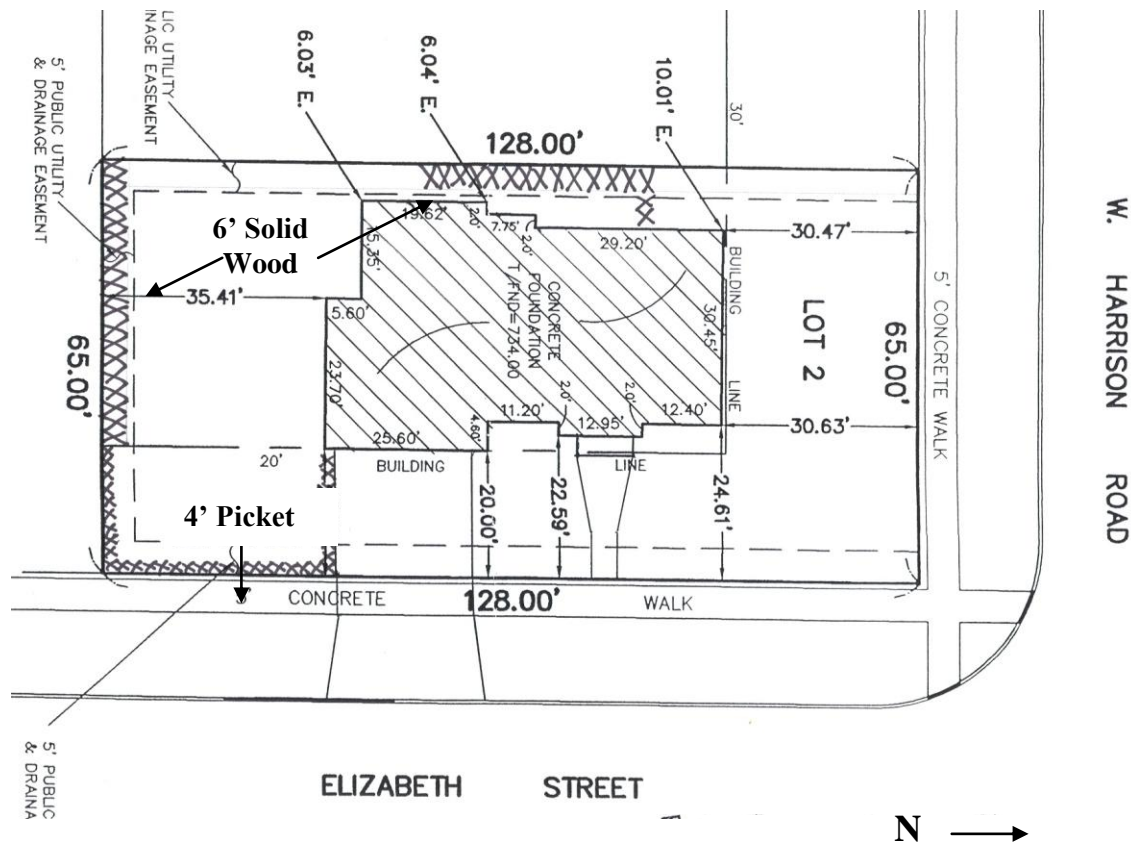
This report is based on the following documents, which were filed with the Department of Community Development on October 19, 2005.

1. Petition for Public Hearing
2. Plat of Survey

DESCRIPTION

The petitioner is requesting approval of two variations for an existing fence that was permitted and erected on the subject property in 2003. In 2005, staff found that the constructed fence did not meet all of the provisions of Village Code. The petitioner is requesting that the Village grant the necessary relief so that the existing fence can remain on the premises as it was constructed.

Site Plan



INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

Private Engineering Services

Private Engineering Services has no comments at this time.

Public Works Engineering

Public Works Engineering has no comments at this time.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services does not have any comments.

PLANNING

In December, 2003 a fence contractor applied for a fence permit on behalf of the petitioner. The fence permit was issued for a picket fence four feet (4') in height to extend from the southeast corner of the house along the driveway to the eastern property line, south along the eastern property line to the southeast corner of the lot, west along the south property line for twenty feet (20'). The permit also included a solid wood fence six feet (6') in height extending along the southern property line from the southwest corner of the property to twenty feet (20') from the southeast corner of the property and along the western property line behind the house for approximately thirty-five (35').

Code requires that the portion of the fence adjacent to the driveway within the clear line of sight area be of open construction, which is defined as seventy-five percent (75%) open. The existing fence is approximately fifty percent (50%) open. Also, subject property is a reverse corner lot, meaning that the corner side yard abuts the front yard of the adjacent property. Therefore, four feet (4') is the maximum height permitted for a fence within the eastern thirty feet (30') of the property. The four-foot (45') fence height is only maintained for the eastern twenty feet (20') along the southern property. Therefore, the petitioner is requesting a variation to allow a fence in a rear yard abutting the front yard of an adjacent lot to exceed four feet in height and to allow a solid fence within a clear line of sight area.

Staff feels that an attempt was made to comply with the intention of the Zoning Ordinance when the fence was installed. Spacing was provided between pickets within the clear line of sight area to open up the fence. Also, the fence height was dropped down to four feet (4') within the corner side yard setback. It is how the neighboring property is situated, with the front yard abutting the rear yard of the subject property, that requires a four foot fence be maintained for the entire thirty feet (30') along the rear property line. If the subject property was not a reverse corner lot, the fence would be in compliance with the fence height regulations.

Staff notes that a precedent has been set by the approval of a similar variation request less than two blocks away from the subject property (ZBA 02-04). Staff finds that the degree of non-conformity presented in ZBA 02-04 was greater than the non-conformity presented as part of this petition. In that case, the approved variation allowed the entire fence within the corner side yard to be a solid six-foot (6') fence. The variation request associated with this petition is to allow a ten-foot (10') portion of the fence to be six feet (6') in height. The remaining portion of the fence within the corner side yard meets the four-foot (4') maximum height requirement. Also, the portion within the clear line of sight area does have a degree of transparency to it in that there is spacing between the pickets. However, the spacing is not enough to meet the seventy-five percent (75%) open surface area requirement for fences within the clear line of sight area. The fence is approximately fifty percent (50%) open.

Fence in the Clear Line of Sight Area



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 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 accept the findings on the Inter-Departmental

Zoning Board of Appeals

Re: ZBA 05-19

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Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 05-19, subject to the following condition:

1. The approved relief is only for the existing fence on the property. In event the fence is damaged, destroyed or is replaced, the new fence shall meet all provisions of the Zoning Ordinance.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:MK

att-

c: Petitioner

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