

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: January 5, 2004 (B of T) Date: January 15, 2004

TITLE: ZBA 03-28: 825 E. Maple Avenue

SUBMITTED BY: Department of Community Development *DGH*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration a petition requesting a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and a half feet (5.5') in the R2 Single-Family Residence District. (DISTRICT #5)

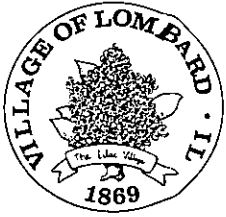
The Plan Commission recommended **denial** of this petition.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>William T. Lichter</i>	Date <i>1/7/04</i>

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.



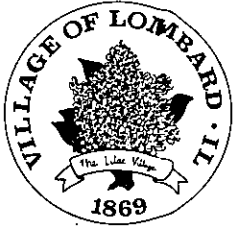
MEMORANDUM

TO: William T. Lichter, Village Manager
FROM: David A. Hulseberg, AICP, Director of Community Development *DAH*
DATE: January 15, 2004
SUBJECT: ZBA 03-28: 825 E. Maple Avenue

Attached please find the following items for Village Board consideration as part of the January 15, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 03-28;
3. A draft Ordinance granting approval of the requested relief from the Zoning Ordinance; and
4. Companion site plans associated with the petitioner's request.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

January 15, 2004

Village President
William J. Mueller

Mr. William J. Mueller
Village President, and
Board of Trustees
Village of Lombard

Trustees

Joan DeStefano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Subject: ZBA 03-28; 825 E. Maple Avenue

Village Manager
William T. Lichter

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and one-half feet (5.5') in the R2 Single-Family Residence District.

The Zoning Board of Appeals conducted a public hearing on December 17, 2003. Scott Hall, property owner and petitioner presented the petition. He opened his presentation by noting that the constructed fence height is approximately five feet, two inches. He then inquired about the references in the staff report from Building and Private Engineering that stated that they had no comments on the petition.

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

He then discussed the history of the fence, noting that it was constructed earlier in 2003. While the intention was to meet the four-foot height requirement, he proceeded to add lattice to the fence as an aesthetic improvement.

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

He then discussed the standards for variations. He noted that as the fence is of vinyl construction, it cannot be consistently level to grade. The property does slope away from the house to the street.

He stated that they constructed the fence in order to provide greater privacy to their property. They want a secure area for their children. He also referenced traffic concerns along Maple Street. He also noted that while the relief requested is for his front yard, it actually functions as a side yard.

Regarding the increase in fence height, he noted that the additional height was for a lattice treatment on top of the fence. The lattice does allow for light and air and makes for a more attractive fence overall. Without the lattice, the fence has no character.

He noted that the neighbors are okay with the fence as constructed. He did ask them about their proposed fence before he did the improvements and they were fine with the proposed improvements. He also noted a solid fence within the corner yard at the other end of the block on Maple Avenue.

Chairperson DeFalco then opened the meeting for public comment.

Speaking in favor of the request was Mike Bowers, 821 E. Maple. He noted that his property abuts the petitioner's property and he is okay with the fence as proposed.

Richard Fortier, 901 E. Maple, stated that the fence is an improvement to the neighborhood and the lattice makes it look better.

No one spoke against the petition.

William Heniff, Senior Planner, presented the staff report. Mr. Heniff stated that the petitioner applied for and received 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.

Responding to the petitioner's question, he noted that the inter-departmental comments that stated that there were no comments or concerns relates to the fact that the requested relief does not relate to their area of expertise. For example, an increase in fence height would not increase the amount of flooding on a particular property. Therefore, they would not have comments on this issue. Also for clarification, staff advertised the fence request for five and one-half feet so that if there was a slight deviation in overall height beyond the petitioner's stated fence height, an amended public hearing would not be required.

He then discussed the staff recommendation of denial. 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. Staff typically does not support relief 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.

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. 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. 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. 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.

Chairperson DeFalco then opened the meeting for discussion and questions by the Board Members.

Mr. Bedard asked about where the Code Enforcement complaint came from. Staff said it was an anonymous complaint received by staff.

Chairperson DeFalco asked about the contractor who installed the fence. Mr. Hall said he was the one who put up the fence. He also noted that fence posts only come in selected sizes (48", 62" and 70") and meeting code would be difficult. He could build a fence that meets code, but it would not look right. The additional height gives them much more relief from traffic on Maple.

Mr. Polley asked if they looked at an alternative type of fencing, such as a chain-link fence? Mr. Hall stated that the solid fence addresses their sound concerns.

Ray Bartels, 812 E. Maple, stated that he owns property on the same block as the petitioner and he does not object to the fence request as it is aesthetically pleasing and is a great addition to his property.

Mr. Bedard stated that he has had experience with sight obstruction issues when he was on the Traffic and Safety Committee. He expressed a concern that the fence forces a driver to "nose" their car further out into the intersection to get a clear view of traffic on Maple. The petitioner rebutted to state that this was not a problem and that the fence does meet all line of sight requirements as defined in the Zoning Ordinance.

Mary Hinkle, 830 E. Maple, stated that she thought the fence is beautiful and the site lines are okay. There is no difference between a four and a five-foot fence, they do not have much of a yard and the fence insulates the property from the street.

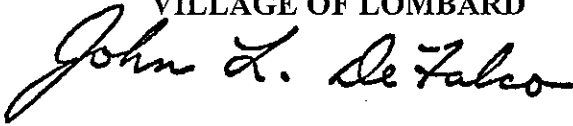
Mr. Bedard reiterated his concern regarding the sight impacts of the fence on traffic and on the block.

Re: ZBA 03-28
January 15, 2004
Page 4

After due consideration of the petition and testimony presented, the Zoning Board of Appeals found that the proposed variation did not comply with the Standards of the Zoning Ordinance. Therefore, the Zoning Board of Appeals by a roll call vote of 5 to 0 recommended denial of ZBA 03-28.

Respectfully,

VILLAGE OF LOMBARD

A handwritten signature in black ink that reads "John L. DeFalco". The signature is written in a cursive style with a large, sweeping initial "J".

John DeFalco
Chairperson
Zoning Board of Appeals

att-

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**VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

TO: Zoning Board of Appeals HEARING DATE: December 17, 2003
FROM: Department of Community PREPARED BY: Angela Clark, AICP
Development Planner I

TITLE

ZBA 03-28; 825 E. Maple: The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and a half feet (5.5') in the R2 Single-Family Residence District.

GENERAL INFORMATION

Petitioner/Property Owner: Scott and Lois Hall
 825 E. Maple Street
 Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence District

Existing Land Use: Single-Family Residence

Size of Property: Approximately 7,280 Square Feet

Surrounding Zoning and Land Use:

North: R2 Single-Family Residence District; Single-Family Residences

South: R2 Single-Family Residence District; Single-Family Residences

East: R2 Single-Family Residence District; Single-Family Residences

West: R2 Single-Family Residence District; Single-Family Residences

ANALYSIS

SUBMITTALS

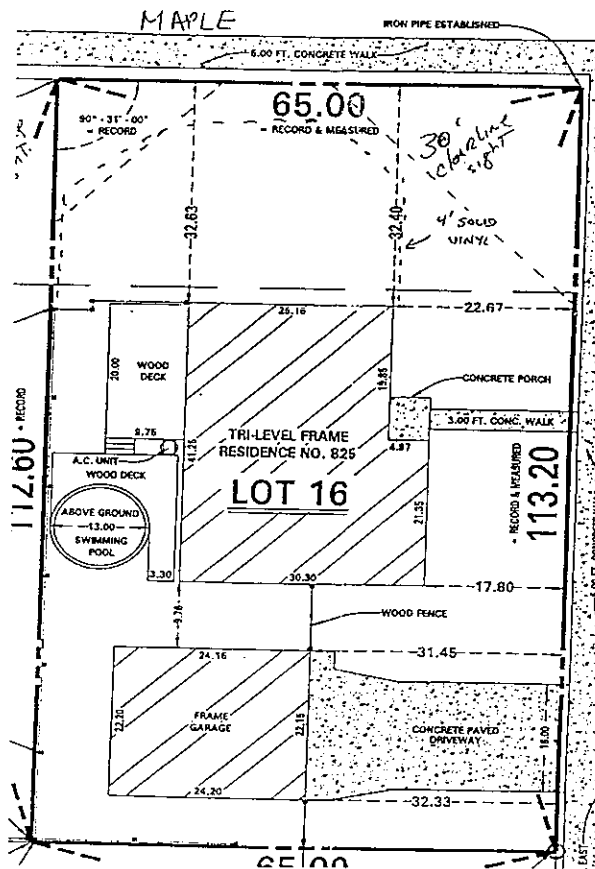
This report is based on the following documents, which were filed with the Department of Community Development on November 14, 2003.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey

DESCRIPTION

The petitioner requests a variation to increase the maximum allowable fence height in a front yard from four feet (4') to five and a half feet (5.5'). The petitioner's lot is located at the corner of Ahrens Court and Maple Street. Although the petitioner's front door faces Ahrens Court, Maple Street is considered the required front yard. The petitioner would like to place a fence approximately five and a half feet in height in the required front yard.

PLAT OF SURVEY



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.

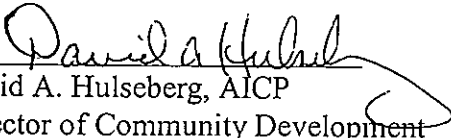
2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.* The petitioner's lot is comparable to other corner lots in the single-family residential 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.

Inter-Departmental Review Group Report Approved By:


David A. Hulseberg, AICP
Director of Community Development

DAH:AC

att-

c: Petitioner

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VILLAGE OF LOMBARD

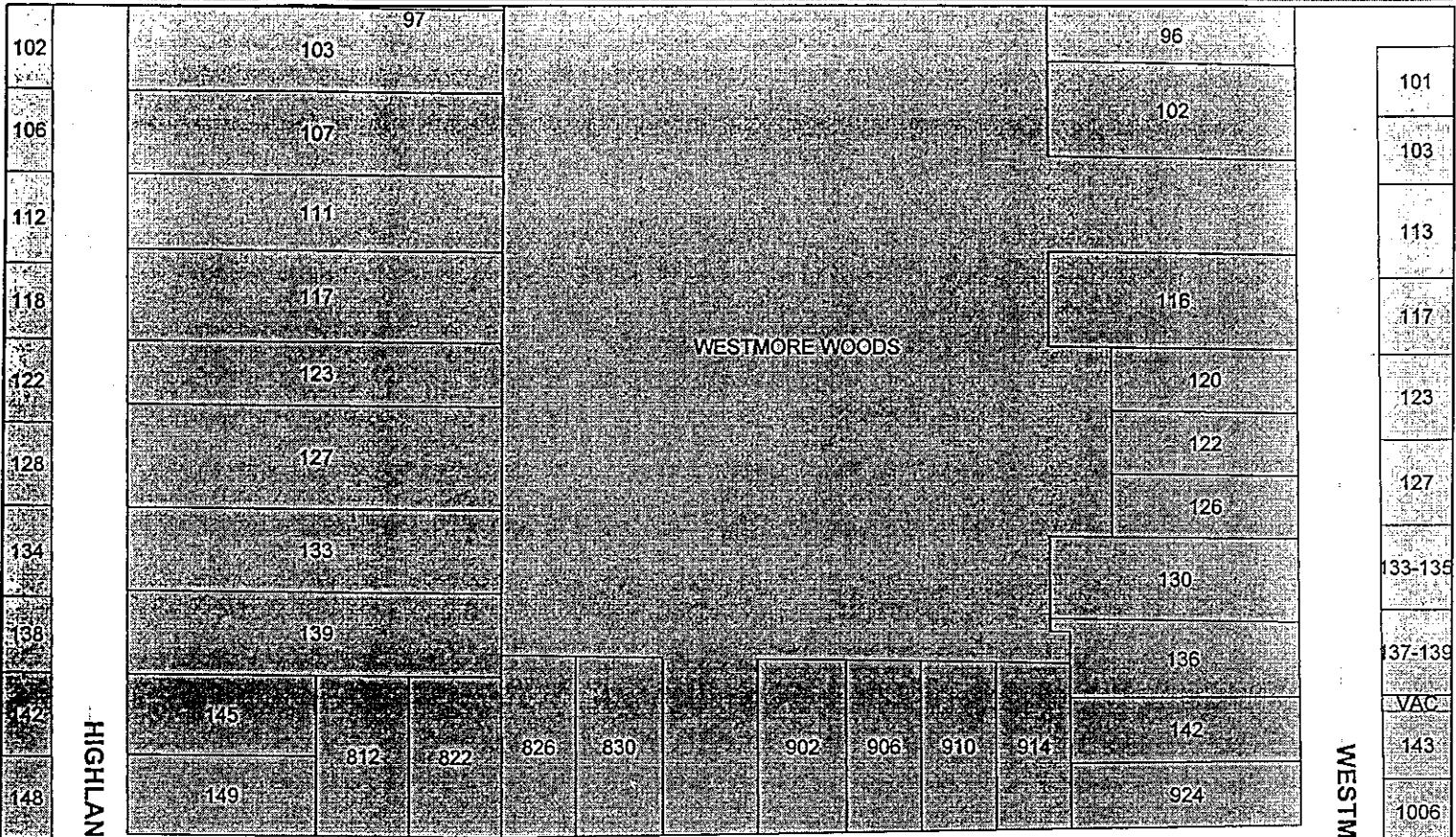
I am requesting a 12" variance in height of fence in the front yard of property from 48" to 60" to give my family some privacy and relief from maple street. Our house is situated on a corner lot facing ahrens with a maple address. Our rear yard is 16' wide and directly faces our neighbors kitchen and frontroom windows, we applied for a permit which we recieved to put a new fence in our front yard. we carefully laid out the posts to ordinance code with 30' clearline of sight from side street, and 20' clearline of sight to neighbors drive. after putting up the fence posts we found that the extra 12" of height accented the look of the remodeling we are doing, by putting up 12" of lattice {which can be seen through} it really gave us a sense of privacy and relief from the traffic on maple. it also gives my four children a yard inwhich to play. I do understand that I extended the terms of my permit, but ask the village for a variance to code at said property do to the cirumstance of our corner lot size and some relief from maple. also. enclosed with my petition is a short summary with signatures from my neighbors and comments on the fence and what it will do to inhance the property value to all of us in lombard.

SINCERLY

SCOTT&LOIS HALL
825 E maple

Location Map

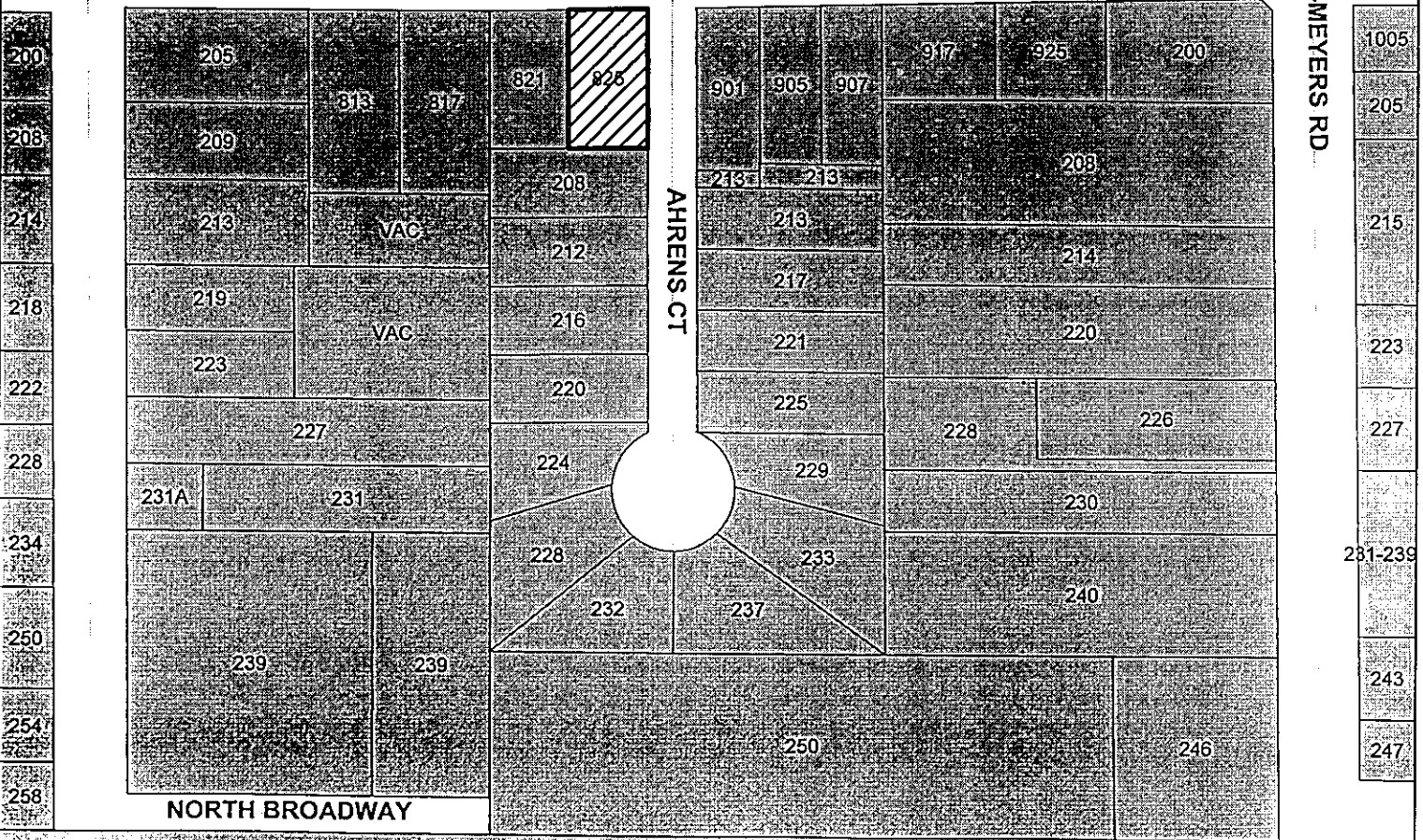
ZBA 03-28: 825 E. Maple Street



HIGHLAND AV

WESTMORE-MEYERS RD

MAPLE ST



AHRENS CT

NORTH BROADWAY

RECEIVED NOV 25 2003

November 24, 2003
Mr. and Mrs. Robert Lucas
217 S. Ahrens Court
Lombard, IL 60148

Department of Community Development
255 East Wilson Avenue
Lombard, IL 60148
Attn: Zoning Board of Appeals

Re: ZBA 03-28
825 East Maple
Lombard, IL

Members of the Zoning Board of Appeals:

Please be advised that we find the increase in height of the fence acceptable. In fact, the one-and-a-half feet adds a decorative touch to an otherwise plain fence.

Respectfully,

Robert Lucas
Dorothy Lucas

RECEIVED 12-1-2003

November 19, 2003

COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING

Dear Property Owner:

The Village of Lombard Zoning Board of Appeals hereby provides notice that a public hearing will be conducted to consider the following petition:

The petitioner requests a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to five and a half feet (5.5') the R2 Single-Family Residence District.

The petition is referred to as ZBA 03-28. The property is located at 825 E. Maple, Lombard, Illinois.

The public hearing to consider this petition is scheduled for:

Date: Wednesday, December 17, 2003

Time: 7:30 P.M.

Location: Lombard Village Hall
255 E. Wilson Avenue
Lombard, IL 60148

For more information, please visit or call the:

Department of Community Development
255 East Wilson Avenue
Lombard, Illinois 60148
630 620-5749 (TDD No. 630 620-5812)

All persons desiring to comment on the proposed request will be given an opportunity to do so at the public hearing. Written statements are encouraged and will be distributed to the Zoning Board of Appeals and the petitioner if received at the Village Hall, 255 E Wilson Avenue, Lombard, IL, on or before December 10, 2003. Interested parties are also encouraged to attend the public hearing.

Angela Clark
Angela Clark, AICP
Planner I

*I live at 229 So. Athens Ct., Pat Bansk
I do not think the fence is any problem
what so ever.*

*Please consider this a written
statement in favor of keeping the
fence as is! Thank You
Patricia Bansk*

Case No. ZBA 03-28
Parcel No: 06-09-113-016

12/1/03

November 19, 2003

NOTICE OF PUBLIC HEARING

Dear Property Owner:

The Village of Lombard Zoning Board of Appeals hereby provides notice that a public hearing will be conducted to consider the following petition:

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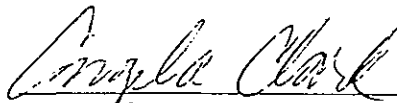
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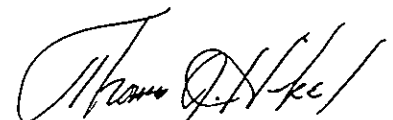


Angela Clark, AICP
Planner I

Case No. ZBA 03-28
Parcel No: 06-09-113-016

*This HOMEOWNER HAS put much time, effort,
Money AND PRIDE into improving the appearance
of His home AND property.
AS A NEIGHBOR, LOCATED DIRECTLY ACROSS THE STREET,
I APPRECIATE AND APPLAUD His project AND it's
VISUALLY PLEASING FENCE.*

*Tom Hinkel
825 E. Maple*



COMMUNITY DEVELOPMENT

RECEIVED DEC 12 2003

December 2, 2003

Village Hall
255 E. Wilson Ave.
Lombard, IL. 60148
Attn: Zoning Board of Appeals

Re: Case No. ZBA 03-28
Parcel No. 06-09-113-016

In response to petition (ZBA-03-28), in our opinion the property at 825 E. Maple, Lombard, IL., is practical and beautiful. We have lived at 822 E. Maple for 12 years and to look across the street and see the work being done at 825 E. Maple is great. We use Ahrens Court all the time to drop our daughters friends off, and when we pull back onto Maple our view is not distracted at all because of the fence.

Sincerely,

Mr & Mrs. Frank Ratay

Mr. and Mrs. Frank Ratay
822 E. Maple
Lombard, IL. 60148

