

ANALYSIS

SUBMITTALS

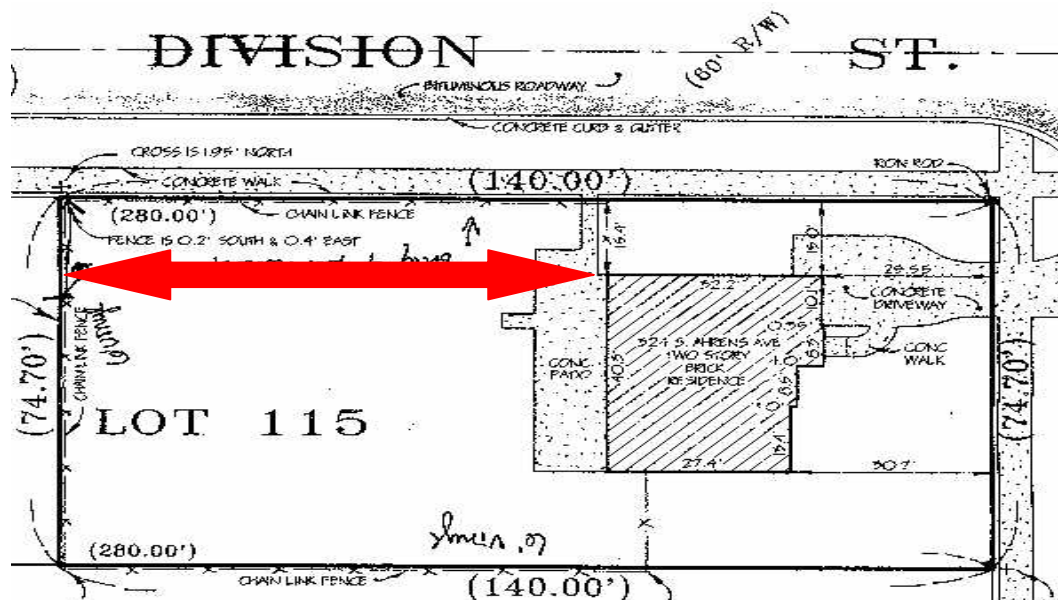
This report is based on the following documents, which were filed with the Department of Community Development on June 24, 2004.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated April 26, 1996, prepared by Alan D. Carradus and Associates

DESCRIPTION

The subject property is located on the corner of Division Street and Ahrens Avenue. The petitioner erected a six foot solid fence on the subject property in June 2004 while four feet was the maximum height allowed on a corner lot. The Village Board denied the petitioner's subsequent request for a variation from the height requirement. The petitioner now proposes to move the solid six-foot fence fifteen feet from the property line so that it is aligned with the building line of the residence. Since the residence is located approximately fifteen feet from the property line the proposed location remains within the required corner side yard area.

Site Plan



ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments regarding this request.

FIRE AND BUILDING

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

PLANNING

As the members may recall, the petition appeared before the Zoning Board in July 2004. The petitioner obtained a building permit for a four-foot fence, but later constructed a solid six-foot fence within the corner side yard. The Board of Trustees ultimately denied the requested variation to maintain the fence within the required corner side yard. The petitioner now proposes to move the fence approximately fifteen feet away from the property line. The proposed new location of the fence would place the fence even with the existing building line of the house. As the petitioner's residence is legal nonconforming and is located within the required corner side yard area, the fence would be located in behind the rear door of the residence if placed a minimum of twenty feet from the corner side property line.



View from West on Division



View from East on Division

Staff can support the variation for the following reasons. Staff has encouraged property owners located on corner lots to locate fences outside of the required corner side yard area if they wish to exceed the four-foot height restriction. Given the location of the petitioner's residence from the corner side property line it is unreasonable to suggest that the fence be located twenty feet from the property line, as the rear door would be outside of the fenced area. The new location of the

fence will not impact any line of sight areas, as the neighboring property's driveway is located approximately thirty feet (30') from the property line. Staff finds that the proposed location will not contribute to any tunneling effects, as it will not be located along the property line.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested relief. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **approval** of the requested variation:

Based on the submitted petition and the testimony presented, the requested fence height variation **does comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 05-06, subject to the following conditions:

1. That the petitioner shall apply for and receive a building permit for the relocation of the fence on the subject property.
2. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any fencing on the property shall meet all current height requirements.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

att-
c: Petitioner