

**July 24, 2019**

**Title**

ZBA 19-05

**Petitioner & Property Owner**

Georgianne Ludwig  
244 E. St. Charles Road  
Lombard IL 60148

**Property Location**

244 E. St. Charles Road  
06-08-106-011; 06-05-321-014; 06-05-321-013; 06-05-321-012 and 06-05-321-011  
District 4

**Zoning**

B2

**Existing Land Use**

Two-story commercial building

**Comprehensive Plan**

Neighborhood Commercial

**Approval Sought**

The petitioner requests that the Village approve zoning variations from Section 155.205(A)(2)(c) of the Lombard Village Code for a fence to be eight (8) feet, where a maximum of four (4) feet in height is permitted in the rear front yard of a through lot in the B2 General Neighborhood Shopping District.

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The subject property is developed with a commercial building primarily used as an animal hospital/veterinary clinic. The petitioner/property owner intends to install a solid privacy fence that is eight feet in height along the frontage of Windsor Avenue in the B2 District where four feet is required. As a result, a variance is needed for the fence.

**APPROVALS REQUIRED**

The petitioner requests that the Village approve a zoning variation from Section 155.205(A)(2)(c) of the Lombard Village Code for a fence to be eight (8) feet, where a maximum of four (4) feet in height is permitted in the rear front yard of a through lot in the B2 General Neighborhood Shopping District.

**EXISTING CONDITIONS**

The property is improved with a two-story commercial building operating as Lombard Veterinary Hospital.

**PROJECT STATS**

**Lot & Bulk (Proposed)**

Parcel Size: 40,946 sq ft  
Building Size: 7,000 square feet, approx.

**Submittals**

1. Petition for Public Hearing;
2. Response to Standards for Variation;
3. Plat of Vacation, prepared by Gentile & Associates, Inc. dated August 17, 2017;
4. Site Plan, prepared on July I, 2019.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments regarding the petition.

**Fire Department:**

The Fire Department has no comments regarding the petition.

**Private Engineering Services:**

Private Engineering Services (PES) has no comments.

**Public Works:**

The Department of Public Works has no comments.

**Planning Services Division:**

Surrounding Zoning & Land Use Compatibility

	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	R2	Single-family Residence
<b>South</b>	RR	Railroad Tracks
<b>East</b>	R2	Mixed Commercial
<b>West</b>	B2	Single-family Residence /Mixed Commercial

The property owner uses the rear of the property to walk dogs that are patients of the hospital or being boarded. For the security of dog walkers and the dogs, the property owner proposes to install a fence eight feet in height along the north property line (See Exhibit A). Since the property is a through lot and the rear portion abuts the public right-of-way of Windsor Avenue, the height of the fence is restricted to four feet in height since it is considered a second front yard. A fence can be installed along the sides of the property at eight feet in height by right beyond the first thirty feet of the front yard. Fences in the business or office districts can be erected, placed or maintained to a height not to exceed eight feet with the exception of the front or corner side yards.

The property adjacent to the north of the subject property was the site of the former Allied Drywall, a long abandoned non-conforming business. In 2017, this property was granted approval to be redeveloped into a subdivision of 12 homes. Prior to this, the area to the north of the subject property was heavily wooded with a chain link fence along the Allied Drywall property. Windsor Avenue did not exist as an improved street. A fence serving as a buffer between the business and the new homes is considered a positive improvement.

Before the Allied Drywall property was sold and redeveloped with the extension of Windsor Avenue, a fence with a height of eight feet could have been installed with a permit. Due to the uniqueness of the through lot created by the installment of Windsor Avenue, staff recommends the variance for the fence to be eight feet in height within the front yard along the north property line.

### **STANDARDS**

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.205(A)(2)(c). Staff believes the petitioner has affirmed the standards and concurs with their response.

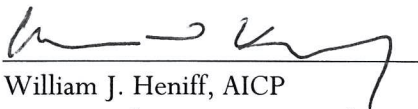
### **FINDINGS & RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the aforementioned variation:

Based on the submitted petition and the testimony presented, the requested variations do comply with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings as discussed at the public hearing, and those findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of **ZBA 19-05** with the following conditions:

1. The fence shall be constructed in substantial conformance with the Site Plan;
2. The petitioner shall apply for and receive a building permit for the fence;
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation; and

Inter-Departmental Review Committee Report approved by:



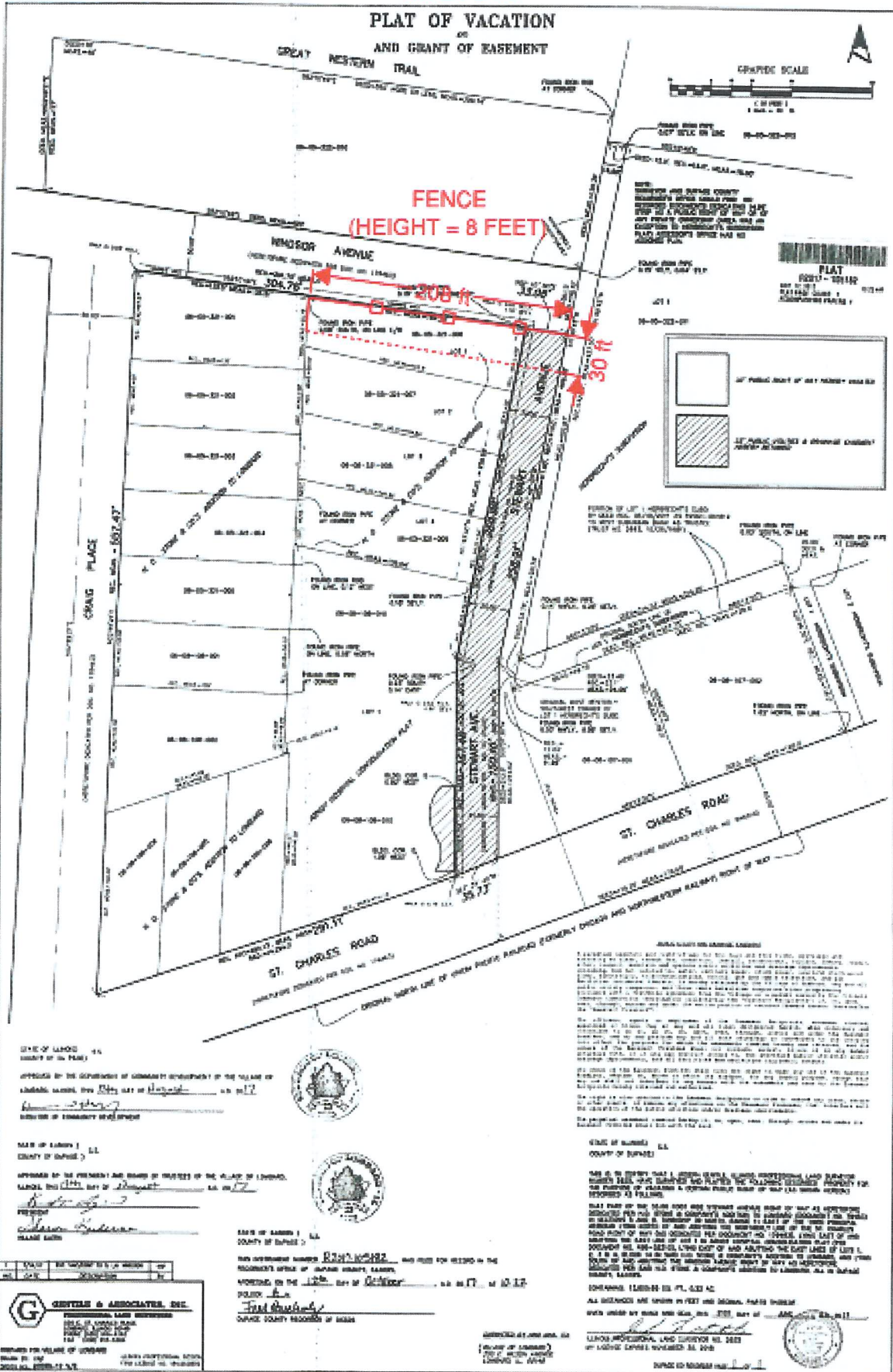
William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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**SITE PLAN**

**PLAT OF VACATION  
ON  
AND GRANT OF EASEMENT**



CITY OF LANSING  
COUNTY OF OSHTON

APPROVED BY THE COMMISSIONER OF LANDS AND FORESTS OF THE STATE OF MICHIGAN  
DATE: 10/12/12

CITY OF LANSING  
COUNTY OF OSHTON

APPROVED BY THE PRESIDENT AND BOARD OF DIRECTORS OF THE CITY OF LANSING  
DATE: 10/12/12

**G** GENTILE & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
100 S. WOODRIDGE BLVD.  
ANN ARBOR, MI 48106  
TEL: 734.769.1100  
FAX: 734.769.1101

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## VIII. Standard for Variations

1. Because of the particular physical surroundings, shape, 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.

Lombard veterinary Hospital was established in 1959 as a full-service animal hospital by my parents Dr. Paul and MaryJo Arndt. Since 1958 our family has owned the entire block from St. Charles to Windsor. We have walked dogs outside in what we call "the field" since then. Until recently with the closure of the Allied Drywall and the sale of the land to a developer it was a pretty private area to walk dogs without any issues. Now with no natural barrier we have seen a large increase of people walking their dogs off leash and it can be dangerous to our employees, borders and medical patients. We are asking for the variance because of our unique business and what LVH has been doing in Lombard since the late 50's. We also feel the need to provide buffer between the back of our property and the new homes that were built. The view is to the back of our building and parking lot and a fence with some landscaping would provide an esthetic transitional barrier to the neighboring properties. The view now is to the back of our building and parking lot and at night the security lights we have on it. Fencing and landscaping will ease the transition and block some of the issues of the B-2 district our business is in.

2. The conditions upon which an application for a variation is based are unique to the property or which the variation is sought, and are not generally applicable to other property within the same zoning classification.

Lombard Veterinary Hospital is a unique business and has been in it's current location since 1959. We are seeking this variance because of the uniqueness of our business. We walk dogs outside and recently we have seen a large increase in other animal on our property thinking it was an open field/or park. Our employees have asked them to please put their dogs on leash they are ignored. This is unsafe to all involved the pets, the owners and our employees. We are asking for the height variance because dogs can jump over 6 feet in many cases.

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

No - it is for safety and better separation and transition from the B-2 to Residential districts.

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.

No

5. The granting of this variation will not be detrimental to the public welfare of injurious to other property or improvements in the neighborhood in which the property is located.

No, if anything it should help the situation. It will provide a transitional barrier between the B2 district and Residential district it now abuts. It will provide a safety net for what Lombard Veterinary Hospital does currently and has been doing as a business since 1959.

6. The granting of this variation will not alter the essential character of the neighborhood; and,

No, it will not, we are just wanting to put the fence up to protect our employees, patients, borders and neighbors. As a matter of fact, the area had fencing while it was Allied Drywall and we are just asking to do this to protect the property, area and privacy of all involved.

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, or substantially diminish or impair property values within the neighborhood.

No, allowing the height to go up will not have any ill effect or increase dangers to the area. If anything the dangers will be reduced by adding the fence. As far as fire, drainage, light or property values are concerned there will be no negative effects if the variance is granted.