

April 29, 1999

Mr. William J. Mueller  
Village President, and  
Board of Trustees  
Village of Lombard

**Subject: ZBA 99-10: 502 Aspen Drive**

Dear President and Trustees:

Your Zoning Board of Appeals transmits for your consideration its recommendation on the above-referenced petition. The petitioner requests a variation to the Lombard Zoning Ordinance to allow a fence six feet (6') in height in a required corner side yard, where a maximum of height of four feet (4') is permitted.

Vipul and Bindu Verma presented petition. Mr. Verma stated that he is requesting a variation for a six foot (6') fence. He stated that they have a large dog that needs to run and get exercise. Mrs. Verma stated that she does not believe a four foot (4') fence, as is required by code, would contain their dog. Mr. Verma stated that the house is one of the first houses in the subdivision, and when cars enter the area, the dog gets excited. Mrs. Verma added that they are worried that their dog may run into the street and or scare the people that walk by the house. Mrs. Verma stated that the neighbors know about the request to erect a fence, but she didn't know to bring letters from them stating they do not object to the fence. Mr. Verma reinstated the fact that they want the fence to contain dog. He stated that the neighbors have small children, and although he is a friendly dog, he may scare children. The petitioners added that they could provide letters from the neighbors, stating that they do not object.

Mr. Cadagin asked what type of fencing they were proposing to erect. Mrs. Verma stated they are proposing a six foot (6') cedar fence.

There was no one to speak for or against the petition.

Amy Willson, Planner I, presented the staff report. She stated that in the required corner side yard, only a four foot (4') fence is permitted. She explained that once the fence is outside of the required corner side yard, the fence can be six feet (6')

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in height. Ms. Willson stated that the fence could be placed in the easements, allowing for more space in the rear yard. By locating fences in easements, it is at the risk of the property owner Ms. Willson explained that if something had to be done in the easement, the fence might have to be taken down. She stated that if the petitioner put the fence outside of the required corner side yard and within the easements that are located on the property, the fence would be six feet (6') in height and the enclosed area would be approximately 3,500 square feet.

Mrs. Verma asked how far the fence would be required to be from the sidewalk according to code. Ms. Willson explained that the required corner side yard is twenty feet (20'). Since the sidewalk is one foot (1') off of the property line, the fence would have to be twenty-one feet (21') from the sidewalk for a six foot (6') fence.

Mrs. Verma replied that they wouldn't have much yard space on the side of the house that would be within the fenced area.

Mr. Cadagin asked if the petitioners have spoken to the neighbors or have letters from them. Mrs. Verma stated that they didn't think to get letters. Mr. Cadagin asked how many neighbors it would involve to get letters. Mrs. Verma stated that the neighbors are all friends of the family, and they most likely would not object to sending letters. The neighbors have already verbally said they do not mind the fence.

Ms. Willson stated that only the fence to the south needs the variation for the height. The west and north sides of the property do not require a variation for fence height. She added that the proposed fence would not obstruct a driveway to the west, since the driveway for the property to the west is on the far west side of that property. She stated that the proposed fence might be aesthetically displeasing to the neighbors to the west because it will be even with the neighbor's front yard.

Nancy Hill, Planner II, stated that when anyone requests a variation, the Village does notify adjoining property owners within two hundred fifty feet (250') of the petitioner's property. There is no one here to speak for or against the petitioners, and they did have opportunity to do so.

Mr. Young asked if the drainage ditch to the west of the property is open space. Mr. Verma stated it is a small creek. Mr. Young then asked how wide this space is, and if it separates the petitioner's lot and the lot to the west. Ms. Hill stated

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that the property lines probably straddle the creek. She stated that a ten foot (10') public utility and drainage easement is indicated on the plat, and there is probably a similar easement on the neighbor's property.

Mr. Young asked if there are homes directly to the south of the petitioner. Mrs. Verma said there are homes across the street. Mr. Young confirmed that on the lot to the south faces the petitioner's house and one is angled slightly northeast.

Mr. Polley asked if there is a driveway to the west of the property. Mr. Verma stated that there is a drainage ditch directly to the west, not a driveway.

Mr. Polley confirmed that the petitioners want to put up a solid fence. Mrs. Verma stated it would be wooden, not chain link.

Dr. Corrado stated that the Zoning Board of Appeals once requested that a fence be cut down.

Ms. Hill stated that the Village does not require fence permits, and that the petitioners are being very honest by requesting a variation. Generally, property owners put up fences, and the only means of enforcing is by complaints from neighbors.

After due consideration of the submitted petition and the testimony presented, the Zoning Board of Appeals submits this petition to the Corporate Authorities with a recommendation for approval. The roll call vote was 4 to 0 to approve ZBA 99-10.

Respectfully,

**VILLAGE OF LOMBARD**

Eugene Polley  
Vice-Chairperson  
Zoning Board of Appeals

EJP:ACW:jd  
att-