

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : June 7, 2021 **(BOT) Date:** June 17, 2021

SUBJECT: ZBA 21-02, 1024 E. Adams Street

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals made the recommendation of approval by a 5-0 vote. Please place this petition on the June 17, 2021 Board of Trustees agenda with a waiver of first reading as requested by the petitioner and staff.

Fiscal Impact/Funding Source:


Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ 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: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

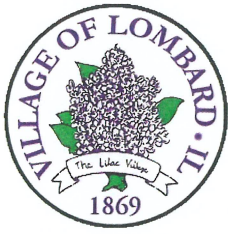
MEETING DATE: June 17, 2021

SUBJECT: **ZBA 21-02, 1024 E. Adams Street**

Please find the following items for Village Board consideration as part of the June 17, 2021 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 21-02; and
3. An Ordinance granting approval of the requested variation.

The Zoning Board of Appeals made the recommendation of approval by a 5-0 vote. Please place this petition on the June 17, 2021 Board of Trustees agenda with a waiver of first reading as requested by the petitioner and staff.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148-3926
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org

June 17, 2021

Village President
Keith T. Giagnorio

Village Clerk
Elizabeth Brezinski

Trustees
Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Daniel Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

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

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

Mr. Keith Giagnorio
Village President, and
Board of Trustees
Village of Lombard

Subject: ZBA 21-02 – 1024 E. Adams

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village grant a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District.

The Zoning Board of Appeals conducted a public hearing on May 26, 2021. Pursuant to Public Act 101-0640, which created new Section 7(e) of the Open Meetings Act, and Disaster Declaration Executive Orders, one member of the Zoning Board of Appeals participated in the meeting through a virtual meeting platform.

James Seelbach, the property owner and petitioner, and staff were sworn in by Chairperson DeFalco to offer testimony.

Mr. Seelbach said he concurred with the staff's report. His property abuts the West Suburban Bank corporate office on his west property line. The view from the front porch is the parking lot within close proximity to the shared side yard. This impacts their privacy and would like to have a screen from the parking lot. There is also a problem with people cutting through their yard to cross the parking lot, mostly children and not bank employees. Therefore, a fence would be ideal instead of a hedge.

Chairperson DeFalco asked if anyone from the public wanted to address the petitioner or if any public comment had been received prior to the meeting. Hearing none, Chairperson DeFalco asked for the staff report.

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. The property owner would like to install a fence that is six feet in height in the front yard where the height is restricted to four feet. While staff did not find a precedent for allowing the fence to be six feet in height in the front yard, the unique

circumstance of abutting a commercial district is minimum and would not create a widespread precedent of fences six feet in height in front yards of standard lots. In this consideration and the nuisance of a parking lot, staff recommends approval of the request for the variance.

Chairperson DeFalco opened the meeting up for discussion among the ZBA members.

Mr. Bartels noted that the drawing shows the fence extending for a portion of the front yard and asked if the fence can extend to the property line with the six feet. Ms. Urish responded that staff visited the site and the area proposed by the home owner was considered a compromise. Chairperson DeFalco asked the Mr. Seelbach if the portion was requested to screen the front porch and not have the fence end at the sidewalk. Mr. Seelbach confirmed that two fence panels at six feet in height and a third panel will taper down to four feet to achieve the screening of the front porch. The fence will end at approximately eight feet from the sidewalk.

Mr. Tap requested clarification that the fence would not interfere with any clear line of sight areas. Mr. Seelbach responded that his driveway is on the other side (east side) of the property. Chairperson DeFalco noted the site plan that shows a tree within the eight feet area from the sidewalk.

Chairperson DeFalco summarized the petition and asked for a motion from the Board.

Mr. Bartels made a motion to approve the petition. Ms. Newman seconded the motion. The Zoning Board of Appeals voted 5-0 that the Village Board approve the petition associated with ZBA 21-02, subject to the following four (4) conditions:

1. The fence shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed fence (or amend the existing fence permit);
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

May 26, 2021

Title

ZBA 21-02

Petitioner & Property Owner

Jennifer Seelbach
1024 E. Adams Street
Lombard, IL 60148

Property Location

1024 E. Adams Street
PIN: 06-16-113-009

Zoning

R2 Single-Family Residence

Existing Land Use

Single-Family Home

Comprehensive Plan

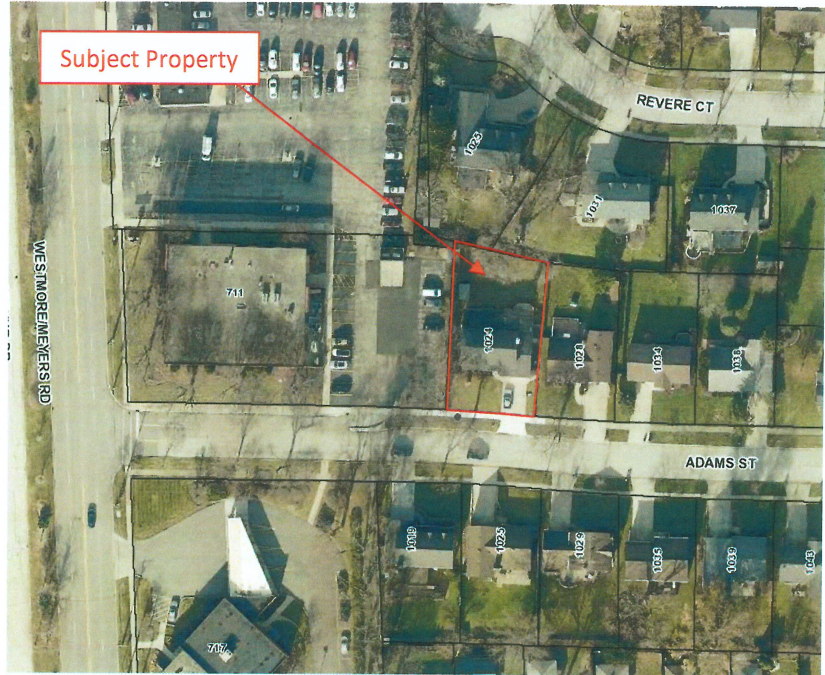
Low Density Residential

Approval Sought

A variation from Section 155.205(A)(1)(c)(ii) for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard in the R2 Single-Family Residence Zoning District.

Prepared By

Tami Urish
Planner I



LOCATION MAP

PROJECT DESCRIPTION

The subject property is developed with a single-family home. The property owner would like to install a solid fence that is six feet in height in the front yard. The subject property directly abuts a commercial property with an office building and associated parking lot located in a B3 Community Shopping District.

APPROVALS REQUIRED

The petitioner requests that the Village approve a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District.

EXISTING CONDITIONS

The property contains an existing two-story single-family residence with an attached garage.

PROJECT STATS

Lot Size

Parcel Area: 8,575 SF

Parcel Width: 65 feet

Setbacks with proposed second-story addition

Front (south) 30 feet

Side (west) 6.4 feet

Side (east) 7 feet

Rear (north) 40+ feet

Submittals

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey prepared by Schlaf-Sedig & Associates, Inc., dated 9/20/2018 and prepared as the site plan by the applicant.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments regarding the petition.

Fire Department:

The Fire Department has no comments regarding the petition.

Private Engineering Services:

Private Engineering Services (PES) has no comment the requested variance but offers the following:

The storm sewer that runs along the back property line will need to be avoided.

Public Works:

The Department of Public Works has no comment regarding the requested variance. However, we would ask that the following informational comment be included in the IDRC report:

Care must be taken in placing any new posts along the rear (north) property line due to the presence of a private 12" storm sewer that runs along that property line. Since that sewer is not owned or maintained by the Village, it is possible that a JULIE locate request may not result in it being marked.

Planning Services Division:

Surrounding Zoning & Land Use Compatibility

	Zoning District	Land Use
North	R2	Single-family Residence
South	R2	Single-family Residence
East	R2	Single-family Residence
West	B3	Mixed Commercial

According to the permit cards of both properties, the home located at 1024 E. Adams Street was built in 1963 and the bank office building and parking lot was developed in 1973.

The petitioner/homeowner would like privacy while utilizing their front porch by screening the parking lot of an office building from sight. The petitioner proposes installing two solid fence panels that are six feet by six feet from the thirty-foot front yard setback of the property to run along the property line. In addition, the proposal includes a fence panel, eight feet in width with a beginning height of six feet and then drop down to four feet in height at an angle along the property line and attached in front of the aforementioned fence panels. The total variance request is for twenty feet of fencing within the front yard to exceed the required maximum of fence height of four feet. None of the proposed fencing impacts the clear line of sight of driveways or intersections. Please see attached site plan.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- a. *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.*

The subject property is next to a property zoned within a business zoned property with a more intense use when compared to a single-family residence use that are on the other three sides of the property. The majority of the shared property line is allowed to be a maximum of eight (8) feet in height which illustrates the acknowledgement of additional fence height (privacy) from uses other than residential (railroad, business, office or industrial) per the zoning code is accommodated:

§ 155.205 - Fences, walls, and hedges.

(A) Fences and walls.

(1) Fences or walls in residential districts.

(c) Permitted height.

(i) Fences or walls in any residential district shall not exceed six feet in height, except that where a lot in a residential district abuts railroad right-of-way or property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such railroad right-of-way or business, office, or industrial district on the residential lot may reach, but not exceed, eight feet in height.

(ii.) Fences or walls in required front yards shall not exceed four feet in height.

The petitioner is requesting additional privacy from the point of view from the front porch seating area as shown in the photo. Jennifer, homeowner, is about 12' south of where Jim, homeowner, is standing and the idea is to extend the higher fence southerly to that point and then angle it down to a 4' height. This shows the primary area in question and the desire to provide some partial screening of the adjacent West Suburban Bank (WSB) parking lot abutting the site.



- b. *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 subject property abuts a business district. This circumstance is specific to the subject property and a small minority of other properties zoned R2 single-family residence use that abut railroad right-of-way or business, office or industrial districts.

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

This standard is affirmed.

- d. *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 for this variation is due to the proximity and impact of the parking lot for the office building in the business district on the single-family residence use.



- e. *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.*

This standard is affirmed.

Staff does not believe that the proposed additional fence height will have a negative impact on adjacent properties but provide aesthetic screening from vehicles.

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

Staff finds that this standard is affirmed. The proposed fence will not alter the essential character of the neighborhood.

- d. *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 proposed fence is not expected to impact light or air supply to the adjacent property.

Staff finds that the variation request meets the standards for variation.

FINDINGS & RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has affirmed** the Standards for Variations for the requested variation. 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 aforementioned variation:

Based on the submitted petition and the testimony presented, the requested 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 as discussed at the public hearing, and those findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of ZBA 21-02 subject to the following conditions:

1. The fence shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed fence (or amend the existing fence permit);
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Inter-Departmental Review Committee Report approved by:

William J. Heniff, AICP
Director of Community Development

c. Petitioner

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ORDINANCE NO. _____

AN ORDINANCE APPROVING A VARIATION FROM TITLE XV, CHAPTER 155, SECTION 155.205 (A)(1)(c)(ii) OF THE LOMBARD VILLAGE CODE TO INCREASE THE REQUIRED FENCE HEIGHT IN THE FRONT YARD IN THE R2 SINGLE-FAMILY RESIDENCE DISTRICT

(ZBA 21-02; 1024 E. Adams Street)

WHEREAS, the President and Board of Trustees (the “Village Board”) of the Village of Lombard (the “Village”) have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Lombard Village Code (the “Village Code”); and,

WHEREAS, the property, as described in Section 3 below (the “Subject Property”), is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village requesting approval of a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District, and;

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on May 26, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Village Board with a recommendation of approval for the requested variation; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District.

SECTION 2: This ordinance shall be granted subject to compliance with the following conditions:

Ordinance No. _____

Re: ZBA 21-01

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1. The fence shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed fence (or amend the existing fence permit);
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11); and

SECTION 3: This Ordinance is limited and restricted to the property located at 1024 E. Adams Street, Lombard, Illinois, and legally described as follows:

LOT 5 IN JOSEPH S. GIASE SUBDIVISION UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27, 1963, AS DOCUMENT R63-35249, IN DUPAGE COUNTY, ILLINOIS.

PIN: 06-16-113-009

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2021.

First reading waived by action of the Board of Trustees this _____ day of _____, 2021.

Passed on second reading this _____ day of _____, 2021, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Ordinance No. _____
Re: ZBA 21-01
Page 3

Approved by me this _____ day of _____, 2021.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2021

Elizabeth Brezinski, Village Clerk