

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: David A. Huliseberg, Village Manager

DATE: September 28, 2009 (B of T) Date: October 15, 2009

TITLE: ZBA 09-09: 1107 Woodrow Avenue

SUBMITTED BY: Department of Community Development *WV*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests approval of the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation to Section 15.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6) high fence in a required corner side yard where a maximum height of four feet is permitted; and
2. A variation to Section 15.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6) high fence in a required front yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted.

The Zoning Board of Appeals recommended approval of this petition subject to one condition.

The ZBA also recommended that the public hearing fees be waived as the fence was existing before the petitioner purchased the property.

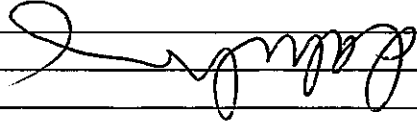
Please place this item on the October 15, 2009 Board of Trustees agenda.

Fiscal Impact/Funding Source:
Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X



Date _____

Date _____

Date _____

10/16/09

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: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP,
Director of Community Development *WH*

DATE: October 15, 2009

SUBJECT: ZBA 09-09; 1107 Woodrow Avenue

Please find the following items for Village Board consideration as part of the October 15, 2009 Village Board meeting:

1. Zoning Board of Appeals referral letter;

2. IDRC report for ZBA 09-09;

3. Plans associated with the petition; and

4. An Ordinance granting approval of the requested a variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6') and a variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to increase the maximum height of a fence in a rear yard abutting the front yard of an adjacent lot to six feet (6') where a maximum height of four feet (4') is permitted.

The Zoning Board of Appeals recommended approval of the zoning actions associated with the petition. The Zoning Board of Appeals has also recommended that the petitioner's public hearing fees be waived on the premise that the required zoning action was not of a result of the petitioner's actions.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

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

Subject: ZBA 09-09; 1107 Woodrow Avenue:

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 from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6') and a variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to increase the maximum height of a fence in a rear yard abutting the front yard of an adjacent lot to six feet (6') where a maximum height of four feet (4') is permitted.

The Zoning Board of Appeals conducted a public hearing on September 23, 2009.

Tim Hogan, 1107 Woodrow Avenue, owner of the subject property, presented the petition. Mr. Hogan stated that he purchased the subject property in 2003 and the fence was already on the property. He added that he did not know about the fence requirements when he purchased the property. Mr. Hogan stated that he is a member of the Lombard Fire Department and he is required to stay overnight at the fire station for sometimes 60 hours per week. He added that the fence provides safety for his family while he is gone. He stated that he has invested money into the property to make it more presentable. He added that he put in new windows and siding. He stated that he is also going to install new sidewalks. Mr. Hogan stated that the neighbors love the fence because all of the neighborhood kids play in the back safely. He then submitted a petition signed by all of the neighbors in favor of the fence. He added that there are 14 sex offenders within a one and a half mile radius of his property. Mr. Hogan then stated that he would have gotten a permit for the fence had he known about the requirements. He added that the fence would be costly to take down and his wife is currently unemployed, due to medical reasons. He reminded the ZBA that the fence was preexisting. Lastly, he stated that he is away from

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

"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."

his family a lot, but he always makes sure to check on his family, whenever possible.

Chairperson Defalco opened the meeting for public comment.

Jim Kartholl, 1117 W. Woodrow Avenue, spoke in favor of the variation. Mr. Kartholl stated that he has lived at his property (across the street from the petitioner) since 1996 and there has always been a fence located on the petitioner's property. He also stated that the fence was there, prior to the petitioner purchasing the property. Mr. Kartholl stated that all of the neighbors appreciate the fence because the neighborhood children all play in the petitioner's back yard.

Chairperson Defalco then requested the staff report.

Michael Toth, Planner I, presented the staff report. The subject property is located at the southwest corner of Woodrow Avenue and Third Avenue. The petitioner is requesting a variation to maintain a solid vinyl fence at a height of six feet (6') where only four feet (4') is permitted.

The petitioner purchased the subject property in June, 2003. According to the petitioner, the subject fence was already present on the property when the property was purchased. Staff researched the permit history of the property and found that no permit was ever issued for the fence. Since the petitioner wishes to maintain the fence as constructed, a variation is required.

The fence is six (6) feet, where only four (4) feet is permitted in the corner side yard; therefore, the fence is considered nonconforming by Code standards. Staff notes that the house itself is also nonconforming with respect to the side yard required setback as it is located only eleven (11) feet from the property line along Third Avenue, where twenty (20) feet is required. A small portion of the fence is also located within a clear line of sight area, which originates from the neighbor's driveway to the south. The fence also abuts the front yard of that same property directly to the south along Third Avenue, which would require the fence to be four (4) feet or less along the thirty (30) foot rear yard area.

On the southeast corner of the existing fence, a six foot (6') portion is located within the twenty foot (20') clear line of site area, which extends north, from the property to the south's driveway. As such, the petitioner has agreed to address the issue by placing the fence on an angle, as to not interfere with the aforementioned clear line of sight area. By replacing the fence, the property would no longer have any clear line of sight issues.

Although the petitioner raised several issues within the Response to the Standards for Variations with regard to privacy and safety, staff does not support the petition since there is not a demonstrated hardship involving the physical characteristics of the property. As the six-foot high fence is within the corner side yard, staff is concerned about the obstruction it creates.

Furthermore, the fence blocks the view from the front yard of the neighboring property; as such, staff is recommending denial of the petition.

Chairperson Defalco opened the meeting for discussion among the members.

Mr. Bedard asked the petitioner if the fence had previously existed and if there would be any changes made to the fence.

Tim Hogan replied that the fence would remain the same with the exception of the corner piece that was cut out to make way for the clear line of site area.

Mr. Young asked why this petition is before the ZBA.

Mr. Toth responded that the fence was found to be in violation of Code with respect to the height in the corner side yard and rear yard, abutting the neighbor's front yard. He stated that there was no permit required for fences prior to 2000, but they still needed to meet the Code requirements.

Mr. Young asked the petitioner if the fence had previously existed.

Tim Hogan replied, yes.

Mr. Tap asked if the neighbor to the south was okay with the fence.

Tim Hogan replied, yes, that his neighbor's name is on the submitted neighborhood petition.

Chairperson Defalco mentioned the fence case on Washington that was in excess in height in the corner side yard. He added that the ZBA recommended denial as the fence was new and it blocked the neighbor's view from their house. He then mentioned that this case differs because this is a new property owner, who did not erect the fence. He then asked staff where the clear line of sight area is measured and if it is sufficient.

Mr. Toth described the clear line of site area on the subject property. He then stated that the petitioner did properly correct the clear line of site area as it pertains to the fence.

Chairperson Defalco asked staff if the petitioner could use a fence that was 75% open construction.

Stuart Moynihhan, Associate Planner, stated that a fence taller than four feet and of 75% open construction could only be done if the property abutted another corner lot, which in this case it does not.

Chairperson Defalco mentioned the past fence case on School and Division. He stated that it was a new home with a fence in excess of the required height. He stated that the variation was denied and the fence had to be cut down to the required four feet.

Dr. Corrado asked the petitioner if their fence could be cut down.

Tim Hogan replied by stating that the fence could not be cut down because it is constructed of vinyl panels.

Mr. Tap asked staff why the petitioner was required to have a permit.

Mr. Toth stated that regardless of the outcome of the variation, a fence permit is required – whether or not they have to cut it down or relocate it.

Chairperson Defalco stated that the case before the ZBA is for a preexisting fence. The survey from 2002 already indicates that a fence was located on the property; therefore, there was a fence at that location prior to 2002.

Mr. Bedard stated that he does not believe that the petitioner should be held accountable for the fence as it was there when he purchased the property. He then asked how this issue just came about now.

Mr. Toth stated that it was found in violation based upon a complaint to the Code Enforcement Department. He then reminded the ZBA that the four foot fence height requirement in the corner side yard is code and it has been supported time-and-time-again by the Village Board. He mentioned the ZBA meetings involving the Board, pertaining to fence height.

Chairperson Defalco asked what would happen if the variation was not granted.

Mr. Toth stated that the fence would then have to come into conformance with Village Code. He stated that the fence would either have to be lowered, moved or taken down.

Mr. Bedard stated that he was ready to make a motion to recommend approval of the variation. He stated that a condition should be added which states that if the fence is damaged or destroyed by more than 50% it would have to come into conformance with Code. Mr. Bedard also stated that he recommends that the petitioner's public hearing fees be waived as the fence was there when he purchased the property.

Mr. Toth stated that the ZBA does not have the authority to waive public hearing fees. He added that only the Village Board can waive those fees.

Chairperson Defalco stated that he would be ready for a motion of approval, which may include a condition of approval, should the ZBA vote for approval.

Mr. Bedard made the motion of approval, which was seconded by Mr. Tap.

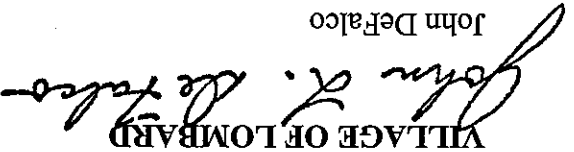
Chairperson Defalco stated that he wanted to comment on the case before a vote was to be taken. He stated that the ZBA has historically been strict on fence height variations. He then mentioned the September 18, 2008 special meeting of the ZBA and Village Board regarding fence height. He then added that the ZBA asked the Trustees to change the Ordinance, which they did not do. He then made representation that there are justifiable means to grant a variation and he is concerned with the strict interpretation of code. He stated that because the petitioner did not construct the fence and it has been located at that location for a number of years, a variation could be justified. Lastly, he stated that he would go against his usual voting on this matter and vote in favor of the petition.

Mr. Young stated that he agrees with Chairperson Defalco's comment.

On a motion by Mr. Bedard and a second by Mr. Tap, the Zoning Board of Appeals recommended by a vote of 5 to 0 that the Village Board approve a variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6') and a variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to increase the maximum height of a fence in a rear yard abutting the front yard of an adjacent lot to six feet (6') where a maximum height of four feet (4') is permitted, subject to the following condition:

1. In the event that the fence is damaged or destroyed by more than 50% of its value, the fence shall be required to comply with the fence height provisions listed in the Zoning Ordinance.

Respectfully,


VILLAGE OF LOMBARD

John Defalco
Chairperson
Zoning Board of Appeals

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

TO: Zoning Board of Appeals
HEARING DATE: September 23, 2009

FROM: Department of Community Development
PREPARED BY: Michael S. Toth
Planner I

TITLE

ZBA 09-09; 1107 Woodrow Avenue: The petitioner requests approval of the following actions on the subject property located within the R2 Single-Family Residence District:

1. A variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum height of four feet is permitted; and
2. A variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required rear yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted.

GENERAL INFORMATION

Petitioner/Property Owner:

Timothy Hogan
1107 Woodrow Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning:

R2 Single Family Residential District

Existing Land Use:

Residential

Size of Property:

8,400 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 August 5, 2009.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Plat of Survey, prepared by Gentile & Associates, Inc, dated May 22, 2002.

DESCRIPTION

The subject property is located at the southwest corner of Woodrow Avenue and 3rd Avenue. The petitioner is requesting a variation to maintain a solid vinyl fence at a height of six feet (6') where only four (4) feet is permitted.

INTER-DEPARTMENTAL REVIEW COMMENTS

PRIVATE ENGINEERING SERVICES

The PES Division has no comment on this request.

PUBLIC WORKS

Engineering

Public Works Engineering has reviewed the petition and has no comments.

Utilities

The Utilities Division of the Department of Public Works does not have any comments on the subject petition.

BUILDING DIVISION

Upon review of the above referenced request for variation to fence height from 4' to 6', the Building Division has the following comment:

- 1) The corner line of sight setbacks need to be maintained in order not to create a hazardous situation.

PLANNING

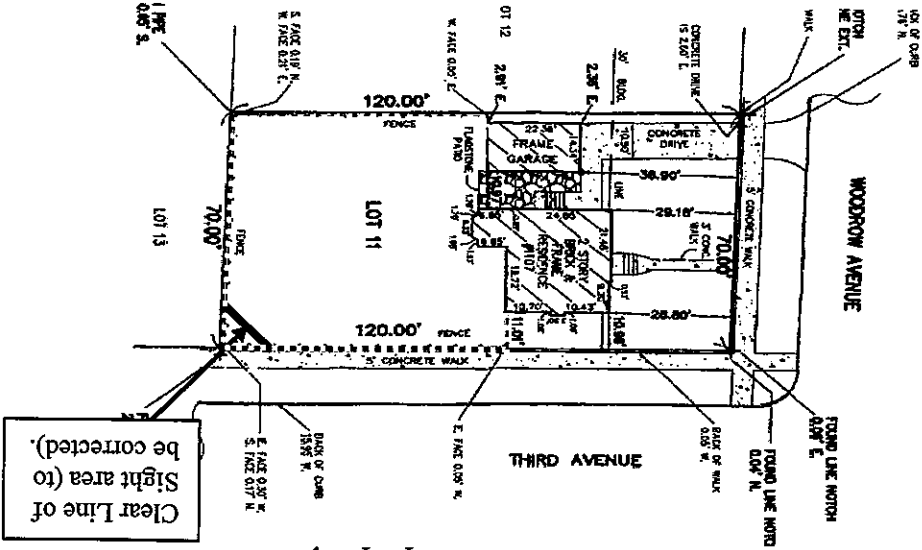
The petitioner is seeking to maintain an existing solid vinyl fence in their corner side yard along 3rd Avenue. The petitioner purchased the subject property in June, 2003. According to the petitioner, the subject fence was already present on the property when the property was purchased. Staff researched the permit history of the property and found that no permit was ever issued for the fence. Since the petitioner wishes to maintain the fence as constructed, a variation is required.

The subject fence is constructed of solid vinyl material and is located within the corner side yard along 3rd Avenue. The fence is six (6) feet, where only four (4) feet is permitted in the corner side yard; therefore, the fence is considered nonconforming by Code standards. Staff notes that the house itself is also nonconforming with respect to the side yard required setback as it is located only eleven (11) feet from the property line along Third Avenue, where twenty (20) feet is required. A small portion of the fence is also located within a clear line of sight area, which originates from the neighbor's driveway to the south. The fence also abuts the front yard of that same property directly to the south along 3rd Avenue, which would require the fence to be four (4) feet or less along the thirty (30) foot rear yard area.

Although the petitioner raised several issues within the Response to the Standards for Variations with regard to privacy and safety, staff does not support the petition since there is not a demonstrated hardship involving the physical characteristics of the property. As the six-foot high fence is within the corner side yard, staff is concerned about the obstruction it creates. Furthermore, the fence blocks the view from the front yard of the neighboring property.

Clear Line of Sight

Upon original submittal, the existing fence was to remain in its exact location with a six foot (6') portion of the replacement being located within a clear line of sight area. To bring into closer compliance with Village Code, the petitioner has agreed to comply with any clear line of sight issues. On the southeast corner of the existing fence, a six foot (6') portion is located within the twenty foot (20') clear line of site area, which extends north, from the property to the south's driveway. As such, the petitioner has agreed to address the issue by placing the fence on an angle, as to not interfere with the aforementioned clear line of sight area. By replacing the fence, the property would no longer have any clear line of sight issues.



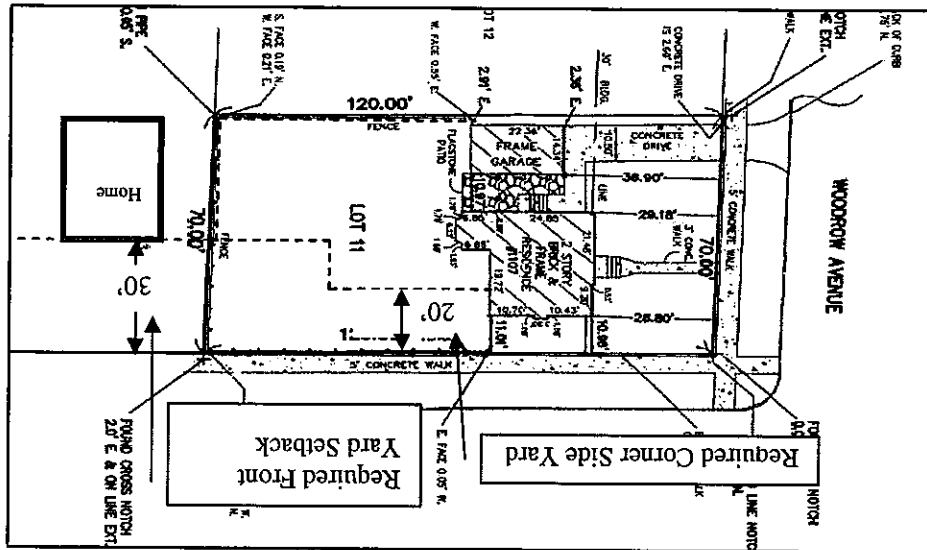
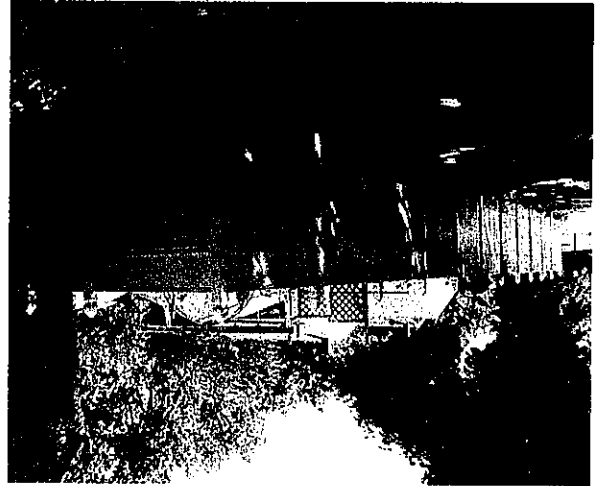
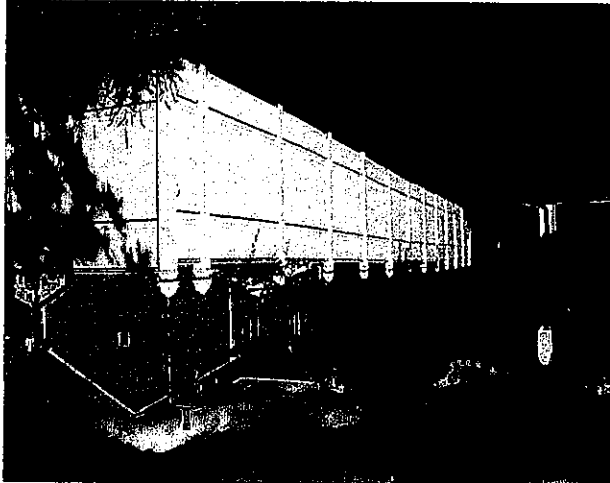


Diagram illustrates required relief from corner side yard and rear yard (abutting the neighbor to the south's front yard) setbacks to allow a fence height greater than four (4) feet on the subject property.



(View of fence along 3rd Avenue)



(View of fence from neighboring property to the south.)

1. In order to be granted a variation the petitioner must show that they have affirmed each of the "Standards for Variation." The following standards have not been affirmed:
 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.

Staff finds that there are no conditions related to the property that prevent compliance with the fence height regulations.

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.*

Staff finds that the conditions are not unique to the subject property. The subject property is a reverse corner lot as its front yard abuts the front yard of the adjacent property at 412 S. 3rd Avenue. The Zoning Ordinance has specific fence regulations that apply to all reverse corner lots in relation to the abutting properties.

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.*

Staff finds that the ordinance has not caused the hardship as the fence could have been constructed per the ordinance requirements. The hardship has been created by the petitioner as a result of the preference for the fence's height and location.

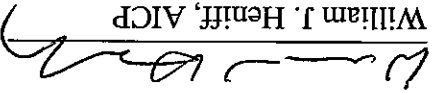
Staff recommends that the petition be denied in its entirety. However, if the Zoning Board of Appeals finds that it would be appropriate to grant a variation, staff recommends that petitioner adhere to the submitted plans and address the clear line of sight issue. Also, the petitioner should be required to obtain a fence permit for the proposed fence.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not 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 **denial** of the requested variation:

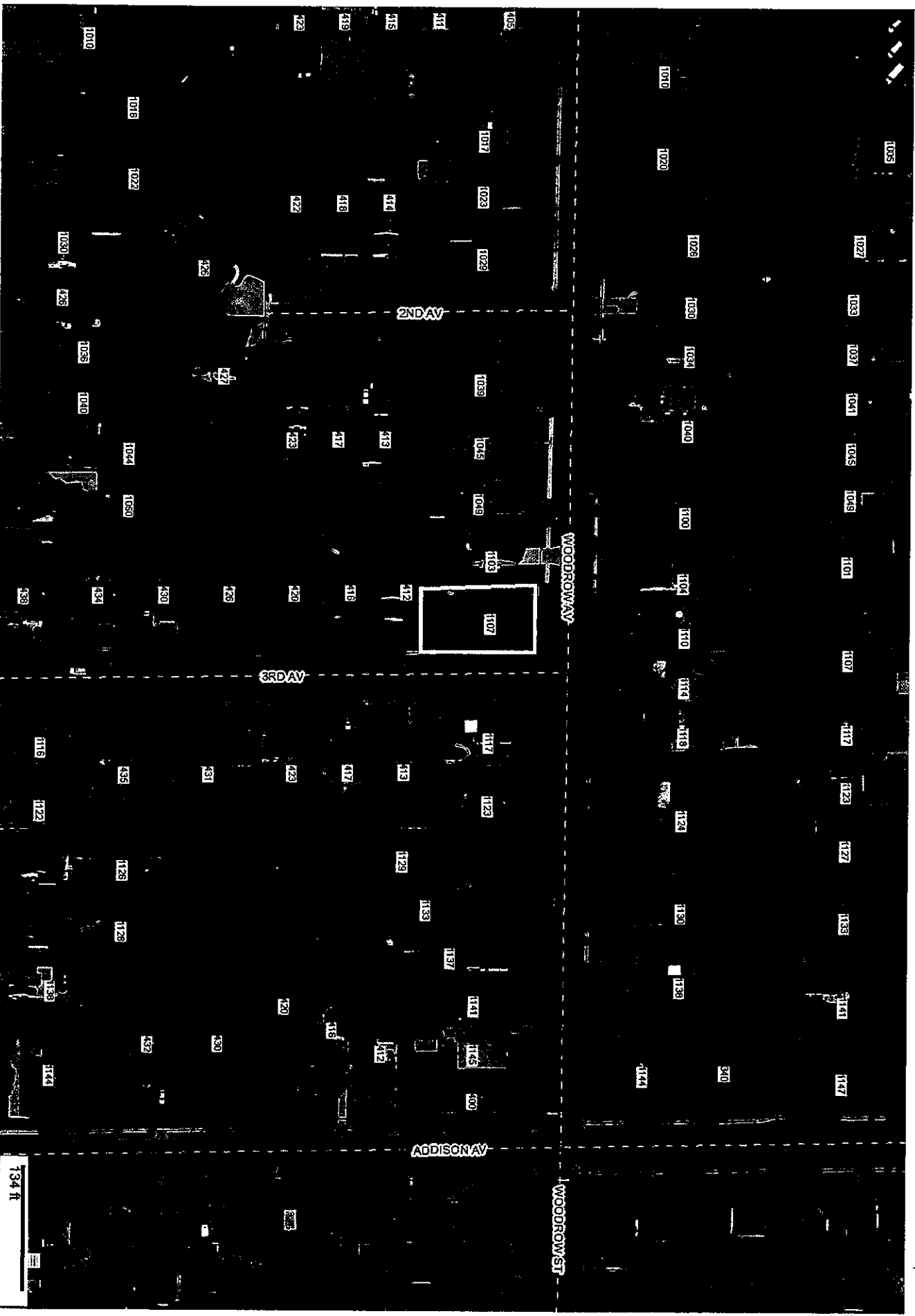
Based on the submitted petition and the testimony presented, the requested fence height variations **do not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals find that the findings included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **denial** of ZBA 09-09.

Inter-Departmental Review Group Report Approved By:

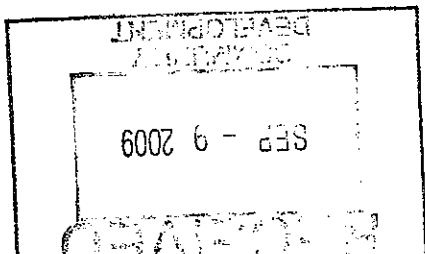

William J. Heniff, AICP
Community Development Director

1. This is a yard on a corner lot. If the height restriction of this ordinance is applied to my existing fence it will have a detrimental effect on the security of my family. I currently serve as a Firefighter/Paramedic for the Village of Lombard and as such my duties take me away from my home for 24 hours and as much as 60 hours at a time. This does include overnight stays at the fire station. This fence provides security for my wife and 2-year-old daughter and peace of mind for me while I am on duty. There are currently 14 child sex offenders within a 1.5 mile radius of my home, one of whom lives just 1 block from my home and has been deemed a SEXUAL PREDATOR by the state.
2. I believe this is a unique situation in that this is a corner lot with a fence that was existing when my wife and I moved into our home. I believe this situation is also unique in that there is an inordinate concentration of child sex offenders in this area. Other lots on the block are not subject to such restrictions.
3. The purpose of this request for variance is for the security of my family. There are 14 registered child sex offenders near my home of which 6 are labeled as sexual predators, 1 whose whereabouts is unknown and 1 sexual predator within 1 block of my home. Approximately 18 months ago while on duty I was called out to a driveway approximately 2 doors down from my home to revive a heroin addict who had been breaking into cars on my street. My next shift I was called to revive the same addict in his apartment. This addict lives in the same building one block from my home as the sexual predator listed above.
4. This fence was existing upon my moving into my home. I believe this ordinance if followed will have a negative impact on the security of my family in that anyone will be able to step over and assault my wife and daughter or they simply could just reach over and abduct my daughter as she plays in her yard. There are numerous child sex offenders within a close proximity of my home. Also due to the fact that my wife has been unemployed due to medical reasons the cost of replacement will create a great financial burden on our already strained financial resources.
5. This fence has and will continue to have no detrimental effect on other properties in the area and city planners and I have addressed any line of sight issues.
6. The character of the neighborhood has not been nor will be altered or changed in any way by the granting of this variation.
7. The granting of this variance will not impede adequate supplies of light and air nor will it impede natural drainage or create drainage problems for adjacent properties. There are no fire dangers or other public safety issues as any line of sight issues have been addressed. This fence has had no impact on the values of properties in this neighborhood.

ZBA 09-09: 1107 Woodrow Avenue



September 8, 2009



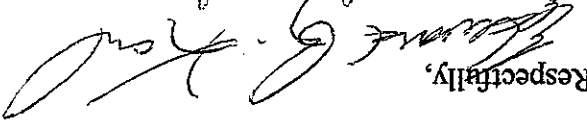
Department of Community Development
255 East Wilson Avenue
Lombard, IL 60148

Edward & Sandra Karl
1104 E. Woodrow Avenue
Lombard, IL 60148
(630)268-8379

To Whom It May Concern,

This response is in regards to petition ZBA 09-09, referencing the request for variance to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum of height of four feet is permitted; and 155.205 (A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required rear yard abutting the front yard of an adjacent lot where a maximum of height of four feet is permitted.

We reside directly across the street from 1107 Woodrow Avenue, and would like to state that the six-foot high fence does not restrict visual accessibility of motorists at the corner of Woodrow Avenue and 3rd Street, nor does it detract in any way from the aesthetic quality of the community. We therefore encourage the Village to approve the petition for variance to the afore-mentioned zoning ordinances for the homeowner.

Respectfully,

Edward R. Karl
Sandra L. Karl

Cc: Tim & Julie Hogan
1107 E. Woodrow Avenue
Lombard, IL 60148

September 20, 2009

To: The Department of Community Development
255 East Wilson Avenue
Lombard, IL 60148

And the surrounding homeowners of
1107 Woodrow Avenue, Lombard, IL

We Julie and Tim Hogan homeowners of 1107 Woodrow Ave, Lombard, IL are petitioning for a fence variance ZBA 09-09. We are requesting a variance to section 155.205(A)(1)(c)(2) to allow a six-foot high fence in the side yard where by ordinance only a four foot fence is allowed. We are also requesting a variance to ordinance 155.205(a)(1)(c)(3) which allows the fence to be the height of four feet to the rear of the front yard of the adjacent yard. We are requesting a variance to have a six-foot fence in place of a four-foot fence, which the ordinance requires.

By signing below you are encouraging the board to approve our request for a fence variance. Your signature supports our claim that our fence does not restrict visual accessibility of motorist nor does it detract from the aesthetics of our community and also provides security for our family.

Sincerely,

Julie and Tim Hogan

Your Signature: Home address: Your name printed:

<i>Joe Skibbe</i>	100 E. Woodrow	Joe Skibbe
<i>Larry Williams</i>	118 E Woodrow	Larry Williams
<i>Mark Moran</i>	113 Woodrow	SHIRAZI MCGAY
<i>Tom Corbett</i>	114 E Woodrow	Doris Corbett
<i>Paul & Kelly</i>	1040 E Woodrow	PAUL SHIRAZI
<i>Jim Goble</i>	1040 E Woodrow	PAUL SHIRAZI
<i>Steve Kelly</i>	1030 E Woodrow	GARY KASS
<i>Chris Clarke</i>	1030 E Woodrow	Garrett Kass
<i>Mark & John Ogilvy</i>	1103 E Woodrow	Garrett Kass
<i>Jim Kelly</i>	1117 E Woodrow	AL JIM KELLY
<i>Ann Wm</i>	1129 E Woodrow	Geoff McManara
<i>Susan McManara</i>	1129 E Woodrow Ave.	Susan McManara
<i>Debra M. M. M. M.</i>	1135 Woodrow Ave	Debra M. M. M. M.

David Klassen

130 Woodrow Wilson Dr

712 S. 3rd Ave Lombard Fred Fress

412 S. 3rd Ave Lombard Susan Fress

431 S. 3rd Ave Lombard Bonnie Seckill

416 S. 3rd Ave Lombard Army D

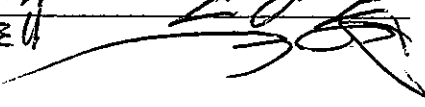
513 S. Third Ave Lombard Timothy

417 S. 3rd Ave Lombard Glenn & Sherie Gerke

1193 Eldorado Park Mary

1124 E. Woodrow Edward Spentto

1100 E. Woodrow Louise Anderson



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

(ZBA 09-09; 1107 Woodrow 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 Residential District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum height of four feet is permitted; and,

WHEREAS, an application has been filed with the Village of Lombard requesting A variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required front yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on September 23, 2009 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings with a recommendation for approval to the Board of Trustees for the requested fence height variations; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals and have determined that it is in the best interest of the Village of Lombard to approve the requested fence height 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 to Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required corner side yard where a maximum height of four feet is permitted.

SECTION 2: That a variation to Section 155.205(A)(1)(c)(3) of the Lombard Zoning Ordinance to allow a six-foot (6') high fence in a required front yard abutting the front yard of an adjacent lot where a maximum height of four feet is permitted.

SECTION 3: This ordinance is limited and restricted to the property generally located at 1107 Woodrow Avenue, Lombard, Illinois, and legally described as follows:

LOT 11 IN BECIC'S SUBDIVISION OF LOTS 10 AND 14 OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 9, TOWNSHIP 39, NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-09-310-016

SECTION 4: This ordinance shall be granted subject to compliance with the following condition:

1. In the event that the fence is damaged or destroyed by more than 50% of its value, the fence shall be required to comply with the fence height provisions listed in the Zoning Ordinance.

SECTION 5: 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 _____, 2009.

First reading waived by action of the Board of Trustees this _____ day of _____, 2009.

Passed on second reading this _____ day of _____, 2009.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk