

JULY 21, 2014

Title

PC 14-15

Petitioner

Glenbard Wastewater Authority (GWA)

Property Owner

Village of Glen Ellyn
535 Duane St.
Glen Ellyn, IL 60137

Property Location

21W551 Bemis Rd
(05-24-301-007, 05-24-301-008, 05-24-301-009, 05-24-302-017, and 05-24-302-019)

Zoning

CR Conservation / Recreation

Existing Land Use

Wastewater Treatment Facility

Comprehensive Plan

Public & Institutional

Approval Sought

Two (2) foot fence height variation to allow for the replacement of an existing chain link fence with a new eight (8) foot tall aluminum fence, where six (6) feet is the maximum height permitted.

Prepared By

Matt Panfil, AICP
Senior Planner



LOCATION MAP

PROJECT DESCRIPTION

In the summer of 2013 (PC 13-08), the petitioner received a variance similar in nature to this request to allow for the replacement of an existing chain link fence with a new eight foot (8') tall aluminum ornamental fence within thirty (30) feet of an improved public right-of-way and within the CR Conservation/Recreation Zoning District. The portion of the fence associated with PC 13-08 was recently completed and “before” and “after” pictures of the fence are attached as Exhibit C.

The proposed fence will be of the same height and type as was approved in PC 13-08. The only difference in requests is that the previous approval was just for the portion of fence located within twenty feet (20') of the right-of-way, where only a four foot (4') tall fence is permitted. In the currently proposed location the maximum permitted fence height is six feet (6'). By replacing the existing fence with the wrought iron fence the petitioner is seeking to maintain a high level of security while providing an aesthetic that is more consistent with the surrounding residential neighborhood.

The fence will not run the entire length of the western property line, but rather will be a 166 foot long segment that will connect to the existing chain link fence in a densely forested area that is not visible or easily accessible from the west.

PROJECT STATS

Lot & Bulk

Parcel Size: 26 acres
Fence Length: 166'
(to be replaced)

Submittals

1. Petition for Public Hearing
2. Response to Standards for Variations
3. Site Plan (Plat of Survey with fence location identified), prepared by Glenbard Wastewater Authority, undated and submitted 6/12/2014.
4. "Before" and "After" photographs, undated and submitted 6/16/2014.

APPROVAL(S) REQUIRED

Per Section 155.205 (A)(4)(c)(ii) of the Zoning Ordinance, "fences or walls within thirty feet (30') of a property line, other than property lines shared by an improved public right-of-way, shall not exceed six feet (6') in height."

The petitioner has requested relief from this regulation because the unique land use characteristics on-site demand an increased amount of security to not only protect municipal facilities, but also the health and safety of the general public.

EXISTING CONDITIONS

The subject property consists of five (5) parcels and is bounded by unincorporated properties to the north, south, and west. The East Branch of the DuPage River runs parallel to the eastern property line. The existing chain link fence along the west side of the property is estimated to be thirty-five (35) years old and is in fair to poor condition.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns regarding the project.

Fire Department:

The Fire Department has no issues or concerns regarding the project.

Private Engineering Services:

The Private Engineering Services Division has no issues or concerns regarding the project.

Public Works:

The Department of Public Works supports the subject petition in the interest of security and safety at this critical facility.

Planning Services Division:

1. Surrounding Zoning & Land Use Compatibility:

	Zoning Districts	Land Use
North	R-3 (DuPage County)	Single Family Residential
South	R-4 (DuPage County)	Single Family Residential
East	CR (Conservation / Recreation)	East Branch of the DuPage River
West	R-4 (DuPage County)	Single Family Residential

Although the existing use is not ideally compatible with the predominantly residential adjacent uses, the facility has already received a conditional use permit. Therefore, one of the primary challenges regarding this, and any future improvement, for the site is to provide aesthetics more sensitive to the context of the residential neighborhood.

2. Comprehensive Plan Compatibility:

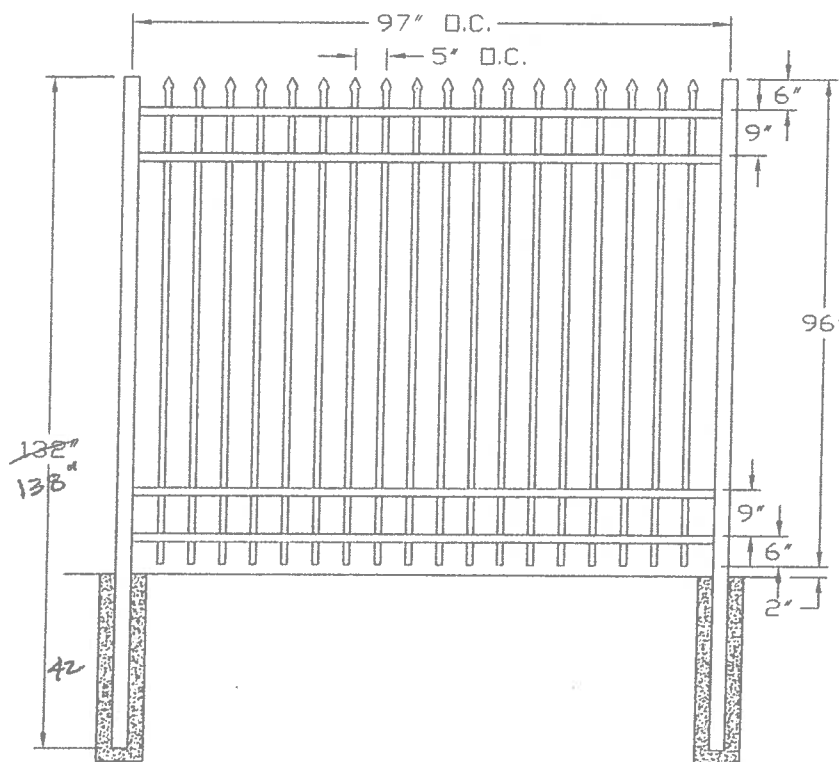
The Comprehensive Plan recommends public and institutional land uses for the subject property. Because there is no change in use proposed, the wastewater treatment facility remains consistent with the Comprehensive Plan.

3. Zoning Ordinance Compatibility:

With the exception of the above referenced fence height variation, the proposed project conforms to all other zoning regulations.

4. Elevations

As the proposed fence is the same height and style as the fence approved in 2013, the fully dimensioned elevations submitted as part of PC 13-08 are depicted below:



5. Sample Images:

The petitioner has submitted several "before" and "after" photographs of the fence that was approved by PC 13-08 (attached as Exhibit C).

SITE HISTORY

PC 78-12:

On May 11, 1978 the subject site was annexed into the Village, rezoned to the Conservation / Recreation district, and was granted a conditional use permit for a municipal facility (wastewater treatment plant).

PC 92-23:

On December 17, 1992 the subject site received conditional use approval for improvement and expansion of the existing wastewater treatment facility, a variation for a thirty (30) foot side yard setback where fifty (50) feet was required, and a variation of the Subdivision and Development Ordinance to provide for the expansion of the facility without the required public right-of-way improvements.

PC 12-02:

On February 2, 2012 the subject site received conditional use approval for noncompliance with the requirements of the Zoning Ordinance pertaining to personal wireless service facilities as well as multiple variations for; use of barbed wire as part of a seven (7) foot tall fence; a personal wireless service facility without full landscape screening, a variation to allow for a personal wireless service facility in the CR district, a variation to allow for a personal wireless service facility in excess of forty-five (45) feet in height, and a variation to allow for a one hundred (100) foot high personal wireless service facility to be less than one hundred-five (105) feet from the nearest property line.

PC 13-08:

On August 29, 2013 the subject site received a variation from Section 155.205 (A)(4)(c)(i) of the Lombard Zoning Ordinance to increase the maximum allowable fence height within thirty feet (30') of an improved public right-of-way from four feet (4') to eight feet (8').

FINDINGS & RECOMMENDATIONS

The need to provide the highest possible level of security for the site is clear. While the existing fence secures the site, it does so at the cost of a neighborhood character for adjacent properties. Although the proposed fence is taller than that required by the Zoning Ordinance, it is the opinion of staff that the petitioner has found a balance between improved neighborhood aesthetics and site security.


The Inter-Department Review Committee has reviewed the standards for variation for the requested fence height variation and finds that the proposed fence **complies** with the standards established by the Village of Lombard Zoning Ordinance, and that granting the fence height relief enhances the surrounding neighborhood and is in the public interest. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 14-15:

Based on the submitted petition, accompanying plans and elevations, and the testimony presented, the proposed fence complies with the standards established by the Village of Lombard Zoning Ordinance and that granting the fence height relief enhances the surrounding neighborhood and is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 14-15, subject to the following conditions:

1. The petitioner shall construct the fence in accordance with the plans submitted as part of this request;

2. The relief shall be limited to the replacement of an existing chain link fence with an eight foot (8') tall aluminum fence in the location as designated on the plans submitted as part of this request;
3. This relief shall be valid for a period of one year from the date of approval of the ordinance. If the fence is not constructed by said date, this relief shall be deemed null and void; and
4. Construction of the above referenced fence shall require a building permit. Said permit will be reviewed in connection with the aforementioned conditions.

Inter-Departmental Review Committee Report approved by:


William J. Heniff, AICP
Director of Community Development

c. Petitioner

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EXHIBIT A: STANDARDS FOR VARIATIONS

PC 14-15: Response to Standards for Variations (21W551 Bemis Road)

- 1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Because the wastewater treatment facility is a unique use it requires a unique site design that oftentimes does not as easily conform to traditional zoning regulations. If the strict letter of the regulations were to be applied a six foot (6') fence would be required along the western property line. Such a fence is climbable and may not fully discourage potential trespassers who could put their own, and the general public's, safety at risk.

- 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 property is unique because it serves an essential public service. The site conditions are unique to the Glenbard Wastewater Authority (GWA) and its purpose and are not applicable to other properties in general, let alone within the CR Conservation/Recreation Zoning District.

- 3. The purpose of the variation is not based primarily upon a desire to increase financial gain.*

The variation, if approved, would in no way increase financial gain. Rather, the purpose of the variation is to maintain public safety and welfare by regulating access to an essential public service. If any unauthorized personnel were to gain access to the site they could place themselves, as well as the community at large, in danger.

- 4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

By requiring a fence that is shorter than what would provide adequate security to an essential public service, the Zoning Ordinance has created a hardship for the GWA, which is responsible for operating a safe and reliable facility. In order to do so, the facility requires a certain level of security. If the security were breached there could be a tremendous negative impact to public welfare.

- 5. 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.*

The variation, if approved, will help protect the overall public welfare by allowing the GWA to operate a safe and reliable wastewater treatment facility.

- 6. The granting of the variation will not alter the essential character of the neighborhood.*

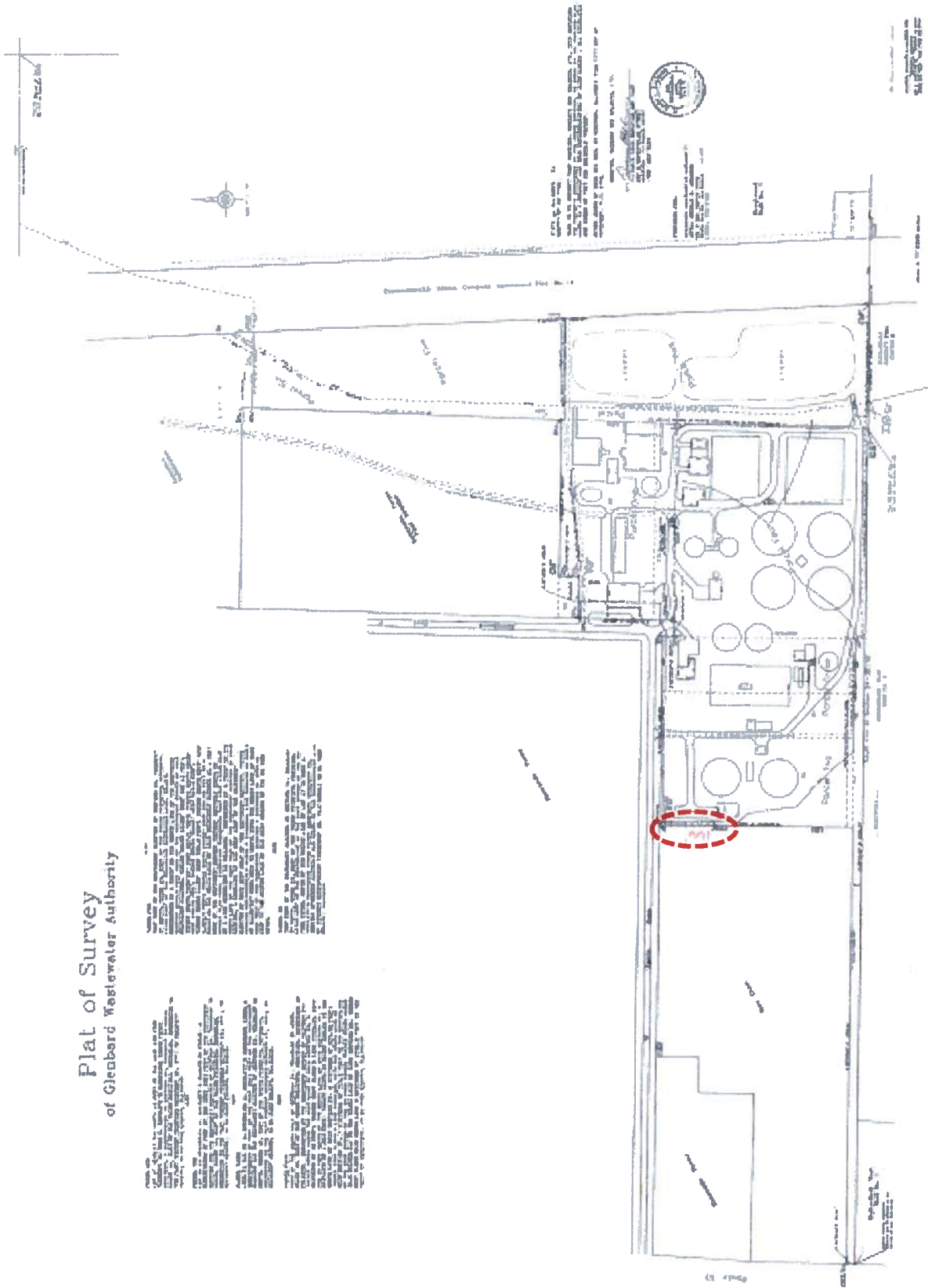
The variation, if approved, would allow for the replacement of a deteriorating fence. If anything, the new fence, constructed of higher quality wrought iron, will improve the essential, residential-oriented character of the neighborhood.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The variation, if approved, would not impair an adequate supply of light and/or air to adjacent properties. As the fence will be used to enclose an existing use, no increase in congestion on public streets is anticipated. The wrought iron fence material is non-combustible and is not a fire hazard. Finally, the open style and thin supports will not impair natural drainage or create any drainage problems.

EXHIBIT B: SITE PLAN

02106 - 2



**Plat of Survey
of Glenbard Wastewater Authority**

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires _____.

Notary Public in and for the State of Illinois

EXHIBIT C: BEFORE AND AFTER PICTURES (PC 13-08)

Before



After



Before



After



Before



After



Before



After



Before



After



EXHIBIT D: PICTURE OF SECTION OF CHAIN LINK FENCE TO BE REPLACED

