

December 4, 2008

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

Subject: ZBA 08-15; 1300-1366 S. Finley Road

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 from 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 seven and one half feet (7.5') and a variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

The Zoning Board of Appeals conducted a public hearing on November 19, 2008. David Friedman (5005 W. Touhy Ave, Skokie, IL), property management for International Village, presented the petition. Mr. Friedman stated International Village wishes to replace the existing masonry wall with a new fence. He added that the masonry has existed for over 30 years and a new fence would be an aesthetic improvement. He stated that the new fence would be a six (6) foot ornamental fence and would replace the existing stucco wall. Mr. Friedman stated that a four (4) foot fence does not work for that location due to security issues. He then added that the location of the piers does not create a conflict with the clear line of site and the new fence would actually increase visibility.

Chairperson DeFalco opened the meeting for public comment. No one spoke either for or against the petition.

Chairperson DeFalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. Mr. Toth stated that the petitioner is seeking to replace an existing six foot (6') masonry wall with an ornamental steel fence six feet (6') in height. Therefore a variation to increase

the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5') is required. In addition, two (2) of the existing brick pillars currently stand within clear line of sight areas at the northern driveway along Finley Road. As these pillars are two feet (2') in width with a cap two and one half feet (2.5') in width, a variation is necessary to allow two of these pillars to remain within the clear line of sight areas.

Mr. Toth stated that the existing masonry wall adjacent to Finley Road exceeds the maximum height of four feet (4') allowed by the Zoning Ordinance for walls and fences within the front yard setback. Since this proposal would replace greater than fifty percent (50%) of the value of this non-conforming structure, a variation is necessary to allow these pillars at seven and one half feet (7.5') to remain.

It is staff's opinion that this proposal would be more aesthetically pleasing and bring the wall into closer compliance with code. The petitioner has stated that the fence would provide better security at six feet (6') in height rather than the four feet (4') allowed by code. Staff concurs and believes that the fence, as proposed, would provide greater visibility onto the property for both the passersby and law enforcement.

It is also staff's opinion that the petitioner's proposal will actually increase visibility in the clear line of sight area as the fence will be of open construction. Staff feels that both variations can be supported because they bring the existing wall as a whole into closer compliance with the Zoning Ordinance.

Staff is recommending approval of the petition, subject to the seven conditions listed in the staff report.

Chairperson DeFalco opened the meeting for discussion among the members.

Mr. Tap stated that the existing piers provide a fair amount of visual space. He added that he agrees with staff's opinion that the fence would increase visibility.

Chairperson DeFalco referred to condition #6 of the IDRC Report that states *in the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.* Chairperson DeFalco asked the petitioner why the subject pillars couldn't be removed all together.

Mr. Friedman stated that removing those pillars would disrupt the aesthetic continuity. He added that the termination points should not be smaller than the other pillars. He then stated that it would be aesthetically unpleasing to go from a massive pillar to a small pillar as a termination point. Mr. Friedman added that he doesn't want to see the pillars ripped down.

Mrs. Newman stated that she agrees with the petitioner. She then asked how far back the pillars are from the road.

Mr. Toth stated that the pillars are in the range of 20-30 feet from the road. The clear line of site area is created where the property line meets the driveway; regardless of how far back the property line is set.

Chairperson DeFalco asked the petitioner if there is currently any landscaping in the subject area.

Mr. Friedman responded that there is no landscaping in that area.

Chairperson DeFalco reminded the petitioner that shrubs are regulated the same as fences in that they have a restricted height in the front yard and that those shrubs are to remain below four (4) feet. He then stated that a separate condition of approval should be added, which regulates any subsequent landscaping.

Chairperson read the conditions of approval then directed staff to add another condition (#8).

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended by a vote of 4 to 0 that the Village Board approve a variation from 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 seven and one half feet (7.5') and a variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the fence prior to construction.
2. The fence shall be installed in accordance with the site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Krisch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.
3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.
4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').

Re: ZBA 08-15
December 4, 2008
Page 4

5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.
6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.
7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.
8. Any subsequent landscaping to be located in the front yard of the subject property shall conform to the height restrictions outlined in the Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals