

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: August 26, 2004 (B of T) Date: September 2, 2004
TITLE: ZBA 04-10: 7 W. Greenfield Avenue (Request to Continue to November 4, 2004)
SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals transmits for your consideration a petition requesting that the Village approve a variation from Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the permitted fence height in a required front and corner side yard from four feet (4') to four and a half feet (4.5'), for the subject property located within the R2 Single Family Residential Zoning District. (DISTRICT #5)

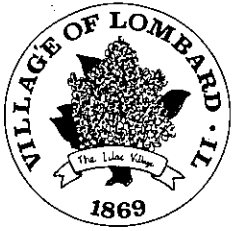
The Zoning Board of Appeals recommended approval of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *8/26/04*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

Village President
William J. Mueller

Trustees
Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

September 2, 2004

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

Subject: ZBA 04-10; 7 W. Greenfield

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village take the following actions for the subject property located within the R2 Single Family Residence District:

Approve a variation from Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the permitted fence height in a required corner side and front yard from four feet (4') to four and a half feet (4.5').

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

The Zoning Board of Appeals conducted a public hearing on August 25, 2004. Mr. Timothy Moore and Mrs. Cathy Moore presented the petition. Mr. Moore stated the fence was sold as a four-foot fence. He stated that they spent time investigating different fences after contacting the Village about the maximum height requirements. He stated that they checked with the salesperson upon selection of the fence. Mr. Moore stated that after the fence was installed he measured the fence and discovered that the fence was actually four and a half feet tall. He notified the contractor and then called the Village and was informed of the enforcement policy. He stated that they decided to proceed with the variation request. Mr. Moore stated that they do not wish to alter the fence since the ornamentation is what causes it to exceed code. He stated that their yard is unique in the sense that it does not have a backyard and fronts Main Street. Mr. Moore stated that the neighbors like the fence. He stated that he feels that they selected a fence that compliments the neighborhood well.

Chairperson DeFalco then opened the meeting for public comment. Mr. Karl Hillman and Mrs. Jean Hillman, 233 N. Main, stated that they are the neighbors to the south of the Moore family. Mr. Hillman stated that the fence is a beautiful fence and believes that it is prudent given that they have four children. Mrs. Hillman

stated that the fence doesn't obstruct vision since it is not a privacy fence. She stated that the fence is better than the landscaping often found on corner lots.

Mr. Phil Pollard, of Complete Fence, stated that he was the fence contractor. Mr. Pollard stated that the petitioners were diligent about researching the code requirements and acknowledged the error on his part. He stated that the fence was listed as a four-foot fence, however in small print the manufacturer's specifications noted the fifty-two inch height. Mr. Pollard stated that this is the first time that a situation like this has occurred. He stated that the fence is beautiful and he would hate to see it torn down. He stated that he hoped some leniency could be given.

Angela Clark, Planner I, presented the staff report. Ms. Clark stated that the petitioners applied for and received a building permit to construct a four-foot, aluminum fence in the front and corner side yards of their property. The petitioners' fence contractor contacted staff after the fence was installed and asked what the regulations were regarding fence height on corner lots as well as the enforcement procedures for fences that exceeded the requirements. The contractor stated that the fence that was installed was slightly higher than four feet. Staff informed the contractor that four feet is the maximum allowable fence height in front and corner side yards and of the enforcement procedures. Ms. Clark stated that the contractor was also informed that in light of the Village's reliance on citizen complaints regarding fence height enforcement there were no guarantees that a violation would not be issued at some point in time for the fence. The property owner later contacted staff to verify the requirements and stated that they ordered a four-foot fence yet upon installation discovered that it was actually four and a half feet. Staff informed the petitioner that a variation was necessary to keep the fence at the current height.

As stated in previous cases, increasing the four-foot maximum height in corner side yards was workshopped before the Plan Commission, which recommended that the current requirements remain in place. Therefore, staff maintains previous recommendations to not support an increase in fence height in residential front and corner side yards. While the petitioner's fence is an attractive fence and poses no risk to the visibility of pedestrian, bicycle, and vehicular traffic, staff finds that supporting the variation would be inconsistent with previous recommendations. Ms. Clark stated that the code does not identify the type of fence when referring to height, therefore granting such a variation would not prevent the placement of other types of fences also of open construction, such as chain link, within front and corner side yard areas. She also noted that there were no physical hardships of the petitioner's lot that prevented compliance with the ordinance, but rather the contractor's erroneous placement of a taller fence.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Bedard noted the assembly of the fence. He asked if disassembling the screws could drop down the fence. Mrs. Moore stated that the ornamental part of the fence was not attached, therefore the fence would still exceed code.

Chairperson DeFalco noted the sphere and posts. He stated that if the fence were measure horizontally it would measure forty-six inches, but the posts would still measure fifty-two inches even if the fence were lowered. He stated that the code identifies fence height at the highest point including ornamentation or posts.

Mr. Moore stated that altering the fence would not match what they had purchased. He stated that he understands that code is code, however he believes that the code is meant to protect. He stated that there were no visibility issues with the fence and hoped there was some leeway that could be given for the fence.

Mr. Polley asked if the code considers this type of fence. He stated that the codes should be written more carefully. Ms. Clark stated that the code does not reference the type of fence when referring to height.

Mrs. Newman stated that in previous cases the concern has been visibility. She stated that there is not any visibility issue here.

Chairperson DeFalco reiterated that there was not an issue of visibility. He stated that the fence is attractive, however the ordinance does not take into consideration the openness of fences or ornamentation. He stated that the fence height regulations have been workshopped before the Plan Commission in the past and the decision was to leave the code as it is currently written.

Mrs. Newman asked was the workshop in response to board on board fences or open construction fences. Ms. Clark stated that she believed the issue was board on board fences.

Chairperson DeFalco stated that two months ago a fence appeared before the Zoning Board for a wrought iron fence in an industrial area. The request stated that the fence was 75% open. He stated that the ordinance is meant to provide visibility and safety. He stated that the ZBA couldn't dispute the ordinance and that their responsibility is to determine hardship.

Mr. Young stated that the contractor has taken responsibility for the error. He asked if there were any bonds that the contractor had to place with the Village. Ms. Clark stated that bonds are not required for fences.

Mr. Pollard stated that there would be costs involved to modify the fence.

Mr. Young asked if the height was discovered after the fence was erected. Mr. Pollard stated that he wasn't aware until the petitioner notified him.

Mr. Young asked if the fence could be constructed at three feet. Mr. Pollard stated that it could.

Mrs. Moore stated that a neighbor has a three-foot fence that the children love to climb. They felt that the four-foot fence was more appropriate.

Mr. Pollard stated that most communities are concerned with visibility and openness and that aesthetics typically aren't considered. He asked if there was room for review of this.

Chairperson DeFalco stated that the Board of Trustees has the ability to table the petition and research this further, but it is not under the purview of the Zoning Board.

Mr. Moore asked if that were a possibility. Ms. Clark stated that the action would have to come from the Board of Trustees.

Mr. Young stated that the hardship is on the contractor.

Chairperson DeFalco stated that the hardship is on the homeowner. He stated that the owners tried to comply and notified both the Village and the contractor.

Dr. Corrado asked if a stipulation could be placed that any future repair or replacement of the fence be restricted to four feet if the variation were to be approved.

Chairperson DeFalco stated that if a portion of the fence were damaged the repair would be regulated to four feet while the rest of the fence was still four and a half feet.

Mr. Young stated that the variation should be addressed as a definitive yes or no. He asked if the board had made such stipulations in the past. Mr. Corrado stated that they had. Mr. Young asked if they were adhered to by the Board of Trustees. Mr. Corrado stated that they had.

Mr. Bedard noted the previous meeting's fence petition. He stated that he noted items such as visibility should be addressed by the code considering it wasn't an issue with these fences due to location or open construction.

Chairperson DeFalco stated that this case brings the perfect opportunity for review of the fence code regulations.

Dr. Corrado asked if a review of the requirements could be included in the recommendation. Chairperson DeFalco discussed whether or not the recommendation could be worded in such a way that this could be accommodated.

Mrs. Newman asked if the ordinance itself was creating the hardship. Chairperson DeFalco stated that it is not the ordinance that creates the hardship because the fence could be constructed at a lower height.

Re: ZBA 04-10
September 2, 2004
Page 5

Mr. Moore stated that if the fence were denied they would get a fence at the appropriate height. He stated that they know that they can have a fence, yet they are asking that the openness be considered.

Chairperson DeFalco stated that since no bonds or inspections are required for fences we place the homeowner in a position where they have to work out any discrepancies with the contractor.

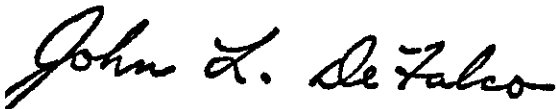
Mr. Young stated that given the ordinance it is difficult to approve a variation. He asked how the board could convey to the Board of Trustees that the ordinance should be reviewed.

Chairperson DeFalco stated that if no direction were given from the Zoning Board the item would not be on the consent agenda and would therefore be open for discussion. He asked that the discussion regarding review of the requirements be reflected in the minutes.

After due consideration of the petition and testimony presented the Zoning Board of Appeals found that the proposed variation does comply with the Standards of the Zoning Ordinance. Therefore the Zoning Board of Appeals recommended approval of ZBA 04-10 by a roll call vote of 5 to 1.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

ANALYSIS

SUBMITTALS

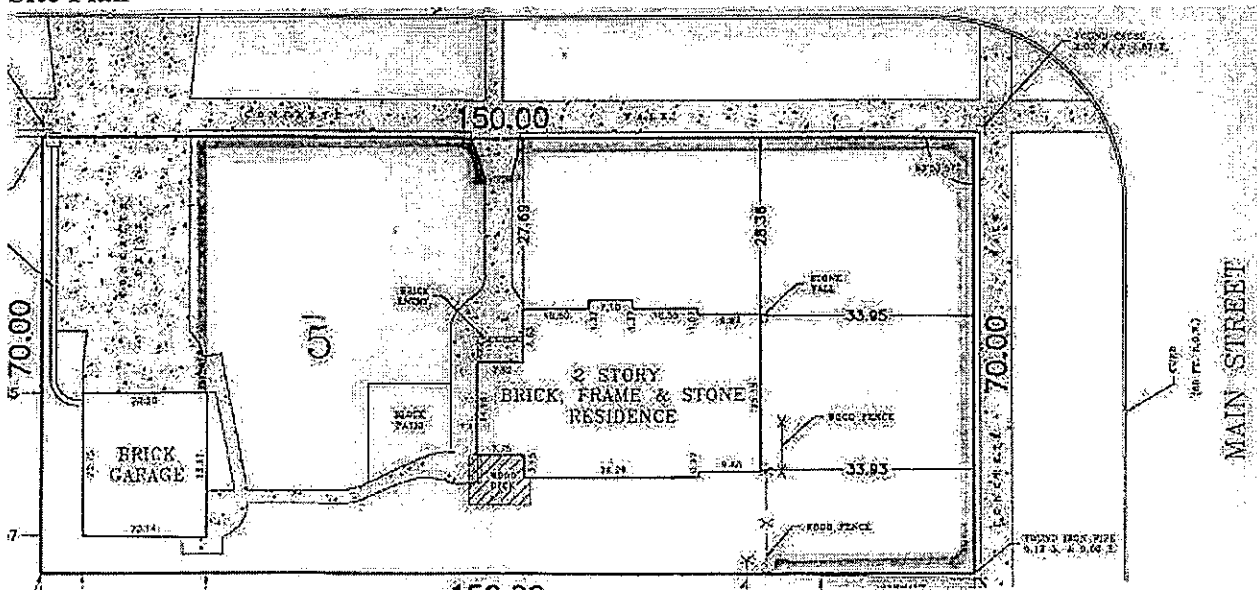
This report is based on the following documents, which were filed with the Department of Community Development on June 24, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated May 27, 2003, prepared by Preferred Survey Inc.
4. Photographs of the Subject Property
5. Fence Contractor's Agreement
6. Fence Specifications

DESCRIPTION

The subject property is located on the southwest corner of Greenfield Avenue and Main Street. The petitioner's contractor placed a four and one-half foot aluminum fence in the front and corner side yards of the property where only four feet is allowed. To allow the fence to remain as is, a variation is requested.

Site Plan



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

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 this petition.

PLANNING

The petitioners applied for and received a building permit to construct a four-foot, aluminum fence in the front and corner side yards of their property. The petitioners' fence contractor contacted staff after the fence was installed and asked what the regulations were regarding fence height on corner lots as well as the enforcement procedures for fences that exceeded the requirements. The contractor stated that the fence that was installed was slightly higher than four feet. Staff informed the contractor that four feet is the maximum allowable fence height within front and corner side yards and that enforcement could come in the form of a complaint or if staff noticed the installation of a new fence that exceeded the height requirements. The contractor was also informed that in light of the Village's reliance on citizen complaints regarding fence height enforcement there were no guarantees that a violation would not be issued at some point in time for the fence. The property owner later contacted staff to verify the requirements and stated that they ordered a four-foot fence yet upon installation discovered that it was actually four and a half feet. Staff informed the petitioner that a variation was necessary to keep the fence at the current height.

As stated in previous cases, increasing the four-foot maximum height in corner side yards was workshopped before the Plan Commission, which recommended that the current requirements remain in place. Therefore, staff maintains previous recommendations to not support an increase in fence height in residential front and corner side yards. While the petitioner's fence is an attractive fence and poses no risk to the visibility of pedestrian, bicycle, and vehicular traffic, staff finds that supporting the variation would be inconsistent with previous recommendations. Granting such a variation could encourage the placement of other types of fences also of open construction, such as chain link, within front and corner side yard areas. Furthermore, granting of a variation requires that the petitioner show that they affirmed each of the "Standards for Variation". Staff finds that the following standards are not 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 is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. Staff concurs with the petitioner's assessment that increased traffic is experienced on the corner lot. However this is not

unique to the subject property, but rather characteristic of corner lots in general. The petitioners note within their response to the Standards for Variations that they believed they ordered a four-foot fence and received the incorrect fence height due to a salesperson's error. Staff finds that this is not ground for a hardship and correction of the error lies with the contractor rather than granting relief from the ordinance.

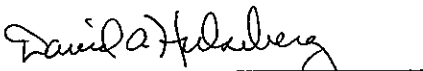
2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.* The petitioner's lot is comparable to other corner lots in the single-family residential district. Staff finds that there are not any unique differences between the petitioner's lot and others with the same classification.
3. *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 hardship has not been created by the ordinance, but rather a personal preference for a higher fence height and more specifically the installation of the fence outside of the code requirements.

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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 04-10.

Inter-Departmental Review Group Report Approved By:



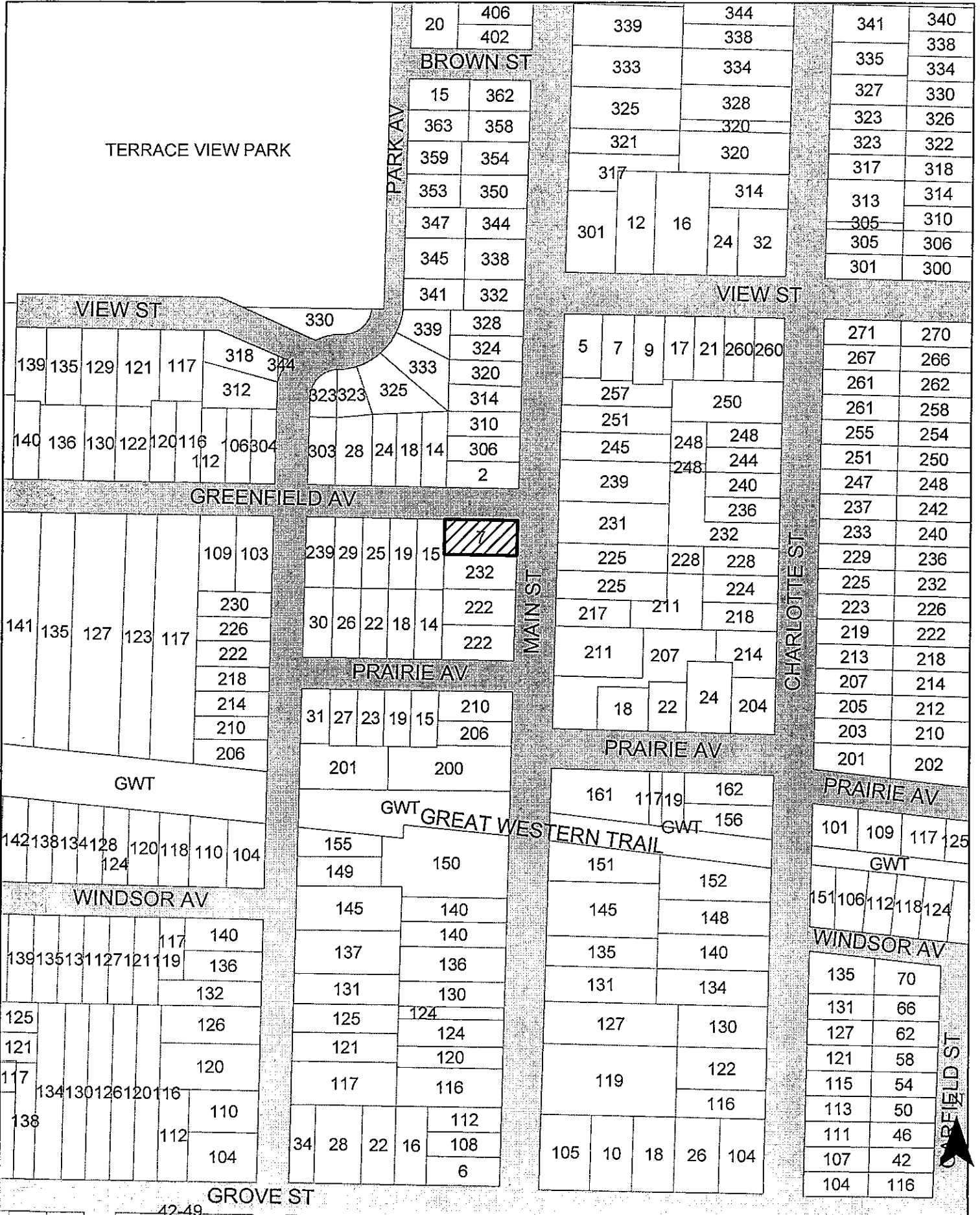
David A. Hulseberg, AICP
Director of Community Development

att-

c: Petitioner

Location Map

ZBA 04-10: 7 W. Greenfield



COMMUNITY DEVELOPMENT

RECEIVED AUG 12 2004

Angela Clark
Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

Re: Public Hearing ZBA 04-10

I am responding to your notice regarding the property at 7 W. Greenfield Ave., Lombard. I am a neighbor at 239 N. Park Avenue.

As I was walking around the neighborhood one day, I noticed the newly installed fence and thought, what a great addition to the property and the neighborhood it is. Then a few days later I received your notice.

I am in favor of the variation since the fence looks real nice and enhances both the property and the neighborhood.

I am unable to attend the hearing on August 25, 2004.

Sincerely,



Joseph Rieger
239 N. Park Ave.
Lombard, IL 60148

Cc: Timothy R & C J Moore
7. W. Greenfield Avenue
Lombard, IL 60148

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 04-10: 7 W. Greenfield Avenue)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to four and half (4.5) feet; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 25, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to four and a half (4.5) feet.

SECTION 2: This ordinance is limited and restricted to the property generally located at 7 W. Greenfield Avenue, Lombard, Illinois, and legally described as follows:

Ordinance No. _____
Re: ZBA 04-10
Page 2

LOT 5 IN ROATH'S QUALITY HILL SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF THE SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1929, AS DOCUMENT 285331, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-421-011

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nays: _____

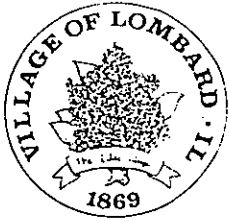
Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: September 2, 2004

SUBJECT: ZBA 04-10: 7 W. Greenfield Avenue

Attached please find the following items for Village Board consideration as part of the September 2, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-10;
3. An Ordinance granting approval of a variation from the fence height requirements in the R2 District; and

At the request of Trustee Ken Florey, this petition is being tabled until the November 4, 2004 Board of Trustees meeting.

Please contact me if you have any questions regarding the aforementioned-materials.

Zoning Variance Request
7 W. Greenfield
630-953-8191

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

If the strict letter of the regulations is applied, our decorative aluminum fence will have to be torn down.

We purchased the fence due to safety concerns of our four children. Our house is located on the southwest corner of North Main Street and West Greenfield Avenue. Both streets are busy and we wanted to minimize the danger of our children from running into the street. Also, many vehicles use our driveway as a turnaround and the fence helps protect our children from jetting in front of one.

As the homeowners, we tried to follow the fence regulations. We obtained the Lombard fence guidelines and reviewed them with the fence salesman. The salesman conversed over the phone with the village to be clear of all the regulations due to the fact that we are a corner lot and this is a very special fence. We purchased the Jerith "4 ft. Lexington 111" from the catalog thinking it would be 48" installed. Unfortunately, the fence salesman was not familiar with the exact specifications of the fence. The fence is actually 52" in height - uninstalled, and averages 55" installed.

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.*

Our conditions are unique because (1) the fence is already constructed and set in concrete, (2) our home is located on the corner of two busy streets, and (3) we are initiating the variance application because we discovered the fence is inches over code.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

No, the purpose is to maintain the fence to ensure the safety of our children.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

If the fence were not on a corner property, the height would be under code.

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.*

The current condition of the fence is not detrimental to the public welfare or injurious to other property or improvements. Specifically, being aluminum, the fence does not block the view of people driving eastbound on Greenfield, or southbound on Main.

6. *The granting of the variation will not alter the essential character of the neighborhood.*

We took great time and care while investigating many types and varieties of fences. We chose a quality ornamental fence that went with the architectural style of our home. Replacing or altering the current condition of the fence would not maintain its character. We talked to our neighbors before and after the installation of the fence and have received their approval. (Please see attached letters.)

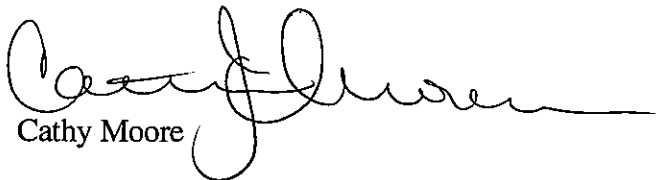
7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The fence is safe. It has 75% visibility. It is a decorative fence that we believe is welcoming, has character as well as beauty. It does not cause any safety issues and is cemented deep into the ground.

Thank you for your consideration,

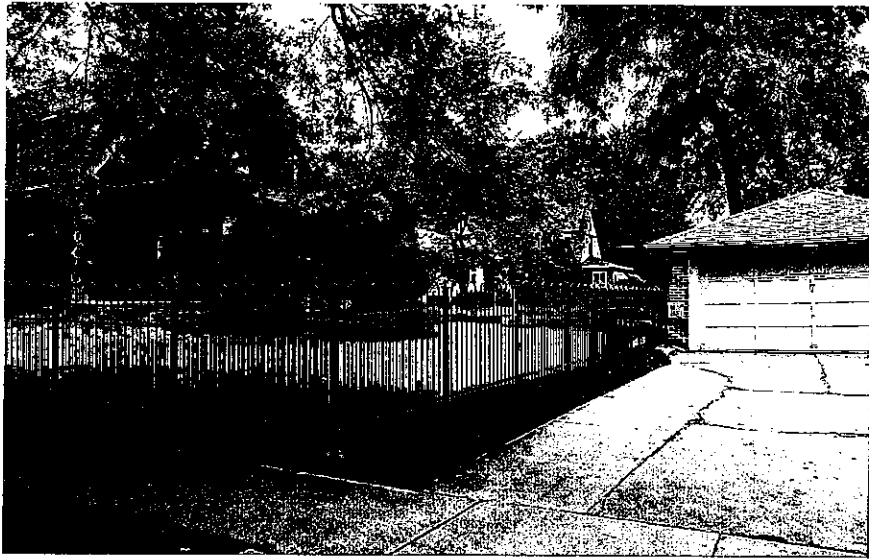


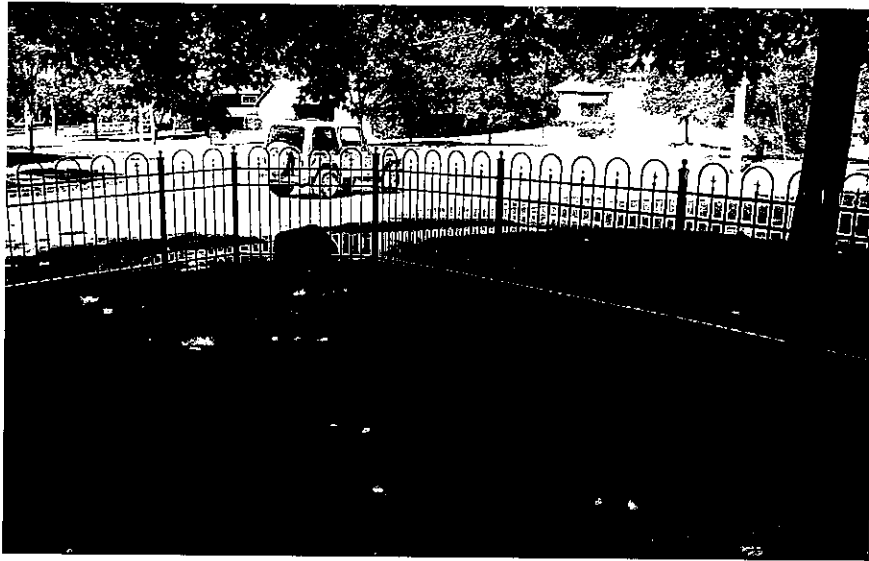
Timothy Moore



Cathy Moore







Ciruly
 Timber Gym Wood
 Playground Equipment
 Cedar Lawn Furniture
 Sheds & Barns Built
 On Your Lot

CUSTOM WOOD DECKS — DECKS WITH 40 YEAR WARRANTY

FREE ESTIMATES — 231-9550
COMPLETE FENCE, INC.

Wood
 Chain Link
 Residential
 Commercial

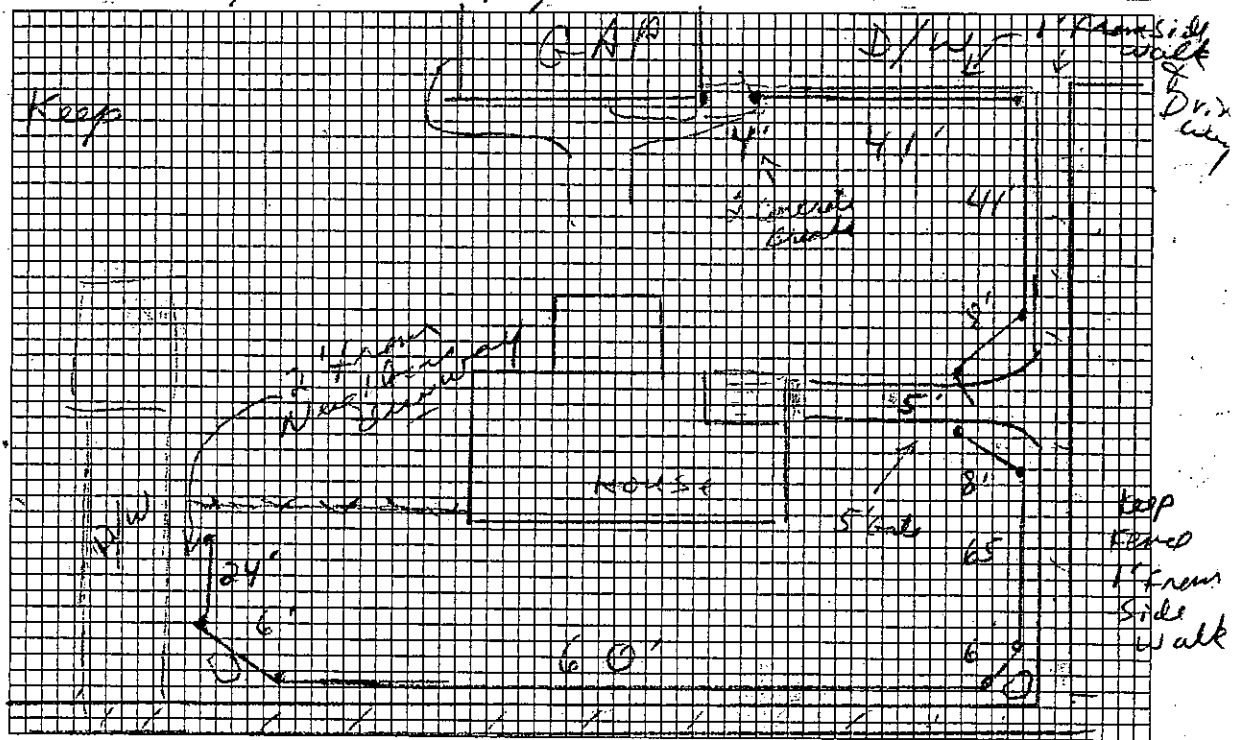
SHOWROOM LOCATED AT
 27W174 NORTH AVE. — WEST CHICAGO, IL 60185

Date 4-21-04
 Customer Name Cathy & Tim Moore
 Address 7 W Glenfield Ave
 City Lombard Zip Code _____
 Home Phone 953-8191 Office Phone 312-397-7690
 County Deer Park Sub-Division _____ Cross Street _____

CUSTOMER'S RESPONSIBILITY TO
 OBTAIN ALL PERMITS, ALL
 UNDERGROUND LINES NOT LOCATED
 BY JULIE, FOR LOCATION OF
 PROPERTY LINES UPON WHICH FENCE
 IS BUILT.

| | |
|-----------------------------------|-----------------------------|
| NO. OF FEET 260' | HEIGHT 4' |
| STYLE ornation III | COLOR Black |
| FINALS Majestic | SCROLL / |
| POST-TOPS Ball Cap | DIRT PICK UP yes |
| WALK GATES 2 | DRIVE GATES / |
| END POSTS 2" Sg. | CORNER POSTS / |
| LINE POST 2" Sg. | GATE POST / |
| CONCRETE SET yes | DIRT SET / |
| PLAT OF SURVEY Required | STAKES VISIBLE / |
| FOLLOW GROUND yes | STRAIGHT ON TOP / |
| CONCRETE BREAKS 2 | ASPHALT BREAKS / |
| SPECIALS / | HAUL AWAY dirt |
| HAUL DIRT \$150.00 | |

JERITH CONTRACT
 Approx 260' of 4' high Lexington III with one
 4' wide Lexington III gate & one 5' wide III Accent
 gate with Majestic Finish on both gates & on
 all fence pickets. Ball caps on all posts. Haul dirt.



| |
|--------------------------------------|
| PRICE |
| TOTAL [REDACTED] |
| DEPOSIT [REDACTED] |
| BALANCE [REDACTED] |
| EXTRA WORK BALANCE DUE ON COMPLETION |
| 5% PER MONTH ON UNPAID BALANCE |

* WARRANTY MATERIAL FOR 15 YRS. BY JERITH. GATES FOR 30 DAYS (ON WORKMANSHIP) FROM INSTALLATION. ABNORMAL ABUSE OF WIND DAMAGE NOT COVERED. ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED AND THE ABOVE WORK IS TO BE PERFORMED IN A SUBSTANTIAL WORKMAN LIKE MANNER.

50% DOWN — BALANCE DUE ON DAY OF COMPLETION.

PLACEMENT OF DIRT AT TIME OF CONTRACT.

PRICE GOOD FOR _____ DAYS.

WHITE - Installer's Copy

YELLOW - Customer's Copy

PINK - Office Copy

[Signatures]

A Fence to Fit Every Need

There are a wide variety of Jerith fence styles available in three colors and several heights. You can be sure that there will be a Jerith fence to enhance the beauty of your home, pool or yard.

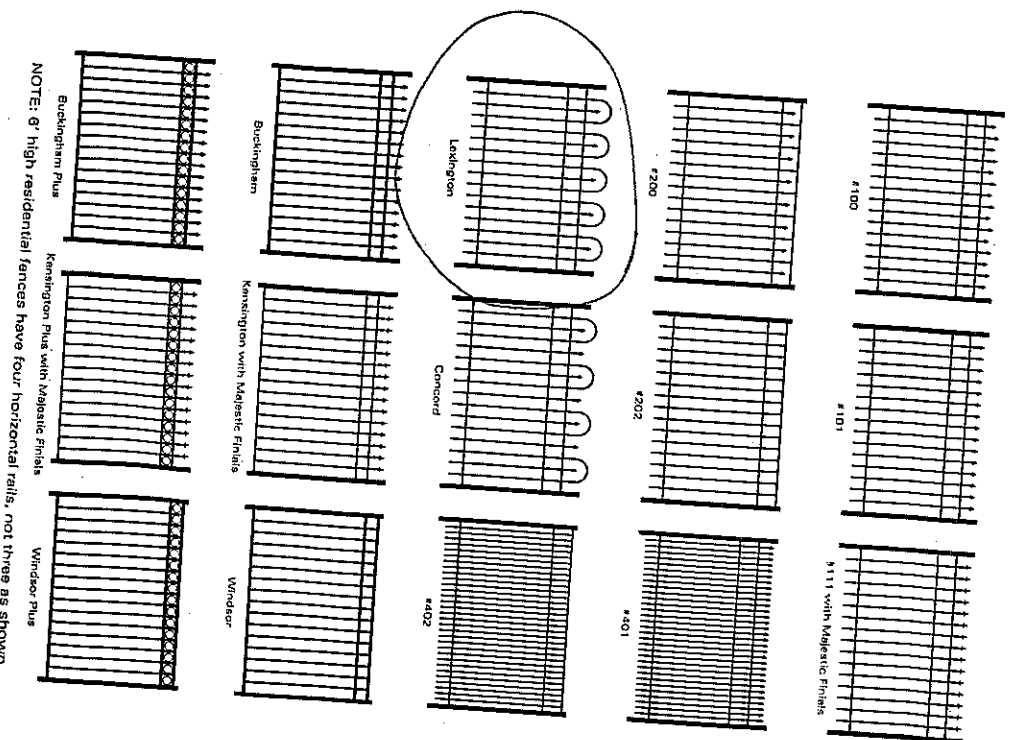
Residential Fence Styles:

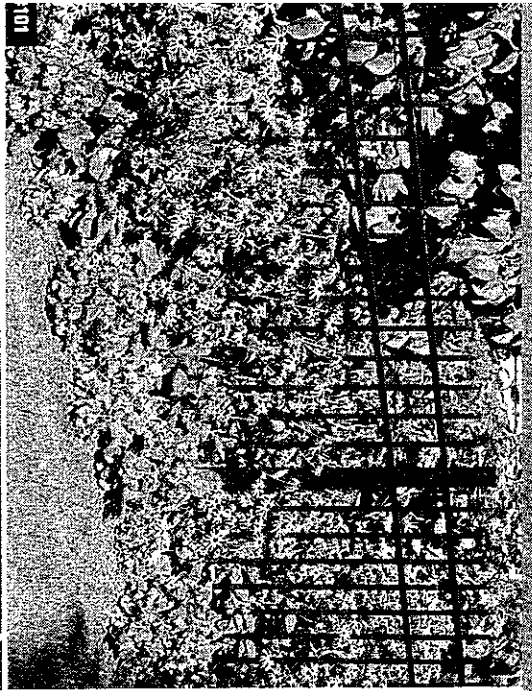
#101 This traditional wrought iron design has its points even across the top. Similar to Style #101, but with staggered picket tops.
#100 This version of Style #101 is built to accept finials on the pickets instead of the standard spear points. (See Page 13 for information about finials.)
#111 Similar to Style #101 but with a 1 5/8" space between pickets. This fence will keep most pets in your yard. The narrow spacing also makes it difficult for children to obtain a foothold on the fence.
#202 A classic design with a smooth rail on top rather than points. Our Best Seller! Variation of Style #202 which combines the safety of a top rail with traditional spear points below.
#200 1 5/8" spaced version of Style #202 for those who do not want exposed points on their fence, but want the added security of a narrow space between pickets.
#401 Lexington
#402 Concord
#200 Ovation

This distinguished wrought iron design has elegant curves connecting the pickets. Available with standard points or finials centered in the arch. Similar to the Lexington, but with pickets between each arch.
 Pickets may have either standard points or finials.
 This two rail fence has a simple design specifically created to meet the pool enclosure code drafted by the U.S. Consumer Product Safety Commission. (See Page 10 for more information about this design and pool code.)

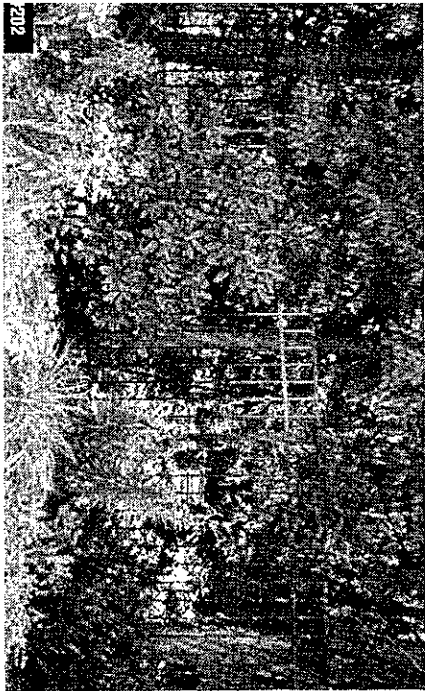
Regency Fence Styles:

(Made with larger components. Rings are available. Details on pages 8 & 9.)
Buckingham Similar in design to Style #101 except the pickets do not extend below the bottom rail.
Kensington Similar in design to Style #111 except the pickets do not extend below the bottom rail.
Windsor Similar in design to Style #202 except the pickets do not extend below the bottom rail.

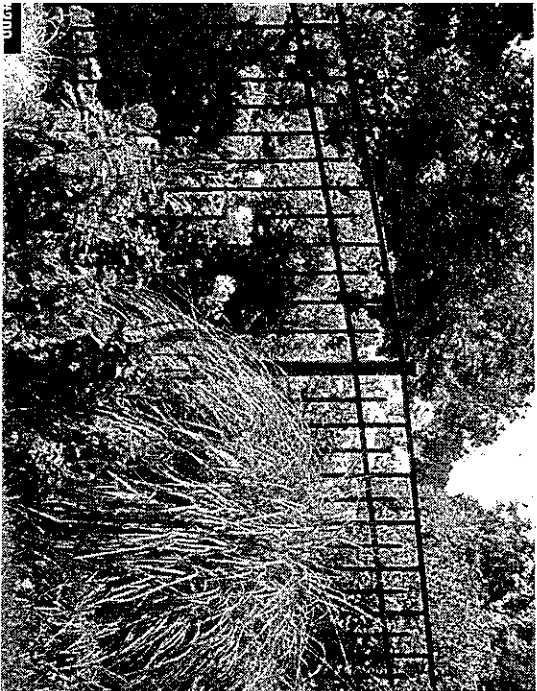




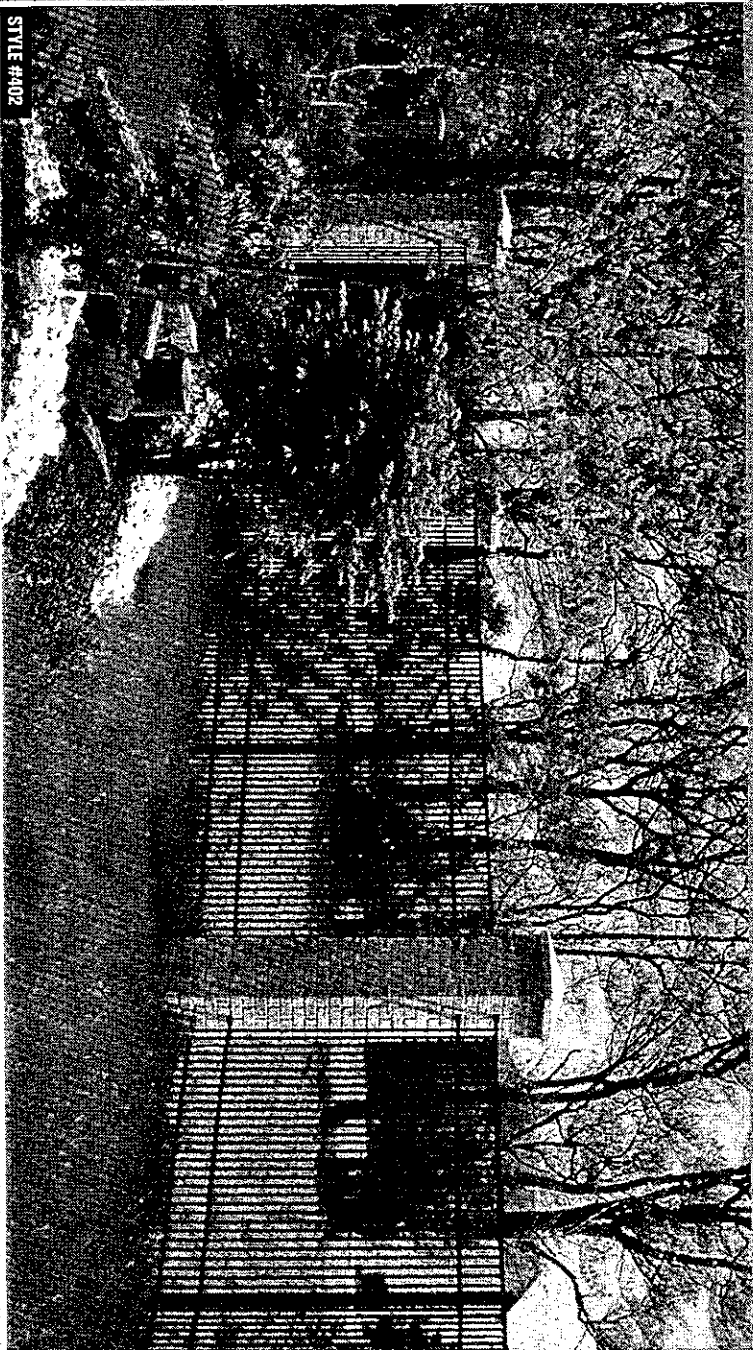
STYLE #101



STYLE #202



STYLE #101



STYLE #402

Dimensions and Specifications

| Component Sizes | Residential Strength | Ovation/Regency |
|---------------------------------------|---|---|
| Pickets | 5/8" sq. x .050" thick | 3/4" sq. x .050" thick |
| Rails: Top Wall | 1" x .055" thick | 1" x .055" thick |
| Side Walls | 1" x .082" thick | 1 1/2" x .082" thick |
| Standard Posts | 2" sq. x .060" thick | 2" sq. x .060" thick |
| Gate Posts | 2" sq. x .125" thick | 2" sq. x .125" thick |
| Spacing Between Pickets | 4" sq. x .125" thick | 4" sq. x .125" thick |
| Post Spacing | 3 1/8" (1 1/8" for #401, #402) | 3 3/16" |
| Standard Colors | 72 1/2" on center | 72" on center |
| Standard Heights Available | Black, White, Bronze | Black, White, Bronze |
| | 36", 48", 60", 72", plus | Regency - 36", 48", 60", 72", plus 54" for Windsor only |
| | 54" for Modified #200 & #202, 57" for Modified #101, #111, Lexington, & Concord | Ovation - 350+ lbs. |
| | | Regency - 500+ lbs. |
| Weight Supported per Section of Fence | 350+ lbs. | |

Jerith also offers a full line of Industrial Strength and Ornamental Wire style fences. Please call 800-344-2242 for literature and specifications on these products.

June 21, 2004

Mr. David Holsberg,
Lombard Zoning Board

Dear Mr. Holsberg,

My wife and I are next door neighbors of Tim and Cathy Moore who live at 7 West Greenfield with their four children, ages 7, 5, 3 and 0.

Our property adjoins theirs on the south and we were pleased when they had safety reservations concerning the traffic on Main Street and decided to have a fence installed. It is a lovely ornamental fence and only improves our neighborhood.

We would ask that you and your members on the committee will allow the necessary variance concerning the fence. Thank you for your consideration.

Karl W. Hillmann
Karl W. Hillmann
232 No. Main
Lombard, Ill. 60148

Mr. David Hulseberg
Lombard Zoning Board

July 25, 2004

Dear Mr. Hulseberg,

My wife and I are next door neighbors of Cathy and Tim Moore. They live at 7 West Greenfield Avenue while we live directly west at 15 West Greenfield Avenue.

We are quite pleased they have added a fence to protect their children from both the volume of traffic and excess speed which too many people travel up and down West Greenfield Avenue at. The fence, which is quite nice, also adds to the appeal of their home and in general that corner of the street.

We would ask that yourself and the rest of the zoning board look favorably on their request for a variance to the fence.

Sincerely,

Mark E. Kelly

Mark E. Kelly

15 West Greenfield Avenue
Lombard, IL 60148

July 25, 2004

Mr. David Hulseberg
Lombard Zoning Board

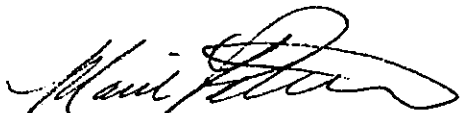
Mr. Hulseberg,

My husband and I live across the street from Timothy and Cathy Moore on Greenfield Avenue. They live at 7 West Greenfield.

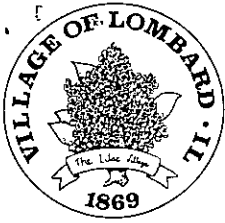
This letter is to inform you that we were very delighted when they installed their beautiful fence around their property. Not only is it ecstatically appealing but this fence is very necessary for the safety of their young children ages 7, 5, 3 and 1. In fact, their gate has inspired us to someday install a fence around our property for the safety of our one year old son. As a parent, I understand the concerns and anxiety that the Moores have experienced regarding the safety of their children. Children can be very unpredictable at times and can slip away from your sight in a second. The cars passing through Main Street can be very dangerous. I have personally seen many car accidents on both our corners and police officers are often pulling in drivers in front of my house for speeding.

We request that you and your committee members would allow the necessary variance concerning the fence on the Moores' property.

Thanking you in advance for your consideration,



Marie Peterson
2 West Greenfield Avenue
Lombard, Illinois 60148



#040398

WTC
10/27/04

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*

DATE: November 4, 2004

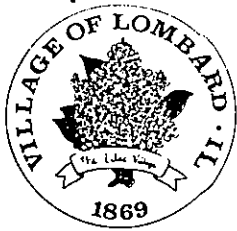
SUBJECT: ZBA 04-10: 7 W. Greenfield Avenue

At the September 2, 2004 Village Board meeting, the Board continued the fence variation request for the property at 7 W. Greenfield Avenue (the southwest corner of Main Street and Greenfield Avenue) to the November 4, 2004 meeting. The Board expressed a desire to review existing fence regulations for corner side yards prior to consideration of this petition. Staff has prepared a PowerPoint presentation, which discusses this issue in greater detail and will present this information at the November 4 meeting.

As more than two Board meetings have passed since this item was first placed on the agenda, staff is providing the Board with a copies of the reports and correspondence associated with the petition, including:

1. Plan Commission referral letter;
2. IDRC report for ZBA 04-10; and
3. Plans associated with the petitioner's request.

The Zoning Board of Appeals recommended approval of the petition.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

Village President
William J. Mueller

September 2, 2004

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: ZBA 04-10; 7 W. Greenfield

Village Manager
William T. Lichter

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village take the following actions for the subject property located within the R2 Single Family Residence District:

Approve a variation from Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the permitted fence height in a required corner side and front yard from four feet (4') to four and a half feet (4.5').

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

The Zoning Board of Appeals conducted a public hearing on August 25, 2004. Mr. Timothy Moore and Mrs. Cathy Moore presented the petition. Mr. Moore stated the fence was sold as a four-foot fence. He stated that they spent time investigating different fences after contacting the Village about the maximum height requirements. He stated that they checked with the salesperson upon selection of the fence. Mr. Moore stated that after the fence was installed he measured the fence and discovered that the fence was actually four and a half feet tall. He notified the contractor and then called the Village and was informed of the enforcement policy. He stated that they decided to proceed with the variation request. Mr. Moore stated that they do not wish to alter the fence since the ornamentation is what causes it to exceed code. He stated that their yard is unique in the sense that it does not have a backyard and fronts Main Street. Mr. Moore stated that the neighbors like the fence. He stated that he feels that they selected a fence that compliments the neighborhood well.

Chairperson DeFalco then opened the meeting for public comment. Mr. Karl Hillman and Mrs. Jean Hillman, 233 N. Main, stated that they are the neighbors to the south of the Moore family. Mr. Hillman stated that the fence is a beautiful fence and believes that it is prudent given that they have four children. Mrs. Hillman

stated that the fence doesn't obstruct vision since it is not a privacy fence. She stated that the fence is better than the landscaping often found on corner lots.

Mr. Phil Pollard, of Complete Fence, stated that he was the fence contractor. Mr. Pollard stated that the petitioners were diligent about researching the code requirements and acknowledged the error on his part. He stated that the fence was listed as a four-foot fence, however in small print the manufacturer's specifications noted the fifty-two inch height. Mr. Pollard stated that this is the first time that a situation like this has occurred. He stated that the fence is beautiful and he would hate to see it torn down. He stated that he hoped some leniency could be given.

Angela Clark, Planner I, presented the staff report. Ms. Clark stated that the petitioners applied for and received a building permit to construct a four-foot, aluminum fence in the front and corner side yards of their property. The petitioners' fence contractor contacted staff after the fence was installed and asked what the regulations were regarding fence height on corner lots as well as the enforcement procedures for fences that exceeded the requirements. The contractor stated that the fence that was installed was slightly higher than four feet. Staff informed the contractor that four feet is the maximum allowable fence height in front and corner side yards and of the enforcement procedures. Ms. Clark stated that the contractor was also informed that in light of the Village's reliance on citizen complaints regarding fence height enforcement there were no guarantees that a violation would not be issued at some point in time for the fence. The property owner later contacted staff to verify the requirements and stated that they ordered a four-foot fence yet upon installation discovered that it was actually four and a half feet. Staff informed the petitioner that a variation was necessary to keep the fence at the current height.

As stated in previous cases, increasing the four-foot maximum height in corner side yards was workshopped before the Plan Commission, which recommended that the current requirements remain in place. Therefore, staff maintains previous recommendations to not support an increase in fence height in residential front and corner side yards. While the petitioner's fence is an attractive fence and poses no risk to the visibility of pedestrian, bicycle, and vehicular traffic, staff finds that supporting the variation would be inconsistent with previous recommendations. Ms. Clark stated that the code does not identify the type of fence when referring to height, therefore granting such a variation would not prevent the placement of other types of fences also of open construction, such as chain link, within front and corner side yard areas. She also noted that there were no physical hardships of the petitioner's lot that prevented compliance with the ordinance, but rather the contractor's erroneous placement of a taller fence.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Bedard noted the assembly of the fence. He asked if disassembling the screws could drop down the fence. Mrs. Moore stated that the ornamental part of the fence was not attached, therefore the fence would still exceed code.

Chairperson DeFalco noted the sphere and posts. He stated that if the fence were measure horizontally it would measure forty-six inches, but the posts would still measure fifty-two inches even if the fence were lowered. He stated that the code identifies fence height at the highest point including ornamentation or posts.

Mr. Moore stated that altering the fence would not match what they had purchased. He stated that he understands that code is code, however he believes that the code is meant to protect. He stated that there were no visibility issues with the fence and hoped there was some leeway that could be given for the fence.

Mr. Polley asked if the code considers this type of fence. He stated that the codes should be written more carefully. Ms. Clark stated that the code does not reference the type of fence when referring to height.

Mrs. Newman stated that in previous cases the concern has been visibility. She stated that there is not any visibility issue here.

Chairperson DeFalco reiterated that there was not an issue of visibility. He stated that the fence is attractive, however the ordinance does not take into consideration the openness of fences or ornamentation. He stated that the fence height regulations have been workshopped before the Plan Commission in the past and the decision was to leave the code as it is currently written.

Mrs. Newman asked was the workshop in response to board on board fences or open construction fences. Ms. Clark stated that she believed the issue was board on board fences.

Chairperson DeFalco stated that two months ago a fence appeared before the Zoning Board for a wrought iron fence in an industrial area. The request stated that the fence was 75% open. He stated that the ordinance is meant to provide visibility and safety. He stated that the ZBA couldn't dispute the ordinance and that their responsibility is to determine hardship.

Mr. Young stated that the contractor has taken responsibility for the error. He asked if there were any bonds that the contractor had to place with the Village. Ms. Clark stated that bonds are not required for fences.

Mr. Pollard stated that there would be costs involved to modify the fence.

Mr. Young asked if the height was discovered after the fence was erected. Mr. Pollard stated that he wasn't aware until the petitioner notified him.

Mr. Young asked if the fence could be constructed at three feet. Mr. Pollard stated that it could.

Mrs. Moore stated that a neighbor has a three-foot fence that the children love to climb. They felt that the four-foot fence was more appropriate.

Mr. Pollard stated that most communities are concerned with visibility and openness and that aesthetics typically aren't considered. He asked if there was room for review of this.

Chairperson DeFalco stated that the Board of Trustees has the ability to table the petition and research this further, but it is not under the purview of the Zoning Board.

Mr. Moore asked if that were a possibility. Ms. Clark stated that the action would have to come from the Board of Trustees.

Mr. Young stated that the hardship is on the contractor.

Chairperson DeFalco stated that the hardship is on the homeowner. He stated that the owners tried to comply and notified both the Village and the contractor.

Dr. Corrado asked if a stipulation could be placed that any future repair or replacement of the fence be restricted to four feet if the variation were to be approved.

Chairperson DeFalco stated that if a portion of the fence were damaged the repair would be regulated to four feet while the rest of the fence was still four and a half feet.

Mr. Young stated that the variation should be addressed as a definitive yes or no. He asked if the board had made such stipulations in the past. Mr. Corrado stated that they had. Mr. Young asked if they were adhered to by the Board of Trustees. Mr. Corrado stated that they had.

Mr. Bedard noted the previous meeting's fence petition. He stated that he noted items such as visibility should be addressed by the code considering it wasn't an issue with these fences due to location or open construction.

Chairperson DeFalco stated that this case brings the perfect opportunity for review of the fence code regulations.

Dr. Corrado asked if a review of the requirements could be included in the recommendation. Chairperson DeFalco discussed whether or not the recommendation could be worded in such a way that this could be accommodated.

Mrs. Newman asked if the ordinance itself was creating the hardship. Chairperson DeFalco stated that it is not the ordinance that creates the hardship because the fence could be constructed at a lower height.

Mr. Moore stated that if the fence were denied they would get a fence at the appropriate height. He stated that they know that they can have a fence, yet they are asking that the openness be considered.

Chairperson DeFalco stated that since no bonds or inspections are required for fences we place the homeowner in a position where they have to work out any discrepancies with the contractor.

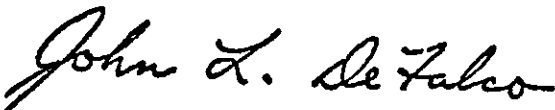
Mr. Young stated that given the ordinance it is difficult to approve a variation. He asked how the board could convey to the Board of Trustees that the ordinance should be reviewed.

Chairperson DeFalco stated that if no direction were given from the Zoning Board the item would not be on the consent agenda and would therefore be open for discussion. He asked that the discussion regarding review of the requirements be reflected in the minutes.

After due consideration of the petition and testimony presented the Zoning Board of Appeals found that the proposed variation does comply with the Standards of the Zoning Ordinance. Therefore the Zoning Board of Appeals recommended approval of ZBA 04-10 by a roll call vote of 5 to 1.

Respectfully,

VILLAGE OF LOMBARD



John DeFalco
Chairperson
Zoning Board of Appeals

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: August 25, 2004
FROM: Department of Community PREPARED BY: Angela Clark, AICP
 Development Planner I

TITLE

ZBA 04-10; 7 W. Greenfield Avenue: The petitioner requests that the Village approve a variation from Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the permitted fence height in a required front and corner side yard from four feet (4') to four and a half feet (4.5'), for the subject property located within the R2 Single Family Residential Zoning District.

GENERAL INFORMATION

Petitioner/Owner: Timothy and Catherine Moore
 7 W. Greenfield Avenue
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single Family Residential District
Existing Land Use: Single Family Residence
Size of Property: 10,500 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: R2 Single Family Residence District; Single Family Residences
West: R2 Single Family Residence District; Single Family Residences

ANALYSIS

SUBMITTALS

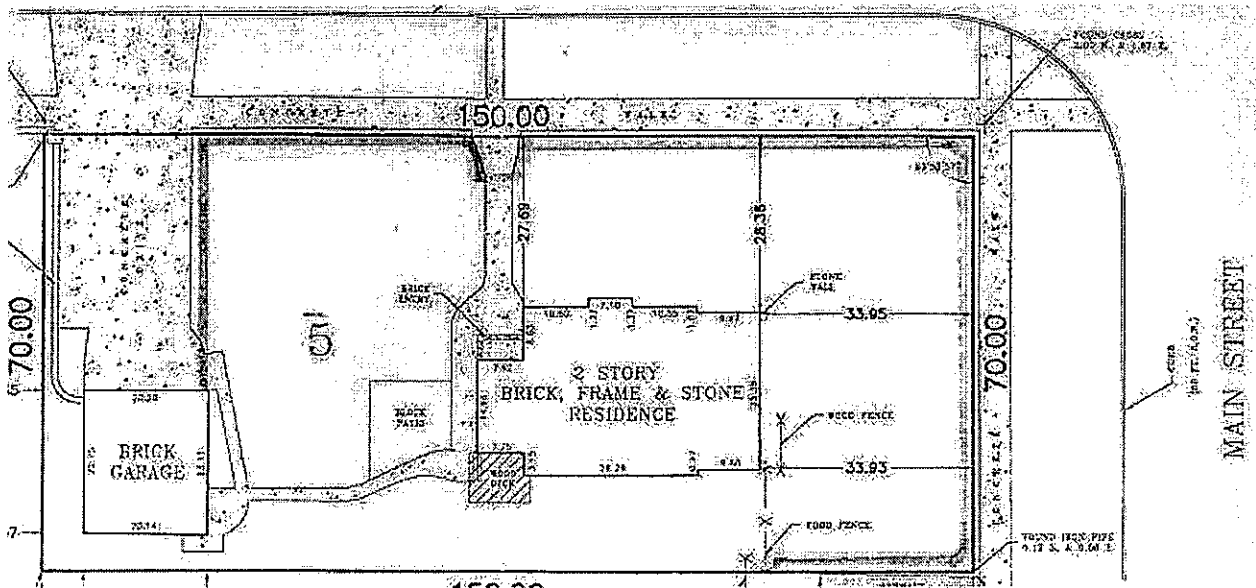
This report is based on the following documents, which were filed with the Department of Community Development on June 24, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated May 27, 2003, prepared by Preferred Survey Inc.
4. Photographs of the Subject Property
5. Fence Contractor's Agreement
6. Fence Specifications

DESCRIPTION

The subject property is located on the southwest corner of Greenfield Avenue and Main Street. The petitioner's contractor placed a four and one-half foot aluminum fence in the front and corner side yards of the property where only four feet is allowed. To allow the fence to remain as is, a variation is requested.

Site Plan



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

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 this petition.

PLANNING

The petitioners applied for and received a building permit to construct a four-foot, aluminum fence in the front and corner side yards of their property. The petitioners' fence contractor contacted staff after the fence was installed and asked what the regulations were regarding fence height on corner lots as well as the enforcement procedures for fences that exceeded the requirements. The contractor stated that the fence that was installed was slightly higher than four feet. Staff informed the contractor that four feet is the maximum allowable fence height within front and corner side yards and that enforcement could come in the form of a complaint or if staff noticed the installation of a new fence that exceeded the height requirements. The contractor was also informed that in light of the Village's reliance on citizen complaints regarding fence height enforcement there were no guarantees that a violation would not be issued at some point in time for the fence. The property owner later contacted staff to verify the requirements and stated that they ordered a four-foot fence yet upon installation discovered that it was actually four and a half feet. Staff informed the petitioner that a variation was necessary to keep the fence at the current height.

As stated in previous cases, increasing the four-foot maximum height in corner side yards was workshopped before the Plan Commission, which recommended that the current requirements remain in place. Therefore, staff maintains previous recommendations to not support an increase in fence height in residential front and corner side yards. While the petitioner's fence is an attractive fence and poses no risk to the visibility of pedestrian, bicycle, and vehicular traffic, staff finds that supporting the variation would be inconsistent with previous recommendations. Granting such a variation could encourage the placement of other types of fences also of open construction, such as chain link, within front and corner side yard areas. Furthermore, granting of a variation requires that the petitioner show that they affirmed each of the "Standards for Variation". Staff finds that the following standards are not 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 is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. Staff concurs with the petitioner's assessment that increased traffic is experienced on the corner lot. However this is not

unique to the subject property, but rather characteristic of corner lots in general. The petitioners note within their response to the Standards for Variations that they believed they ordered a four-foot fence and received the incorrect fence height due to a salesperson's error. Staff finds that this is not ground for a hardship and correction of the error lies with the contractor rather than granting relief from the ordinance.

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.* The petitioner's lot is comparable to other corner lots in the single-family residential district. Staff finds that there are not any unique differences between the petitioner's lot and others with the same classification.
3. *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 hardship has not been created by the ordinance, but rather a personal preference for a higher fence height and more specifically the installation of the fence outside of the code requirements.

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 accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 04-10.

Inter-Departmental Review Group Report Approved By:



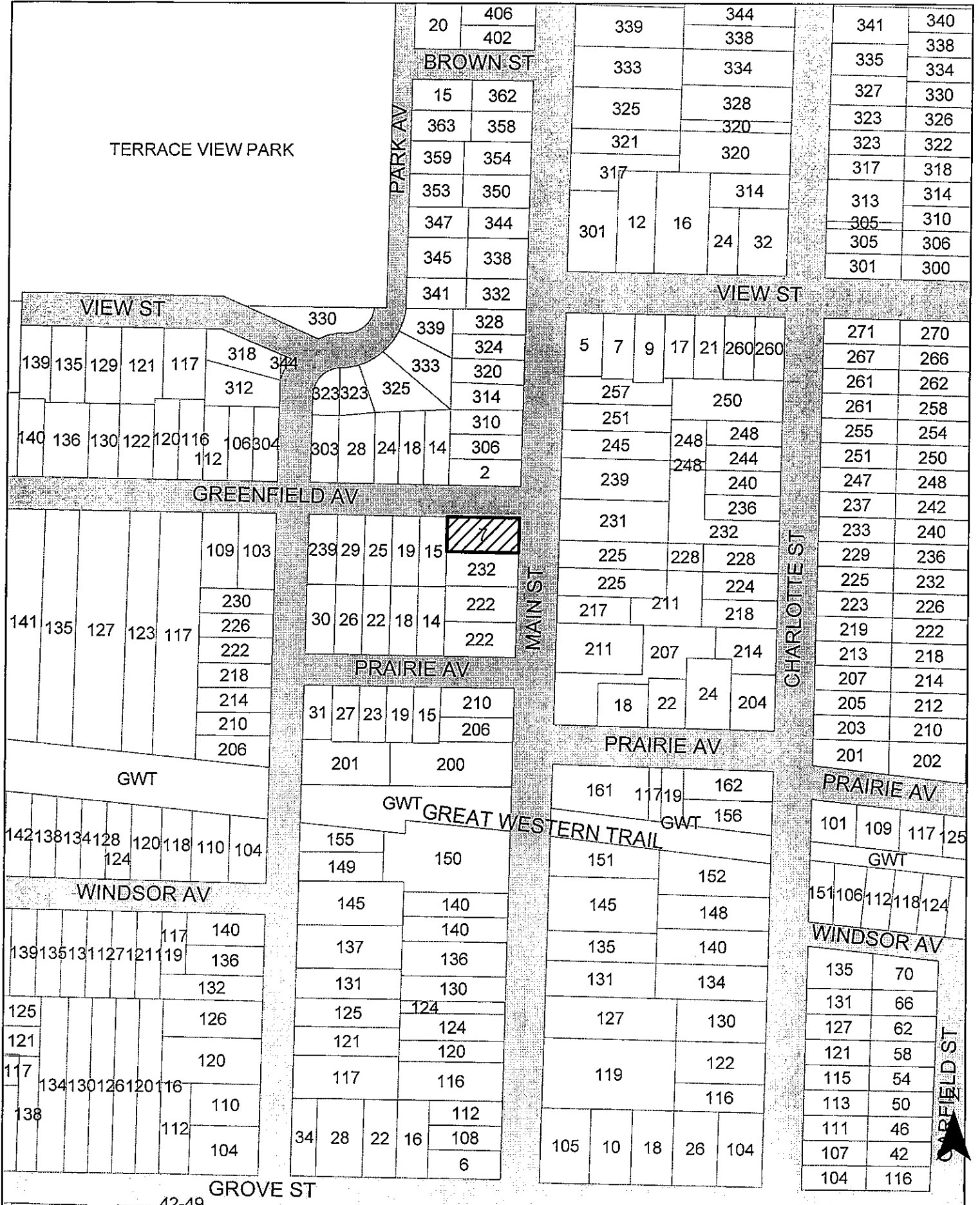
David A. Hulseberg, AICP
Director of Community Development

att-

c: Petitioner

Location Map

ZBA 04-10: 7 W. Greenfield



Zoning Variance Request
7 W. Greenfield
630-953-8191

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

If the strict letter of the regulations is applied, our decorative aluminum fence will have to be torn down.

We purchased the fence due to safety concerns of our four children. Our house is located on the southwest corner of North Main Street and West Greenfield Avenue. Both streets are busy and we wanted to minimize the danger of our children from running into the street. Also, many vehicles use our driveway as a turnaround and the fence helps protect our children from jetting in front of one.

As the homeowners, we tried to follow the fence regulations. We obtained the Lombard fence guidelines and reviewed them with the fence salesman. The salesman conversed over the phone with the village to be clear of all the regulations due to the fact that we are a corner lot and this is a very special fence. We purchased the Jerith "4 ft. Lexington 111" from the catalog thinking it would be 48" installed. Unfortunately, the fence salesman was not familiar with the exact specifications of the fence. The fence is actually 52" in height - uninstalled, and averages 55" installed.

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.*

Our conditions are unique because (1) the fence is already constructed and set in concrete, (2) our home is located on the corner of two busy streets, and (3) we are initiating the variance application because we discovered the fence is inches over code.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

No, the purpose is to maintain the fence to ensure the safety of our children.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

If the fence were not on a corner property, the height would be under code.

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.*

The current condition of the fence is not detrimental to the public welfare or injurious to other property or improvements. Specifically, being aluminum, the fence does not block the view of people driving eastbound on Greenfield, or southbound on Main.

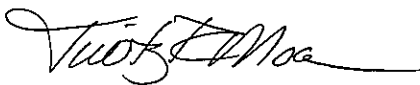
6. *The granting of the variation will not alter the essential character of the neighborhood.*

We took great time and care while investigating many types and varieties of fences. We chose a quality ornamental fence that went with the architectural style of our home. Replacing or altering the current condition of the fence would not maintain its character. We talked to our neighbors before and after the installation of the fence and have received their approval. (Please see attached letters.)

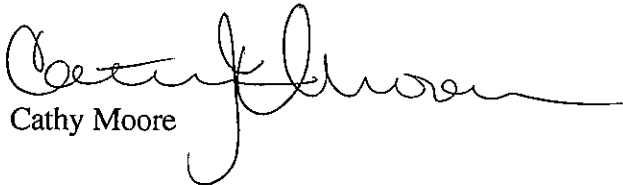
7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The fence is safe. It has 75% visibility. It is a decorative fence that we believe is welcoming, has character as well as beauty. It does not cause any safety issues and is cemented deep into the ground.

Thank you for your consideration,

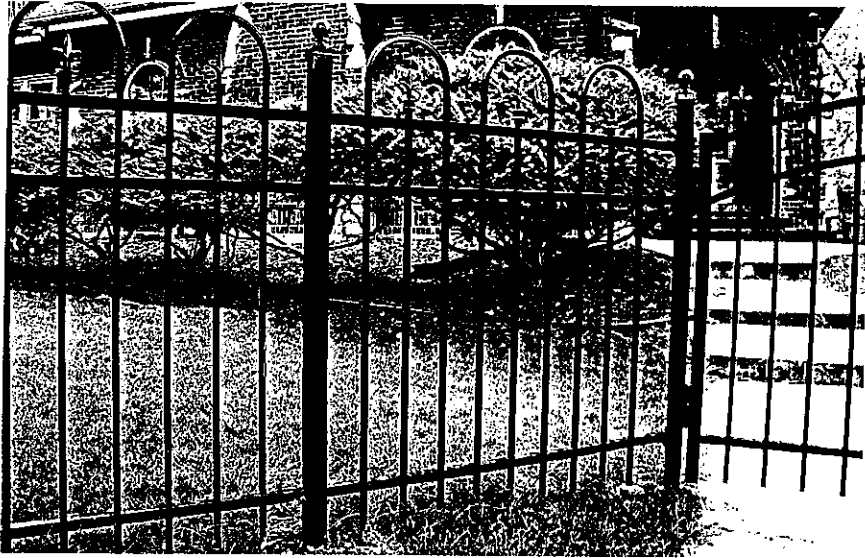


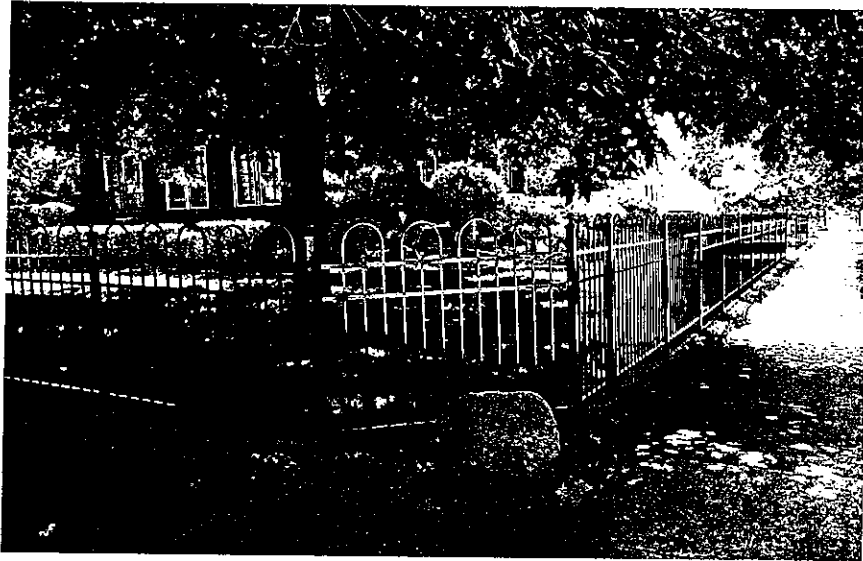
Timothy Moore



Cathy Moore







*Timber Gym Wood
Playground Equipment
Cedar Lawn Furniture
Sheds & Barns Built
On Your Lot*

CUSTOM WOOD DECKS — DECKS WITH 40 YEAR WARRANTY

FREE ESTIMATES — 231-9550
COMPLETE FENCE, INC.

Wood
Chain Link
Residential
Commercial

SHOWROOM LOCATED AT
27W174 NORTH AVE. — WEST CHICAGO, IL 60185

Date 4-21-04

Customer Name Cathy & Tim Moore

Address 7 W Glenfield Ave

City Lombard Zip Code _____

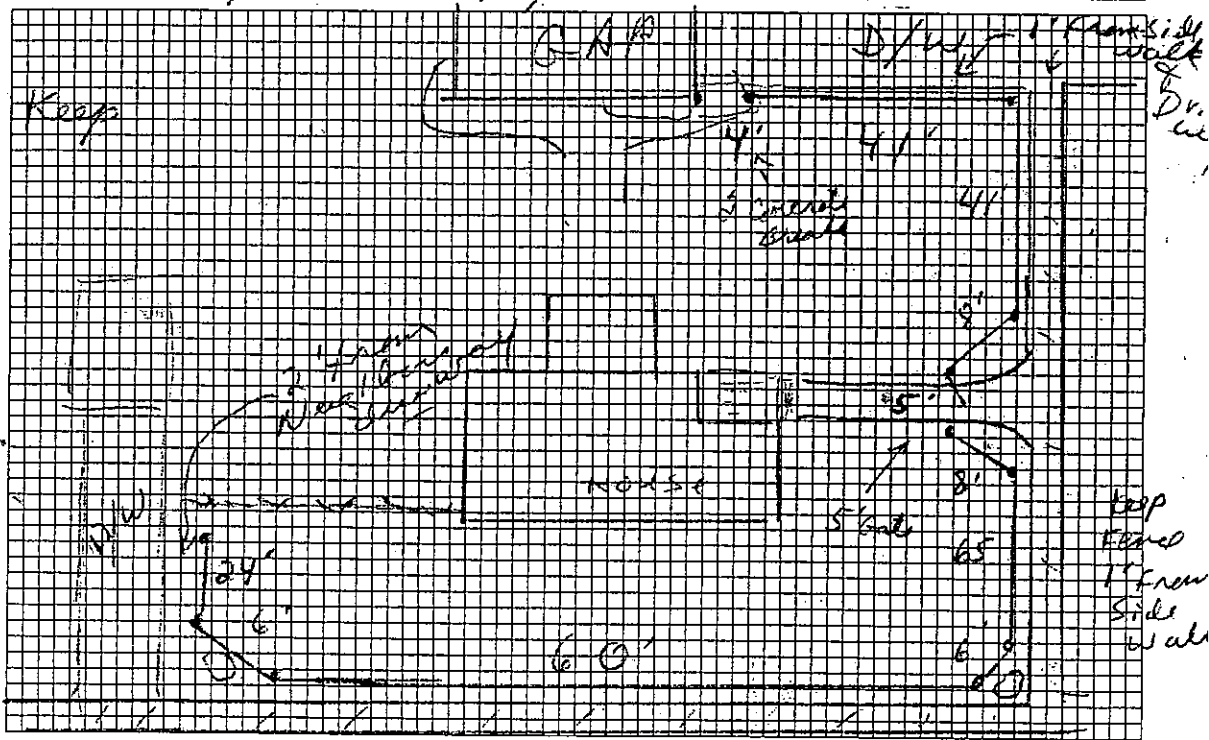
Home Phone 953-8191 Office Phone 312-397-7690

County DuPage Sub-Division _____ Cross Street _____

CUSTOMER'S RESPONSIBILITY TO OBTAIN ALL PERMITS, ALL UNDERGROUND LINES NOT LOCATED BY JULIE, FOR LOCATION OF PROPERTY LINES UPON WHICH FENCE IS BUILT.

| | |
|-----------------------------------|-----------------------------|
| NO. OF FEET 260' | HEIGHT 4' |
| STYLE Lexington III | COLOR Black |
| FINALS Majestic | SCROLL / |
| POST-TOPS Ball Cap | DIRT PICK UP yes |
| WALK GATES 2 | DRIVE GATES / |
| END POSTS 2" Sp. | CORNER POSTS / |
| LINE POST 2" Sp. | GATE POST / |
| CONCRETE SET yes | DIRT SET / |
| PLAT OF SURVEY Required | STAKES VISABLE / |
| FOLLOW GROUND yes | STRAIGHT ON TOP / |
| CONCRETE BREAKS 2 | ASPHALT BREAKS / |
| SPECIALS / | HAUL AWAY dirt |
| HAUL DIRT \$150.00 | |

JERITH CONTRACT
Approx 260' of 4' high Lexington III with one 4' wide Lexington III gate & one 5' wide III Accent gate with Majestic Finials on both gates & on all fence pickets. Ball caps on all posts. Haul dirt.



| |
|--------------------------------------|
| PRICE |
| TOTAL [REDACTED] |
| DEPOSIT [REDACTED] |
| BALANCE [REDACTED] |
| EXTRA WORK BALANCE DUE ON COMPLETION |
| 5% PER MONTH ON UNPAID BALANCE |

* WARRANTY MATERIAL FOR 15 YRS. BY JERITH. GATES FOR 30 DAYS (ON WORKMANSHIP) FROM INSTALLATION. ABNORMAL ABUSE OF WIND DAMAGE NOT COVERED. ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED AND THE ABOVE WORK IS TO BE PERFORMED IN A SUBSTANTIAL WORKMAN LIKE MANNER.

50% DOWN — BALANCE DUE ON DAY OF COMPLETION.

PLACEMENT OF DIRT AT TIME OF CONTRACT.

PRICE GOOD FOR _____ DAYS.

[Signature]

A Fence to Fit Every Need

There are a wide variety of Jerith fence styles available in three colors and several heights. You can be sure that there will be a Jerith fence to enhance the beauty of your home, pool or yard.

Residential Fence Styles:

- #101 This traditional wrought iron design has its points even across the top. Similar to Style #101, but with staggered picket tops.
- #100 This version of Style #101 is built to accept finials on the pickets instead of the standard spear points. (See Page 13 for information about finials.)
- #111 Similar to Style #101 but with a 1⁵/₈" space between pickets. This fence will keep most pets in your yard. The narrow spacing also makes it difficult for children to obtain a foothold on the fence.
- #401 A classic design with a smooth rail on top rather than points. Our Best Seller!
- #202 Variation of Style #202 which combines the safety of a top rail with traditional spear points below.
- #402 1⁵/₈" spaced version of Style #202 for those who do not want exposed points on their fence, but want the added security of a narrow space between pickets.

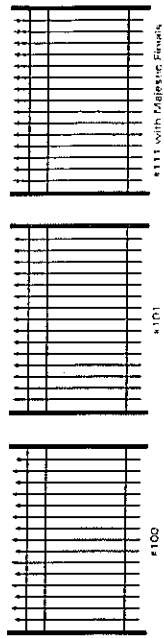
Lexington

Concord

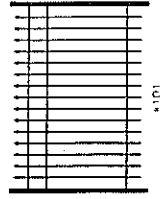
Ovation

Regency Fence Styles:

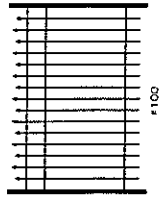
- (Made with larger components. Rings are available. Details on pages 8 & 9.)
- Buckingham Similar in design to Style #101 except the pickets do not extend below the bottom rail.
- Kensington Similar in design to Style #111 except the pickets do not extend below the bottom rail.
- Windsor Similar in design to Style #202 except the pickets do not extend below the bottom rail.



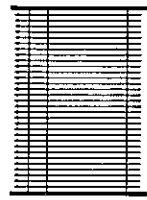
#111 with Majestic Finials



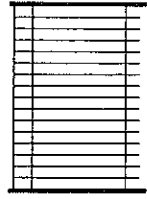
#101



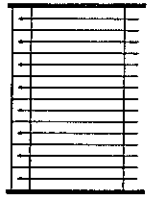
#100



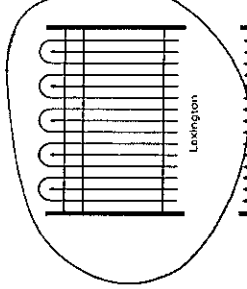
#401



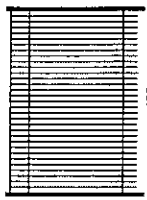
#202



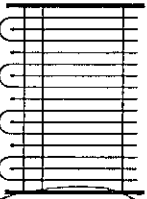
#200



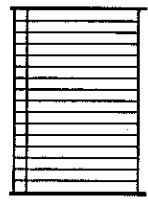
Lexington



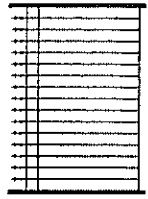
#402



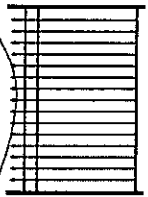
Concord



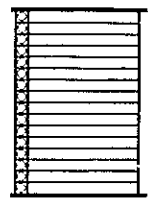
Windsor



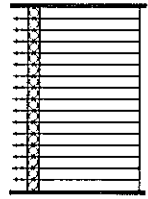
Kensington with Majestic Finials



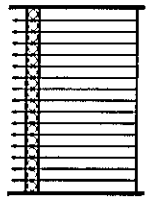
Buckingham



Windsor Plus

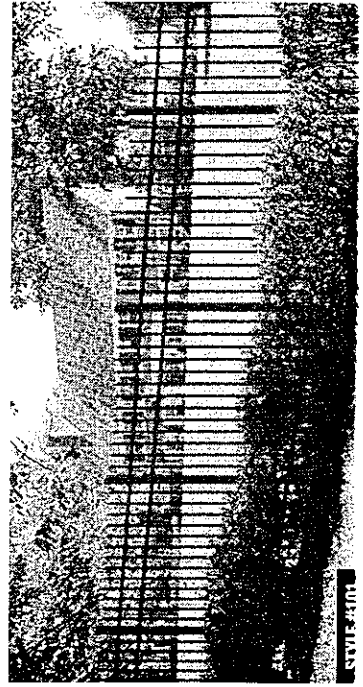


Kensington Plus with Majestic Finials

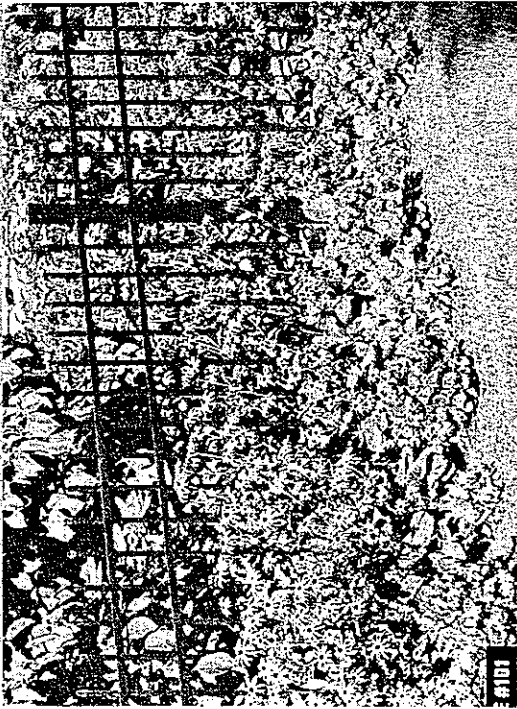


Buckingham Plus

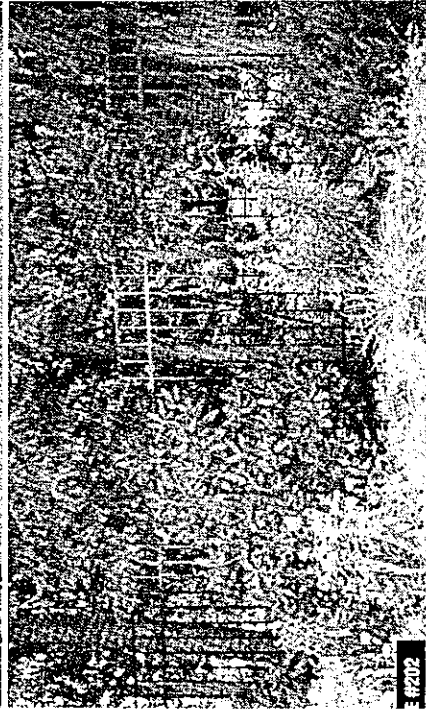
NOTE: 6' high residential fences have four horizontal rails, not three as shown.



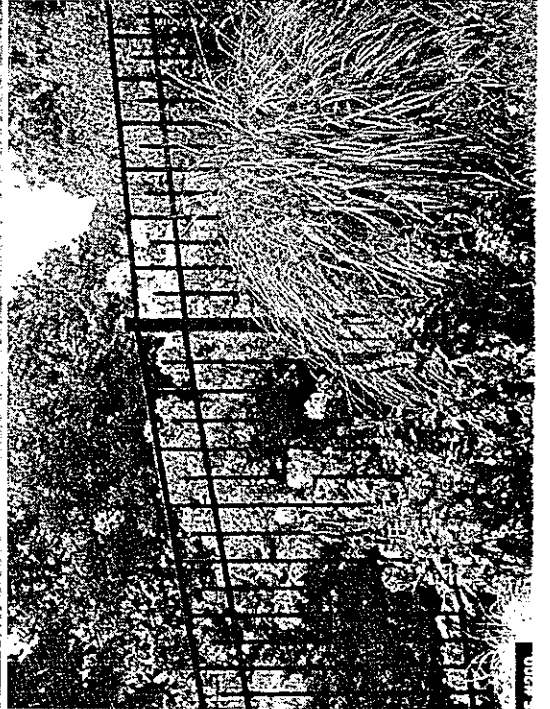
STYLE #101



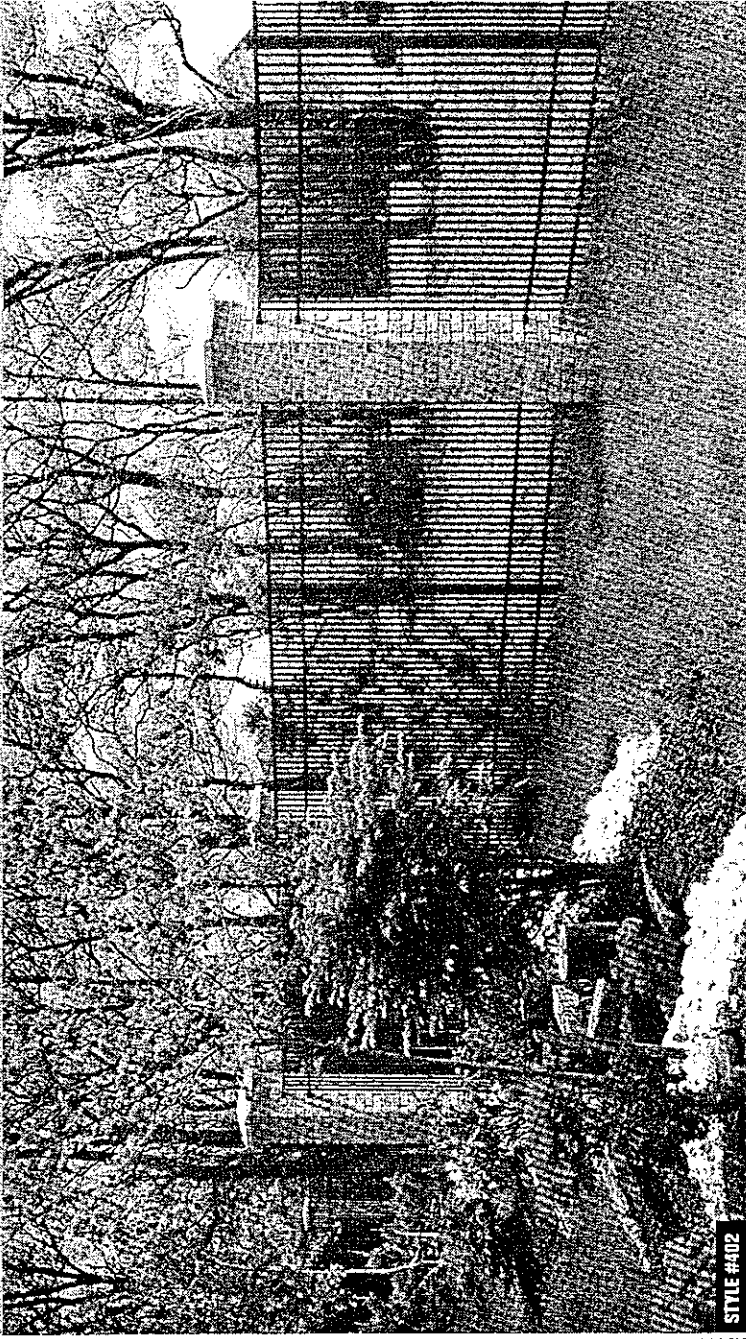
#101



#202



#300



STYLE #402

Dimensions and Specifications

| Component Sizes | Residential Strength | Ovation/Regency |
|---------------------------------------|--|--|
| Pickets | 5/8" sq. x .050" thick | 3/4" sq. x .050" thick |
| Rails: Top Wall | 1" x .055" thick | 1" x .055" thick |
| Side Walls | 1" x .082" thick | 1 1/2" x .082" thick |
| Standard Posts | 2" sq. x .060" thick | 2" sq. x .060" thick |
| Gate Posts | 2" sq. x .125" thick | 2" sq. x .125" thick |
| | 4" sq. x .125" thick | 4" sq. x .125" thick |
| Spacing Between Pickets | 3 13/16" (1 5/8" for #401, #402) | 3 31/32" |
| Post Spacing | 72 1/2" on center | 72" on center |
| Standard Colors | Black, White, Bronze | Black, White, Bronze |
| Standard Heights Available | 36", 48", 60", 72", plus 54" for Modified #200 & #202, 57" for Modified #101, #111, Lexington, & Concord | Ovation - only 48" Regency - 36", 48", 60", 72", plus 54" for Windsor only |
| Weight Supported per Section of Fence | 350+ lbs. | Ovation - 350+ lbs. Regency - 500+ lbs. |

Jerith also offers a full line of Industrial Strength and Ornamental Wire style fences. Please call 800-344-2242 for literature and specifications on these products.

June 21, 2004

Mr David Holsberg,
Lombard Zoning Board

Dear Mr. Holsberg,

My wife and I are next door neighbors of Tim and Cathy Moore who live at 7 West Greenfield with their four children, ages 7, 5, 3 and one.

Our property adjoins theirs on the south and we were pleased when they had safety reservations concerning the traffic on Main Street and decided to have a fence installed. It is a lovely ornamental fence and only improves our neighborhood.

We would ask that you and your members on the committee will allow the necessary variance concerning the fence. Thank you for your consideration.

Karl W Hillmann
Karl W. Hillmann
232 No. Main
Lombard, Ill. 60148

Mr. David Hulseberg
Lombard Zoning Board

July 25, 2005

Dear Mr. Hulseberg,

My wife and I are next door neighbors of Cathy and Tim Moore. They live at 7 West Greenfield Avenue while we live directly west at 15 West Greenfield Avenue.

We are quite pleased they have added a fence to protect their children from both the volume of traffic and excess speed which too many people travel up and down West Greenfield Avenue at. The fence, which is quite nice, also adds to the appeal of their home and in general that corner of the street.

We would ask that yourself and the rest of the zoning board look favorably on their request for a variance to the fence.

Sincerely,

Mark E. Kelly

Mark E Kelly

15 West Greenfield Avenue
Lombard, IL 60148

July 25, 2004

Mr. David Hulseberg
Lombard Zoning Board

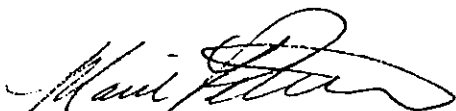
Mr. Hulseberg,

My husband and I live across the street from Timothy and Cathy Moore on Greenfield Avenue. They live at 7 West Greenfield.

This letter is to inform you that we were very delighted when they installed their beautiful fence around their property. Not only is it ecstatically appealing but this fence is very necessary for the safety of their young children ages 7, 5, 3 and 1. In fact, their gate has inspired us to someday install a fence around our property for the safety of our one year old son. As a parent, I understand the concerns and anxiety that the Moores have experienced regarding the safety of their children. Children can be very unpredictable at times and can slip away from your sight in a second. The cars passing through Main Street can be very dangerous. I have personally seen many car accidents on both our corners and police officers are often pulling in drivers in front of my house for speeding.

We request that you and your committee members would allow the necessary variance concerning the fence on the Moores' property.

Thanking you in advance for your consideration,



Marie Peterson
2 West Greenfield Avenue
Lombard, Illinois 60148

SECURITY DEVELOPMENT
RECEIVED AUG 12 2004

Angela Clark
Village of Lombard
255 E. Wilson Ave
Lombard, IL 60148

Re: Public Hearing ZBA 04-10

I am responding to your notice regarding the property at 7 W. Greenfield Ave., Lombard. I am a neighbor at 239 N. Park Avenue.

As I was walking around the neighborhood one day, I noticed the newly installed fence and thought, what a great addition to the property and the neighborhood it is. Then a few days later I received your notice.

I am in favor of the variation since the fence looks real nice and enhances both the property and the neighborhood.

I am unable to attend the hearing on August 25, 2004.

Sincerely,



Joseph Rieger
239 N. Park Ave.
Lombard, IL 60148

Cc: Timothy R & C J Moore
7. W. Greenfield Avenue
Lombard, IL 60148

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 04-10: 7 W. Greenfield Avenue)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to four and half (4.5) feet; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on August 25, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205 (A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to four and a half (4.5) feet.

SECTION 2: This ordinance is limited and restricted to the property generally located at 7 W. Greenfield Avenue, Lombard, Illinois, and legally described as follows:

Ordinance No. _____
Re: ZBA 04-10
Page 2

LOT 5 IN ROATH'S QUALITY HILL SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF THE SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1929, AS DOCUMENT 285331, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-06-421-011

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

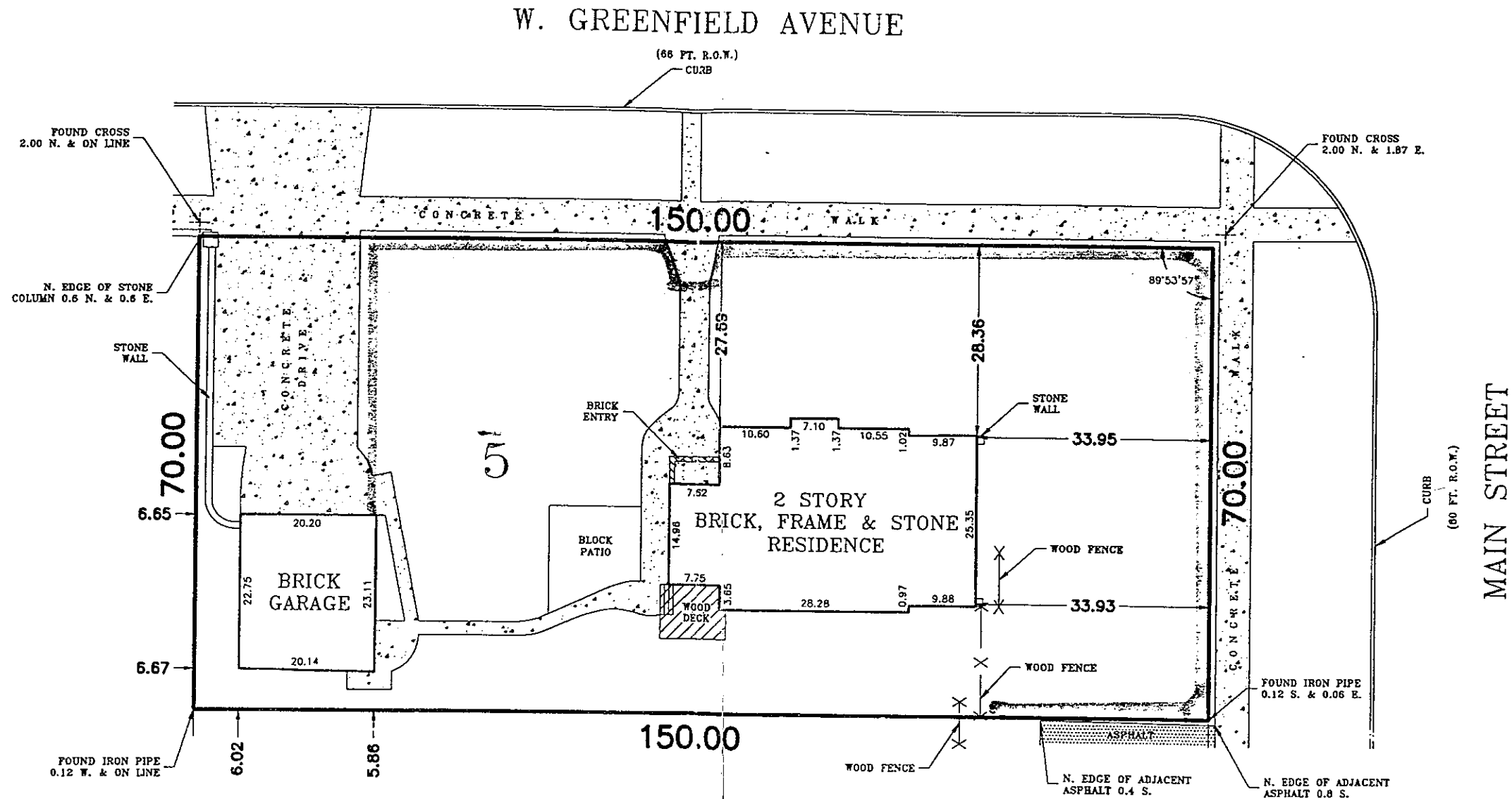
PLAT OF SURVEY

OF LOT 5 IN ROATH'S QUALITY HILL SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1929, AS DOCUMENT 285331, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 7 W. GREENFIELD AVENUE, LOMBARD, ILLINOIS



SCALE: 1"=20'



TO: CESARIO & WALKER

THIS IS TO CERTIFY THAT WE, PREFERRED SURVEY, INC., ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION NO. 116 HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY, ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. MY LICENSE RENEWS ON NOVEMBER 30, 2014.

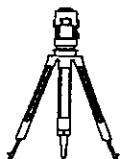
GIVEN UNDER OUR HAND AND SEAL OF THE STATE OF ILLINOIS, AT GLEN ELLYN, ILLINOIS, THIS 27TH DAY OF _____ A.D. 2003



ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION #116

P.S.I. NO. 0338

FLD CREW HH/JR
CAD IP



PREFERRED SURVEY, INC.

799 W. Roosevelt Road/Building #4, Suite 305/Glen Ellyn, IL 60137

Phone 630-790-5451 / Fax 630-858-6217