

PHOTOGRAPHS OF THE SUBJECT PROPERTY



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

Staff issued the petitioner a fence permit for the placement of a four foot solid vinyl fence in the required front yard. Code Enforcement staff received a complaint regarding the height of the fence and upon investigation determined that the fence exceeded the maximum height restriction. The fence is four feet in height and an additional twelve inches of lattice was added to the fence.

Staff is not supportive of the proposed variation for the following reasons. The four foot height restriction is intended to ensure that proper visibility is maintained as well as preserving the overall visual aesthetics of the neighborhood. While the placement of the petitioner's fence may not serve as an impediment to traffic, the fence abuts the front yard of the neighboring property. Therefore, staff maintains previous recommendations to not recommend approval for fences greater than four feet in height in corner side or front yards where the proposed fence would be adjacent to a neighboring front yard. Furthermore, to be granted a variation the petitioners must show that they have affirmed each of the "Standards for Variation". Staff finds that the following standards have not been affirmed:

1. *That because of the particular physical surroundings, shape, or topographical*

conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied. Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.* The petitioner's lot is comparable to other corner lots in the single-family residential district. Staff finds that there are not any unique differences between the petitioner's lot and others with the same classification.
3. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.* Staff finds that the hardship has not been created by the ordinance, but rather the petitioner's decision to not build according to the permit issued.
4. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.* Staff finds that the placement of a five and a half foot (5.5') fence adjacent to a neighboring front yard may be aesthetically displeasing as well as restrict light and air flow to the neighboring property.
5. *The granting of the variation will not alter the essential character of the neighborhood.* While there is another property on the petitioner's block with a six foot fence in the corner side yard, a fence permit is not on file for the property. Given the condition of the fence, staff believes that the fence was erected prior to the enactment of permits for fences. Staff finds that a fence greater than four feet in height within the corner side or front yard detracts from the character of the block.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested increase in maximum allowable height for a fence in a required front yard. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the requested variation:

1. Based on the submitted petition and the testimony presented, the requested fence height variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 03-28.

Zoning Board of Appeals

Re: ZBA 03-28

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Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:AC

att-

c: Petitioner

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