

August 21, 2008

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

Subject: ZBA 08-10; 591 S. Charlotte Street

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and one half feet (5.5') in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on June 25, 2008. Garrett George, owner of the subject property, presented the petition. Mr. George stated that the proposed fence is intended to enclose the backyard for privacy. The fence would be five and one-half (5.5) feet in height and would be a continuation of the fence on the neighboring property on Madison Street. He stated that the variation would only be necessary for the first forty-three feet of fencing as the fence height regulations would be followed beyond this. He added that an additional purpose of the fence would be to block traffic noise and other sounds from busy Madison Street.

Mr. George stated that he believes a hardship is present due to the unusual configuration of his lot. It is surrounded by streets on three sides. He stated that as a result he effectively has three front yards and no rear yard.

Mr. George stated the fence would be the same style and height as the neighboring fence. He said that the neighbor on Madison Street is supportive of his request.

Chairperson DeFalco opened the meeting for public comment. No one spoke for or against the petition. Chairperson DeFalco then requested the staff report.

Stuart Moynihan, Associate Planner, presented the staff report. Mr. Moynihan stated the subject property could be described as a “peninsula” lot being bordered by streets on three sides: Madison Street, Charlotte Street, and Circle Terrace. As it fronts on two parallel streets, the subject property is a through lot. The Lombard Zoning Ordinance definition of a through lot states that both street lines shall be deemed front lot lines. The petitioner is requesting a variation to allow the installation of a solid wood fence five and one half feet (5.5’) in height in the front yard along Madison Street where a maximum of four (4) feet is allowed. The proposed fence would match the height of an existing fence along the right-of-way line on the neighboring property to the east.

The peninsula arrangement of the subject property is uncommon in Lombard. This unusual arrangement causes the subject property to have two separate thirty (30) foot front yard setbacks and one twenty (20) foot corner side yard setback. Consequently, there are substantial limitations on where a fence higher than four (4) feet could be constructed. The proposed fence height would match the height of a neighboring legal non-conforming fence on the adjacent lot.

A variation is only necessary for the western forty-three (43) feet of fencing along the front lot line. The petitioner has proposed to install a four (4) foot chain link fence within the clear line of sight area at the corner of Madison Street and Charlotte Street. The fencing will then continue in a northerly direction within the corner side yard as a four (4) foot solid wood fence.

Staff can support a variation due to the unusual layout of the subject property and existing public rights-of-way. A hardship is present due to the characteristics of the property which are not generally applicable to other parcels in Lombard.

The subject property is affected by the fence height regulations of both corner lots and through lots. According to the Zoning Ordinance, the subject property has by definition no rear yard. However, the petitioner gains vehicular access to the property from Circle Terrace and primary access to the residence from Charlotte Street. The yard along Madison Street is closest in functionality to a rear yard.

Staff recommends that the petition be approved subject to the three conditions in the staff report.

Chairperson DeFalco opened the meeting for discussion among the members.

Chairperson DeFalco asked if the fence would be chain link at the clear line of sight triangle.

Mr. George stated that it would.

Chairperson DeFalco stated that large shrubs and a tree in the area of the proposed fence were acting much like a fence themselves.

Mr. George stated that he has tried to cut them back the best he can.

Chairperson DeFalco asked if the shrubs would stay and if the fence would be inboard of those shrubs. He also asked if Mr. George would consider removing the shrubs and trees.

Mr. George stated that the fence would be inboard of the trees and shrubs. He indicated that he would like to keep the trees and shrubs as a sound barrier if possible.

Chairperson DeFalco asked if Mr. George would be willing to accept the condition that the shrubs be kept at the same height as the fence. The trees could be left as they are.

Mr. George stated that he did not have an objection to the condition.

Chairperson DeFalco stated that he believed a hardship exists due to the nature of the lot.

On a motion by Mrs. Newman and a second by Mr. Polley, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board approve a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and one half feet (5.5') in the R2 Single-Family Residence District subject to the following conditions:

1. The fence shall be installed in accordance with the site plan submitted as part of this petition.
2. The petitioner shall apply for and receive a building permit for the fence prior to construction.
3. Vehicular access to the property shall not be permitted from Madison Street as long as a fence greater than four (4) feet in height exists in the front yard abutting Madison Street.
4. The shrubs along Madison Street shall be maintained at a height not to exceed five and one-half (5.5) feet.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals