

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 27, 2007

FROM: Department of Community PREPARED BY: Michelle Kulikowski, AICP
Development Planner I

TITLE

ZBA 07-06; 466 N. Main Street: The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to five feet (5') in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Owner: Keith Tap
466 N. Main Street
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District

Existing Land Use: Single Family Residence

Size of Property: approximately 12,000 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: CR Conservation Recreation; Pleasant Lane School

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 May 24, 2007.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Written narrative, prepared by the petitioner, explaining the background and time line of events.
4. Plat of Survey prepared by RC Morrison Surveying Services and dated May 21, 1991.

DESCRIPTION

The subject property is located at the northwest corner of Crystal Avenue and Main Street. The petitioner received a permit to install a four foot (4') fence in the corner side yard and rear yard. After the fence was installed the Code Enforcement Division received a complaint regarding the height of the fence. Staff conducted a site visit and took measurements of the fence from several places inside the yard and from the public sidewalk. The measured fence height varied due to the change in grade. Staff determined that portions of the fence exceeded the maximum allowable fence height, even after considering the allowable variations in fence height for grade variations and decorative finials as permitted under Section 155.205(A)(1)(c)(4). The fence measured as tall as five feet (5') in some portions of the corner side yard. Therefore, the petitioner is requesting a variation to allow a five (5') fence in a corner side yard.

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 states that the height of the fence can not effect any line of sight for any emergency vehicles at the corner property.

PLANNING

Staff notes that there is a change in grade on the subject property. The elevation is highest at the southeast corner of fenced area, and the grade slopes to the west and the south. The petitioner has represented the four foot (4') height measurement for the fence was taken at the highest elevation and a laser level was used to extend the fence to the west along the corner side property line. Essentially, the top of the fence does not change as the grade slopes to the west. Therefore, the measured fence height varies depending on where the measurement is taken. At the southeast corner of the fenced area the fence height is four feet (4') and at the southwest corner, the fence height is five feet (5').

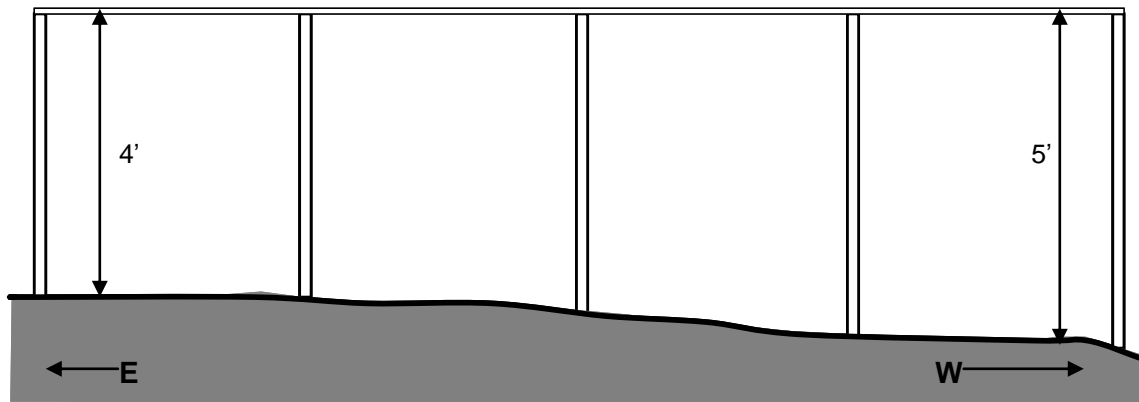


Figure 1: Elevation of the Existing Fence

However, the grade also slopes to the south toward the public sidewalk, which results in a taller fence height measurement on the exterior of the fence than on the interior of the fence. At the southeast corner of the fenced area, the grade transition is abrupt, resulting in a ditch approximately seven and one-half inches (7.5") deep immediately adjacent to the interior of the fence. At the highest elevation (southwest corner of the fenced area), the fence measures approximately four feet (4') on the interior of the fence and five feet (5') on the exterior. At the southwestern corner of the property where the grade levels out, the measurement of the fence is five feet (5') on both the interior and exterior side of the fence.

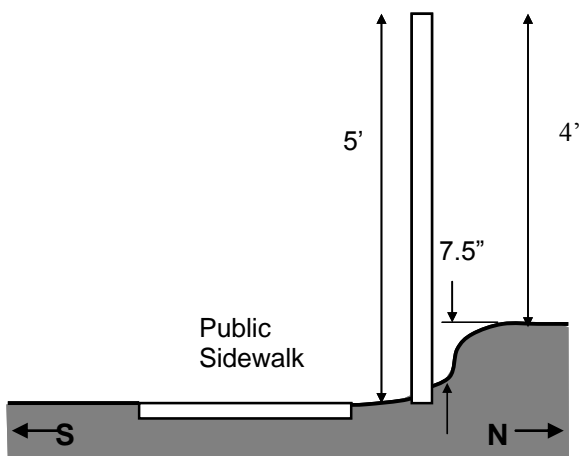


Figure 2: Section View of the Existing Fence

Measuring Fence Height

The definition for a fence specifies the manner in which the height is to be determined for the purposes of the Zoning Ordinance. The definition reads as follows:

FENCE is a free standing structure, made of metal, wire, wire mesh, masonry, plastic, wood, vinyl or a combination thereof, including gates, rising above ground level, measured from the grade at the location of the fence to the highest point of any component of the fence construction, including posts or any decorative elements, and used to delineate a boundary or as a barrier or means of protection, confinement, or screening”

The term “grade” is also defined in the Zoning Ordinance, which reads as follows:

GRADE is the average level of the finished surface of the ground adjacent to the exterior wall of the building or structure.

Staff has consistently used the concept of “average grade” for determining the height of structures. In circumstances where the grade changes substantially, measurements are taken from several points. These measurements are averaged together to determine the height for the purposes of verifying compliance with the Zoning Ordinance.

2005 Text Amendment

In 2005, as part of a comprehensive review of the fence regulations, the Board of Trustees approved a text amendment that provided for a small amount of flexibility in the fence height calculation. The text amendment allows the maximum height of a fence to vary up to three inches (3”) in order to allow for grade changes, clearance under fences for maintenance, and reasonable human error. The text amendment also stipulated that fence posts or decorative finials may not cause the fence to exceed the maximum height limitation by more than three inches (3”).

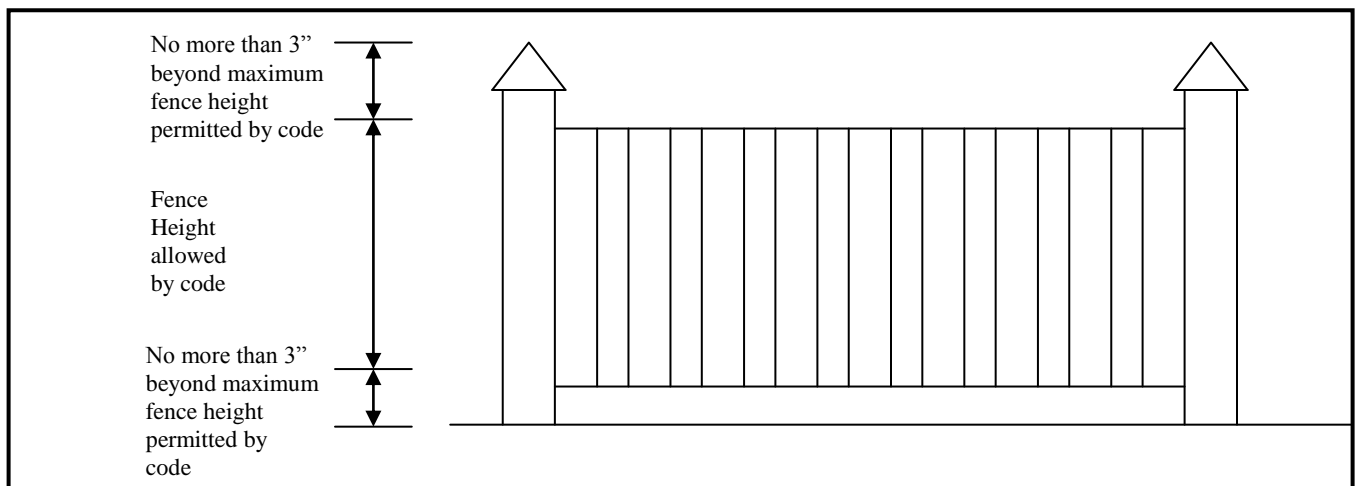


Figure 3 (From the Village of Lombard Fence Permit Handout)

Pursuant to Section 155.205(A)(1)(c)(4), the fence on the subject property may go as high as four feet three inches (4'3") and still comply with code. Because portions of the fence exceed four feet three inches (4'3"), the fence is considered non-conforming.

Standards for Variations

Staff finds that the grade of the property presents a hardship to a certain degree. At the southeast corner of the fenced area, the fence boards must be greater than four feet (4') to account for the ditch. Otherwise there would be a substantial gap under the fence when viewed from the public sidewalk.

However, staff does not support the requested variation for the fence as installed. At the southwestern corner of the property, the grade is leveled out and the fence measures approximately five feet (5') on both the exterior and interior of the fence. The petitioner has not been able to demonstrate why a five foot (5') fence is necessary at this location and staff finds that the grading does not present a hardship at this location. Furthermore, the Code already provides some flexibility for minor grade changes. Where there are substantial grade changes, fences should be installed in sections so that the top of the fence can change with the grade (see Figure 4 below).

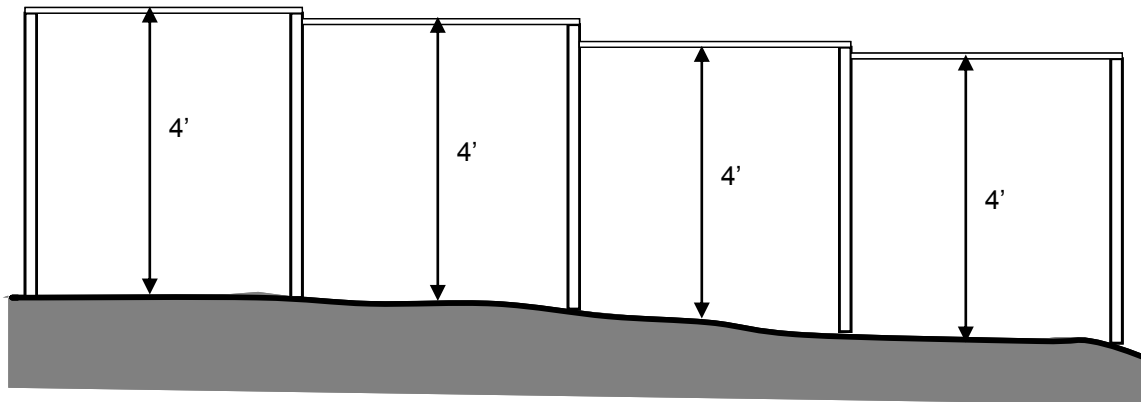


Figure 4

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the aforementioned variation:

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 find that the findings included as part of the

Zoning Board of Appeals

Re: ZBA 07-06

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Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 07-06.

Alternate Recommendation:

In the event the Board chooses to recommend approval of the requested relief or approval of a lesser degree of relief associated with ZBA 06-17, staff recommends that the following condition be added to the approval, as follows:

1. That the gate and portion of the fence extending from the garage to the corner side property line be modified so that it is the same height/level as the remainder of the fence.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Assistant Village Manager

att-

c: Petitioner

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APPENDIX A: Pictures of the Subject Property



