

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

Resolution or Ordinance (Blue)     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 :** October 28, 2019                      **(BOT) Date:** November 7, 2019

**SUBJECT:** ZBA 19-06: 6 W. Central Avenue

**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 approve a zoning variation from Section 155.205(A)(1)(c)(ii) and (iii) of the Lombard Village Code to allow for an existing six foot (6') high solid fence in a corner side yard for the subject property located in 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 November 7, 2019 Board of Trustees agenda with a waiver of first reading.

**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.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A VARIATION OF THE LOMBARD ZONING  
ORDINANCE TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD,  
ILLINOIS**

**(ZBA 19-06; 6 W. Central Avenue)**

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

WHEREAS, the subject property is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting zoning variations from Section 155.205(A)(1)(c)(ii) and (iii) of the Lombard Village Code to allow for an existing six foot (6') high solid fence in a corner side yard for the subject property located in the R2 Single-Family Residence Zoning District; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on October 23, 2019, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Board of Trustees 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) and (iii) of the Lombard Village Code to allow for an existing six foot (6') high solid fence in a corner side yard for the subject property located in the R2 Single-Family Residence Zoning District.

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

1. The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit C; and
2. The petitioner shall apply for and receive a building permit for the proposed replacement fence.

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Re: ZBA 19-06

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- 3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

**SECTION 3:** This ordinance is limited and restricted to the property generally located at 6 W. Central Avenue, Lombard, Illinois, and legally described as follows:

LOT 1 IN UNIT 1 IN MELODY LANE, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF THE SOUTHEAST ¼, OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18, 1961 AS DOCUMENT R1961-026791, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-18-405-009

**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 \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Keith Giagnorio, Village President

ATTEST:

Ordinance No. \_\_\_\_\_

Re: ZBA 19-06

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\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Sharon Kuderna, Village Clerk



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

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

**MEETING DATE:** November 7, 2019

**SUBJECT:** **ZBA 19-06, 6 W. Central Avenue**

Please find the following items for Village Board consideration as part of the November 7, 2019 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 19-06;
3. An Ordinance granting approval of the requested variation; and
4. Supporting documentation (plans, response to standards, pictures, etc.) associated with the petition.

The Zoning Board of Appeals made the recommendation of approval by a 5-0 vote. Please place this petition on the November 7, 2019 Board of Trustees agenda with a waiver of first reading.



## VILLAGE OF LOMBARD

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

November 7, 2019

**Village President**  
Keith T. Giagnorio

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

**Village Clerk**  
Sharon Kuderna

**Subject: ZBA 19-06, 6 W. Central Avenue**

### Trustees

Dan Whittington, Dist. 1  
Anthony Puccio, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Andrew Honig, Dist. 4  
Daniel Militello, Dist. 5  
William "Bill" Ware, Dist. 6

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 approve a zoning variation from Section 155.205(A)(1)(c)(ii) and (iii) of the Lombard Village Code to allow for an existing six foot (6') high solid fence in a corner side yard for the subject property located in the R2 Single-Family Residence Zoning District.

**Village Manager**  
Scott R. Niehaus

The Zoning Board of Appeals conducted a public hearing on October 23, 2019.

Ms. Judy Woldman and Mr. Tom Woldman, petitioners, and staff were sworn in by Acting-Chairperson Bartels to offer testimony.

*"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."*

Mr. Woldman stated that they are requesting to replace the privacy fence in the same location with the exception of moving the fence in to observe clearance for their neighbors' driveway. The area has high traffic including pedestrians, high school students predominately that have a tendency to litter on the property.

Acting-Chairperson Bartels asked if anyone from the public wanted to address the petitioner. Hearing none asked for the staff report.

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

Tami Urish, Planner I, presented the staff report, which was entered into the record in its entirety. There is currently a six-foot tall solid fence in the rear yard and the property owners would like to replace it. In review of the request, staff found that standards were met due to the grade change of Main Street and past precedence. Staff recommends approval of the variance for the fence according to the plan shown avoiding the clear line of sight to the north for a driveway.

Acting-Chairperson Bartels opened the meeting up for discussion among the ZBA members.

Mr. Tap stated that he appreciated that the petitioners worked with staff and are improving conditions. Correcting the clear line of sight area is a positive and the variance for the fence height is acceptable given the high traffic area.

On a motion by Mr. Bedard, and a second by Mr. Tap, the Zoning Board of Appeals voted 5-0 that the Village Board approve the petition associated with ZBA 19-06, subject to the following three (3) conditions:

1. The replacement fence shall be constructed in substantial conformance to the plan submitted by the petitioner, as shown in Exhibit C; and
2. The petitioner shall apply for and receive a building permit for the proposed replacement fence.
3. Such approval shall become null and void unless work thereon is substantially under way within 12 months of the date of issuance, unless extended by the Board of Trustees prior to the expiration of the ordinance granting the variation.

Respectfully,

VILLAGE OF LOMBARD

Ray Bartels  
Acting-Chairperson, Zoning Board of Appeals