

June 2, 2005

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

Subject: PC 05-11; Text Amendments to the Lombard Zoning Ordinance

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, the Village of Lombard, Lombard requests text amendments to the following sections of the Lombard Zoning Ordinance:

1. Amend Section 155.205 to increase fence height to six feet in corner side yards.
2. Amend Section 155.205 to address fence posts, ornamentation, and drainage allowance areas when measuring fence height.
3. Amend Section 155.802, Definitions amending the definition of "Fence-Solid Construction"

The Plan Commission conducted a public hearing for this petition on May 16, 2005. Angela Clark, Planner II, presented the petition. Ms. Clark noted that previous workshops were conducted before the Plan Commission and Zoning Board of Appeals at the direction of the Board of Trustees. She outlined the current fence height regulations in a PowerPoint presentation. Ms. Clark stated that the current fence regulations restrict fence height on corner lots to four feet. She stated that both the Plan Commission and Zoning Board of Appeals favored an increase in fence height up to six feet provided that fences were at least seventy-five percent open and were decorative in nature consisting of wrought iron or a comparable material. She stated that the proposed amendments would only apply to abutting corner yards and not reverse corner yards. She then discussed the differences in the yard types.

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Ms. Clark noted that two other items were included in the amendments. She stated that language was included to allow three inches for decorative finials, posts or grade changes. She stated that fence height is currently measured from grade to the highest point on the fence. She stated that language was also included to allow three inches to provide for drainage. Ms. Clark stated that the staff report included the proposed changes.

William Heniff, Senior Planner, stated that language was also included to preclude slats from being considered solid fencing.

Chairperson Ryan then opened the meeting for questions from the Plan Commission members. Commissioner Sweetser wanted clarification that cyclone fences would not be considered decorative. Ms. Clark stated that chainlink fences were specifically prohibited.

Chairperson Ryan opened the meeting for public comment. No one spoke for the petition. Pat DiMateo, 916 E. Division, stated that her fence appeared before the Zoning Board and was subsequently denied. She stated that she spoke to Ms. Clark regarding the issue and didn't feel that a seventy-five percent open fence would solve the issue of privacy. Mrs. DiMateo stated that there would not be any protection from dogs or for people to enjoy their backyards. She stated that her neighborhood was undergoing many changes. She noted that eighty parking spots were going to be installed on East South Broadway. She stated that the parking spaces would resemble a commuter parking lot outside of their backyard. She stated that she doesn't understand why people cannot be allowed privacy.

Ms. Clark stated that the fence height issue had been workshopped before both the Plan Commission and Zoning Board of Appeals. She stated that the direction staff received from both bodies was that they would like to see the open areas maintained. She stated that corner lots differ from interior lots. She stated that the regulations were in place when the home was purchased. Ms. Clark stated that the fence in question was installed without a permit although they were advised that the maximum height was four feet.

Mr. Heniff stated that the text amendments being proposed by staff do not make it more restrictive. He stated that the proposed changes would give property owners more flexibility than the current regulations. He stated that this amendment would allow for up to six foot fences in some corner side yards, provided that they are ornamental open fences. He stated that you could see through the fence, but it balances the interest of the property owner versus the neighborhood.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members.

Commissioner Flint stated that Mrs. DiMateo's situation had gone to the Board two times. He asked if her situation was unique. Mr. Heniff stated that if the amendments were approved it would have no bearing on her petition. He stated that she has a solid six foot fence in the corner side yard. He stated that the Board of Trustees did not find a hardship associated with the property.

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Commissioner Sweetser stated that the Village does try to provide information so that owners are aware of regulations, but sometimes that doesn't happen.

Ms. Clark noted that someone called and asked what the regulations were for the lot and staff informed them of the four-foot restriction.

After due consideration of the petition and the testimony presented, the Plan Commission found that the proposed text amendments comply with the standards of the Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 5 to 0, recommended to the Corporate Authorities, **approval** of the proposed text amendments to the Lombard Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson
Lombard Plan Commission

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c. Petitioner
Lombard Plan Commission

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