

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

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


TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : September 25, 2019

BOT) Date: October 3, 2019

SUBJECT: ZBA 19-05: 244 E. St. Charles Road Fence Variation

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

On September 19, the Village Board further discussed the fence variation request for the property at 244 E. St. Charles Road. Specifically, the Board discussed various representations made by adjacent property owners as well as the petition as it pertained to the design and location of a proposed fence within the second front yard of the subject property.

Please place this item on the October 3 Village Board agenda under Items for Separate Action. Staff recommends a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):


Finance Director _____ Date _____
Village Manager _____ Date _____

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.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: October 3, 2019

SUBJECT: **ZBA 19-05: 244 E. St. Charles Road Fence Variation**

On September 19, the Village Board further discussed the fence variation request for the property at 244 E. St. Charles Road. Specifically, the Board discussed various representations made by adjacent property owners as well as the petition as it pertained to the design and location of a proposed fence within the second front yard of the subject property.

Village Counsel prepared an Ordinance for Village Board review at the September 19 meeting. With general concurrence on the form of the Ordinance, this item is being brought back to the Village Board for final consideration at the October 3, 2019 Village Board meeting.

ACTION REQUESTED

Attached for the Village Board's consideration is the previously prepared draft Ordinance for approval. Please place this item on the October 3 Village Board agenda under Items for Separate Action.

Staff recommends a waiver of first reading of the Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING
A FENCE HEIGHT VARIATION
(ZBA 19-05: 244 East St. Charles Road)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1:

- A. That, on July 24, 2019, the Zoning Board of Appeals of the Village of Lombard (the "ZBA") heard a request for a fence height variation, pursuant to proper notice, pursuant to which an eight (8) foot high fence was being requested, to be constructed at the property line within the rear front yard of a through lot in the B2 General Neighborhood Shopping District, when only a four (4) foot high fence is allowed within the thirty (30) foot rear front yard of a through lot.
- B. That, on July 24, 2019, the ZBA made no recommendation, relative to the variation being requested, to the President and Board of Trustees.
- C. That, subsequent to the July 24, 2019 appearance before the ZBA, the petitioner for the variation met with the neighboring property owners, and agreed to move the eight (8) foot fence nine (9) feet off of the property line, and agreed to certain additional conditions if the fence height variation was to be granted, as set forth below.
- D. That the President and Board of Trustees hereby find that with the moving of the eight (8) foot fence to a point nine (9) feet off of the property line, and compliance with the additional conditions as set forth below, the fence height

variation meets the criteria for the granting of a variation, as set forth in Chapter 155 of the Lombard Village Code.

SECTION 2: That the following variation is limited to the property legally described as follows:

LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 5 AND PART OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS; AND LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT, BEING A SUBDIVISION OF LOTS 5 THROUGH 9 INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, A SUBDIVISION OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARNDT HOSPITAL CONSOLIDATION PLAT RECORDED MAY 29, 1986 AS DOCUMENT R86-52310 IN DUPAGE COUNTY, ILLINOIS;

ALSO THAT PART OF THE FORMER 33.00 FOOT WIDE STEWART AVENUE RIGHT OF WAY AS DEDICATED PER H. O. STONE & COMPANY'S ADDITION TO LOMBARD (DOCUMENT NO. 79463) IN SECTIONS 5 AND 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF AND ABUTTING THE NORTHERLY LINE OF THE ST. CHARLES ROAD RIGHT OF WAY (AS DEDICATED PER DOCUMENT NO. 179463), LYING EAST OF AND ABUTTING THE EAST LINE OF LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT (PER DOCUMENT NO. R86-52310), LYING EAST OF AND ABUTTING THE EAST LINES OF LOTS 1, 2, 3 & 4, BLOCK 14 IN SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD, AND LYING SOUTH OF AND ABUTTING THE WINDSOR AVENUE RIGHT OF WAY AS HERETOFORE DEDICATED PER SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD; AND VACATED PER DOCUMENT R2017-105182, RECORDED OCTOBER 12, 2017, IN DUPAGE COUNTY, ILLINOIS;

PINs: 06-08-106-011; 06-05-321-011; 06-05-321-012; 06-05-321-013;
and 06-05-321-014;

Common Address: 244 East St. Charles Road, Lombard, Illinois;

(the "Subject Property").

SECTION 3: That a 4.00 foot variation from the 4.00 foot maximum fence height in the rear front yard of a through lot requirement of Section 155.205(A)(2)(c)(ii) of the

Lombard Village Code is granted to the owner(s) of the Subject Property, to allow for the construction of an eight (8) foot high fence, in the rear front yard of the above-described property, subject to the conditions as set forth in Section 4 below.

SECTION 4: The fence height variation, as set forth in Section 3 above, is subject to the following conditions:

- A. The fence shall be constructed no less than nine (9) feet from the North property line of the Subject Property.
- B. The fence shall be constructed of white vinyl.
- C. No more than the bottom seven (7) feet of the fence shall be opaque, the intent being to have lattice work or spindles within at least the top one (1) foot of the fence, so that the top one (1) foot is not entirely opaque.
- D. The portion of the Subject Property, on the North side of the fence, shall be landscaped with viburnum, spaced every ten (10) feet, for the full length of the fence. Said landscaped area shall be maintained in accordance with the property maintenance provisions of the Lombard Village Code, and any dead plant materials shall be replaced, so as to keep the area maintained in accordance with the original planting plan.
- E. A fence, of the same height and materials as referenced in this Ordinance, and connected to the fence referenced herein at the Northwest corner of the Subject Property, shall be installed along the West property line of the Subject Property, from a point nine (9) feet from the North property line of the Subject Property to a point thirty (30) feet from the North property line of the Subject Property.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

Passed on first reading this ____ day of _____, 2019.

First reading waived by action of the Board of Trustees this ____ day of _____, 2019.

Passed on second reading this ____ day of _____, 2019, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2019.

Sharon Kuderna, Village Clerk