

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

Resolution of Ordinance (Blue) Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink) X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huliseberg, Village Manager *DAH*

DATE: September 10, 2008 (B of T) Date: September 18, 2008

TITLE: Fence Regulations

SUBMITTED BY: Department of Community Development *WLL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for members of the Zoning Board of Appeals (ZBA) and Village Board of Trustees a memorandum regarding front and corner side yard fence regulations.

Please place this item for discussion on the September 18, 2008 joint meeting agenda between the ZBA members and Board of Trustees.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

David A. Huliseberg

Date

9/18/08

Date

Date

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon.

Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP, Acting Director of Community Development *WH*

DATE: September 9, 2008

SUBJECT: FRONT AND CORNER SIDE YARD FENCES

As a follow-up from the last Village Board meeting, staff will present a discussion regarding front and corner side yard fence regulations at the September 18, 2008 Village Board meeting. In consideration of this petition, staff has attached a copy of the memo providing an overview of current fence regulations.

Please present this item for discussion purposes at the September 18, 2008 Village Board of Trustees meeting.



MEMORANDUM

TO: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William Heniff, Acting Community Development Director *WH*

DATE: June 5, 2008

SUBJECT: Front and Corner Side Yard Fences

Following up from the discussion at the May 15, 2008 Village Board meeting, staff offers a summary and overview of recent reviews of the Village's fence regulations. These past reviews have focused upon fence regulations in the corner side and front yards and have been undertaken in response to previous requests from the Village Board and/or the Zoning Board of Appeals.

The Zoning Ordinance generally limits fences within front and/or corner side yards to a maximum of four feet in height. Solid fences also must be placed outside of clear line of sight areas. Prior to 2000, the Village had fence regulations included within the Zoning Ordinance. However a building permit was not required to erect such fences. As such, there are many fences within the community that were erected prior to 2000 that do not meet the corner or front yard height provisions. In cases where the Village could not determine the age of the fence, and hence the regulations at the time a particular fence was erected, staff determined that such fences would be considered legal nonconforming structures. Many of the fences that were built prior to 2000 are now being replaced due to age or deterioration. However, when nonconforming structures are replaced, the fences must meet current regulations.

The fence regulations have been reviewed on the following occasions this decade:

May 2002 - Plan Commission Workshop

Action: Staff sought input from the Plan Commission on an amendment to the Zoning Ordinance to allow fences within corner side yards to be greater than 4 feet tall.

Result: The Plan Commission agreed that allowing a 6-foot high fence would be intrusive and contrary to the feeling that roofed-over front porches provide. Therefore, it was agreed to keep the existing 4-foot height restriction.

December 2004 - Zoning Board of Appeals Workshop

Action: Staff sought the opinion of the Zoning Board of Appeals on amending the Zoning Ordinance with respect to fence height in the corner side yard.

Result: The Zoning Board of Appeals agreed that the requirements should remain unchanged for fences less than four feet in height. The ZBA stated that solid six-foot fences on reverse corner side yards would be unacceptable due to the impact they would have on the front yard of neighboring properties. The ZBA suggested that fences that are located in corner side yards could be permitted to be greater than four feet, but less than six feet in height provided that the entire fence consist of open construction and was decorative or ornate in nature. Staff was directed to compose a definition for decorative or ornate fencing that would incorporate a 75% open component as well as reflect wrought iron or comparable materials.

February 2005 - Plan Commission Workshop

Action: The corner side yard fence issue was revisited with the Plan Commission as the Board of Trustees had discussed fence height regulations at their November 4, 2004 meeting.

Result: The Plan Commission noted that this item had been discussed previously and the Commission felt that the fence requirements should remain unchanged. The members concurred with the ZBA comments stating that solid six-foot fences are inappropriate on reverse corner lots. One commissioner also noted that there were a low number of variation requests within the last year and changes to the code may not be warranted. The Plan Commission recommended that the regulations for fences that are four feet in height or less remain unchanged. They did concur with the ZBA recommendation that if the code was to be changed, they could support a text amendment to allow for fences up to six feet in height, provided that the fence was a decorative or ornate open fence that would incorporate a 75% open component as well as reflect wrought iron or comparable materials.

Staff also made presentations to the Transportation and Safety Committee relative to clear line of sight areas in Spring, 2007. The report explained the rationale for the code and the Committee recommended that no changes should be made to the existing regulations. Staff also introduced a text amendment process in 2007 that would allow for the ZBA to consider and approve selected variation requests. However, the Board tabled final consideration of this request.

Permit History
Over the past three years (2005 - 2007) there have been a significant number of fence permits obtained in the Village. The majority of fence permits are generally acquired during the months

where warmer temperatures are experienced. As the data below shows, April and May are the peak months for the issuance of fence permits.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2005	4	4	18	37	31	24	24	25	16	12	16	5	217
2006	4	6	19	42	54	36	25	16	27	11	7	2	249
2007	4	1	20	27	40	30	31	26	13	25	7	3	228

Variation History

The majority of fence variations within the Village relate mostly to excessive fence height within the corner side yard. As a percentage of all fence requests, these figures compute to about one to two percent of all fence permits issued. Staff further reviewed the fence permits for properties with corner side yards and derives the following information:

	Total Fence Permits Issued	Fence Permits for Properties with Corner Side Yards	Cases Receiving Corner Side Yard Fence Variations	Percentage of Cases Receiving Relief Versus Total Number of Corner Side Yard Permits Issued
2005	217	43	2	4.7%
2006	249	27	2	7.4%
2007	228	35	3	8.6%
Total 2005-2007	694	105	7	6.6%

Staff typically is able to work with property owners through the permitting process, evidenced by the fact that 93.4% of all fences on corner side yards met code without additional zoning relief. However, in some cases, fences are constructed without a permit and are later found to be in violation.

RECOMMENDATION

Staff supports the provisions set forth within Village code as it is currently written. While a number of individuals may seek relief for their respective fences (particularly in the Spring months), this issue must be balanced against potential amendments to code that could create negative impacts on adjacent properties. The variation process allows the ZBA and the Village Board to carefully consider such requests on a case by case basis, taking into account site specific conditions. However, should the Board of Trustees desire to amend the code, staff would like to know the specific concerns of the Board, so that any proposed amendments achieve the desired effect.