

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

X Resolution or Ordinance (Blue) X 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 : May 4, 2018 **(BOT) Date:** May 17, 2018
SUBJECT: ZBA 18-02: 303 Collen Drive

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

BACKGROUND/POLICY IMPLICATIONS:

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 for a property located in the R2 Single-Residence District.

- 1. Grant approval of a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for a six foot (6') high solid fence in a corner side yard; and
- 2. Grant approval of a variation from Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for a six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot.

The Zoning Board of Appeals made motion to recommend approval of this petition, which received a vote of 3-1. However, the motion failed as it did not carry four votes. No motion to recommend denial was made. Therefore the petition goes to the Village Board with no recommendation.

Please place this petition on the May 17, 2018 Board of Trustees agenda under Items for Separate Action. The petitioner requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: May 17, 2018

SUBJECT: ZBA 18-02; 303 Collen Drive

Please find the following items for Village Board consideration as part of the May 17, 2018 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 18-02;
3. An Ordinance granting approval of the requested variation; and

The Zoning Board of Appeals made motion to recommend approval of this petition, which received a vote of 3-1. However, the motion failed as it did not carry four votes. No motion to recommend denial was made. Therefore the petition goes to the Village Board with no recommendation.

Please place this petition on the May 17, 2018 Board of Trustees agenda under Items for Separate Action. The petitioner requests a waiver of first reading of the Ordinance.



VILLAGE OF LOMBARD

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May 17, 2018

Village President
Keith T. Giagnorio

Village Clerk
Sharon Kuderna

Trustees
Dan Whittington, Dist. 1
Michael A. Fugiel, Dist. 2
Reid Foltyniewicz, Dist. 3
Bill T. Johnston, Dist. 4
Robyn Pike, Dist. 5
William "Bill" Ware, Dist. 6

Village Manager
Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 18-02; 303 Collen Drive

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 for a property located in the R2 Single-Residence District:

1. Grant approval of a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a corner side yard; and
2. Grant approval of a variation from Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot.

The Zoning Board of Appeals conducted a public hearing on April 25, 2018.

Cindy Wong-Williams, Richard Williams and staff were sworn in by Chairperson DeFalco to offer testimony. Ms. Wong-Williams and Mr. Williams, property owners and petitioners, presented the request.

Mr. Williams said they have an existing six-foot tall fence that they want to replace with a similar fence. He said he wants to improve the property and make it look better.

Ms. Wong-Williams said their property is close to schools. There is a change of grade and a hot tub in the yard. Ms. Wong-Williams was concerned about safety and security of the yard.

Mr. Williams noted the nearby school is on a hill from which someone might be able to see into the yard.

Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition.

Reid Foltyniewicz, Trustee for District 3, said he wanted to address the ZBA on the matter. Mr. DeFalco stated that Trustee Foltyniewicz could not address the ZBA on the matter because the Board of Trustees would ultimately be voting on the petition. Mr. DeFalco excused Trustee Foltyniewicz.

Sigrid Conroy, 227 June Lane, addressed the ZBA. Ms. Conroy said other homes in the area have six-foot tall fences. She said it would look nice and was supportive of the requested variance.

Brenda Winters, 1380 Elizabeth Street, addressed the ZBA. She supported the requested variance.

Chairperson DeFalco asked if there was anyone else present to speak in favor of or against the petition. Seeing no one, he asked for the staff report.

Anna Papke, Senior Planner, presented the staff report. The IDRC report was entered into the record in its entirety. Ms. Papke said that the subject property is a reverse corner lot developed with a single-family residence. There is currently a six-foot tall solid wood fence around the perimeter of the rear and corner side yards. The property owner would like to replace the existing fence with a fence of similar height and construction. However, the Zoning Ordinance limits fences in reverse corner side yards and rear yards abutting front yards on adjacent properties to four feet in height. A variance is required to reconstruct the fence.

Staff observes the subject property has an unusual shape due to a bend in Elizabeth Street that makes the back yard narrower than the front yard. Staff also notes that the impact of the existing and potential replacement fence on the front yard of the neighboring property is reduced due to the angle of the shared property line. There are a number of similar fences in corner side yards in the surrounding neighborhood. Staff recommends approval of the variance.

Mr. Tap asked if the new fence will be the same style as the old fence. Mr. Williams said the new fence will be PVC instead of wood, but will otherwise be of a similar style.

Chair DeFalco said he did not think there are any other six-foot tall fences in nearby corner side yards. He said a six-foot tall fence adjacent to a neighboring front yard will impact that neighbor. He was also concerned about the safety of having a six-foot tall solid fence immediately abutting the sidewalk.

Ms. Wong-Williams and Mr. Williams stated that there are six-foot tall solid fences in nearby corner side yards.

Mr. DeFalco asked if it would be a hardship to the petitioner to build a fence that is set back from the corner side property line so that it is in line with the house. The petitioners said that it would be a hardship due to the size of the yard and a tree located in the yard.

Ms. Wong-Williams said there are other properties in the neighborhood where six-foot solid fences have been constructed in corner side yards. Mr. DeFalco responded that if the petitioners were aware of fences being installed without permits, they should provide those addresses to the Village for Code Enforcement to look into.

Mr. DeFalco asked for a motion from the Board.

Mr. Bedard made a motion to recommend approval of the petition associated with ZBA 18-02, subject to the following two (2) conditions:

1. The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit B; and
2. The petitioner shall apply for and receive a building permit for the proposed replacement fence.

Mr. Bartels seconded the motion. The Zoning Board of Appeals voted 3-1 on the motion. The motion failed as it did not carry four votes.

Mr. DeFalco asked if there was a motion to recommend denial of the petition. No such motion was made. Therefore, the motion goes to the Village Board without a recommendation.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,
ILLINOIS**

(ZBA 18-02; 303 Collen Drive)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned R2 Single Family Residence District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a corner side yard; and requesting a variation from Title 15, Chapter 155, Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on April 25, 2018, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees with no recommendation for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That variations are hereby granted from the provisions of Title 15, Chapter 155, Section 155.205(A)(1)(c)(ii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a corner side yard; and from the provisions of Title 15, Chapter 155, Section 155.205(A)(1)(c)(iii) of the Lombard Zoning Ordinance to allow for an existing six foot (6') high solid fence in a rear yard that abuts the front yard of an adjacent lot.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

1. The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit B; and

2. The petitioner shall apply for and receive a building permit for the proposed replacement fence.

SECTION 3: This ordinance is limited and restricted to the property generally located at 303 Collen Drive, Lombard, Illinois, and legally described as follows:

LOT 20 IN MANOR HILL WEST UNIT TWO, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 24, 1967 AS DOCUMENT R67-26745 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-19-210-021

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this _____ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2018

Keith Giagnorio, Village President

ATTEST:

Ordinance No. _____

Re: ZBA 18-02

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Sharon Kuderna, Village Clerk

Published by me this _____ day of _____, 2018

Sharon Kuderna, Village Clerk