

August 20, 2009

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

**Subject: ZBA 09-05; 460 S. Main Street, Lombard (Babcock's Grove)
Cemetery**

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 approve the following actions for the subject property located within the R2 Single-Family Residence District:

A variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to allow supporting members of a fence in the clear line of sight area to exceed six inches (6") in width.

The Zoning Board of Appeals conducted a public hearing on June 24, 2009.

Stuart Moynihan, Associate Planner, presented the staff report. The subject property is located at 460 S. Main Street, the intersection of West Washington Boulevard and South Main Street. The Public Works Department has recently replaced the deteriorated fencing at Lombard Cemetery with a new wrought iron-style fence four feet (4') in height. As part of this replacement, the existing brick pillars at the corners of the fence were reconstructed. As the two pillars at the corners of Washington Blvd. and Main St. are within clear line of sight areas, a variation is necessary to allow them to have a width greater than six inches (6").

On April 16, 2009, the Village of Lombard Board of Trustees approved a contract with Action Fence Contractors, Inc. to replace the fence at Lombard Cemetery. The execution of this contract was overseen by the Public Works Department. The fence was contracted and was constructed at four feet in height. It is an ornamental aluminum fence which meets the requirement for fencing to be of open construction when in a clear line of sight area.

As part of the replacement, six brick pillars were reconstructed at their original dimensions and locations. However, as these pillars were non-conforming structures, reconstruction would require that new pillars meet all code requirements. The new pillars are approximately nineteen and one half inches (19.5") in width with a stone cap at the top that is approximately two feet (2') in width. The Zoning Ordinance requires that supporting members of a fence within the clear line of sight area be no greater than six inches (6") in width. Two of the reconstructed pillars are within clear line of sight areas. These two pillars are located at the intersections of Washington Boulevard and Main Street, one at the northern intersection and one at the southern intersection. As the width of these pillars exceeds six inches (6"), a variation is necessary.

The Zoning Ordinance requires that fencing and walls within a front yard does not exceed four feet (4'). Staff notes that the height of the pillars along Main Street varies but currently can be measured as high at five and one half feet (5.5') from the grade at the Main Street sidewalk. However, in this case the grade of the cemetery and the grade of the Main Street sidewalk differ considerably. If measured from the grade of the cemetery, the pillars have a height of approximately four feet and three inches (4'3"). Section 155.205(c)(4) of the Zoning Ordinance, permits an additional three inches (3") of height for grade changes and decorative elements. The Public Works Department is currently exploring options for the final grading along the fence line. One option being considered is the construction of a retaining wall which would bring the measured height of the pillars into compliance with code.

The Public Works Department has expressed its reasons for replacing the deteriorated fence and pillars with the same features and location. Foremost among these reasons is the status of the cemetery as a historic site in the Village of Lombard. Public Works determined that the historical character of the cemetery would be best preserved by constructing a fence which matched the previous one. Another important consideration is that if the fence was to be moved out of the clear line of sight area, some grave sites could be at least partially outside of the fenced area. The Lombard Historical Commission also expressed its support for the fence replacement and recommended that the historical character of the fence be maintained.

Currently, the pillar on the northern side of the cemetery is of minimal concern regarding visibility as the northern side of Washington Boulevard allows only one way westbound traffic. The pillar on the southern side of the cemetery could block some visibility to and from Main Street as the southern side of Washington Boulevard allows only one way eastbound traffic. However, as the pillars previously existed, no additional reduction in visibility should occur.

Staff is supportive of the proposed variation due to the historic nature of the site, the previously existing fence and pillars, and necessity to fence in all existing burial plots.

Chairperson DeFalco opened the meeting for public comment.

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Thomas M. Stuckey, 465 S. Park Road, stated that the post is unacceptable. He has lived in his home on Park for twenty-five years. He stated that he is glad the cemetery is being maintained, but he could see through the old fence and post. He stated that you are taking a chance turning onto Main Street. He doesn't see how the Village could have approved the brick wall. He stated that he was surprised he was the only one present to object. The variance should have been requested before it was built. He asked if there was any coordination between the Village and the builders of the fence.

Chairperson DeFalco stated they the ZBA does not examine the Village's dealings with contractors.

Mr. Stuckey stated that the workers don't have concern for the people in the neighborhood. He stated that he nearly hit a trailer left in the road by some workers at night because it had no reflectors. He stated that the project was poorly planned and no concern was shown for the neighborhood. The fence in its current state is an accident waiting to happen.

Rita Schweider, 5 E. View St., stated that she is the Chairperson of the Lombard Historical Commission and a member of the Lombard Cemetery Committee. She indicated that there was coordination between the Historical Commission, the Village, and the Cemetery Committee. She also stated that the Village is looking at finding a solution when pulling out at Washington and Main St.

Mr. Corrado asked if the Transportation Safety Committee has looked at this issue.

Mike Toth stated that to date it had not been examined by them.

Mr. Tap asked if the ZBA had the authority to send the item to the Transportation Safety Committee.

Chairperson DeFalco stated that the ZBA could approve the petition but recommend that the signage on the street be looked at. Maybe both lanes of Washington should be westbound only. However, if the ZBA recommends denial they are saying it should not be done regardless.

Mrs. Newman stated that the potential safety issue should be looked into.

Mr. Corrado stated that the Transportation Safety Committee should examine this.

Mr. Stuckey asked if there are many accidents at this intersection.

Mr. Toth stated that does not know of any study of this intersection.

Chairperson DeFalco stated that when he visited the site, he had to inch forward to turn onto Main. When he did so, he forgot to look for pedestrians on the sidewalk after the trouble of getting out. He stated that was even being mindful of what he was doing. Although the site is historical, there were fewer cars when the original post was built.

Mrs. Newman stated that Main Street also only had two lanes.

Mr. Stuckey stated that there was no column heading westbound on Washington.

Chairperson DeFalco stated that there was a column but it had partially deteriorated.

Mrs. Schweider stated that there was a concrete post and the Cemetery Committee asked that it be moved back six inches. However, they did not expect the light post and utility pole to be installed in the same area.

Mr. Stuckey stated that it is now worse and asked if the brick column can be moved back.

Chairperson DeFalco stated that this is a concern due to the grave sites at that corner.

Mr. Stuckey stated that he wants the post moved, not the fence itself.

Chairperson DeFalco stated that the post is currently supporting the fence.

Mr. Tap stated that he thinks the result of the construction looks fantastic and is a huge improvement. However, it seems like there was a push to get the work done. He has an issue with the sequence of events and the timing. Other options should be looked at rather than granting a variation.

Chairperson DeFalco stated that these items often arise as the result of a complaint and asked staff if this was the case.

Mr. Moynihan stated that it was caught as part of the permitting process.

Chairperson DeFalco asked when the permit was issued.

Mr. Moynihan stated that the permit was not issued due to the clear line of sight obstruction.

Chairperson DeFalco asked if the fence was then built without a permit.

Mr. Moynihan stated that it was built without a permit, before the clear line of sight issue could be resolved.

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Mr. Tap stated that construction was on a fast track and that citizens would be treated differently. He would like to see some other options being looked at. He stated that he could not support the variation.

Chairperson DeFalco asked if this item should be tabled so that the clear line of sight issue could be looked at.

Mr. Tap stated that there has always been a problem at this intersection.

Mr. Corrado stated that they should deny the petition and ask for a regular post.

Mrs. Newman stated that recommendation for denial would give the Board their opinion.

Chairperson DeFalco stated that if both lanes of Washington were westbound only there would be no clear line of sight issues.

Mr. Corrado stated that the Lombard Historical Commission should not have suggested this.

Mrs. Schweider stated that it was the Cemetery Committee that made this decision. The two lamp posts were a surprise.

On a motion by Mr. Corrado and a second by Mr. Tap, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board deny the variation associated with petition ZBA 09-01.

Mr. Corrado recommended that the Village look into installing regular posts in the clear line of sight areas instead of the brick columns.

The Zoning Board of Appeals also recommended that the Transportation Safety Committee examine the possibility of making both sides of Washington Boulevard westbound only.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals