



## ANALYSIS

### SUBMITTALS

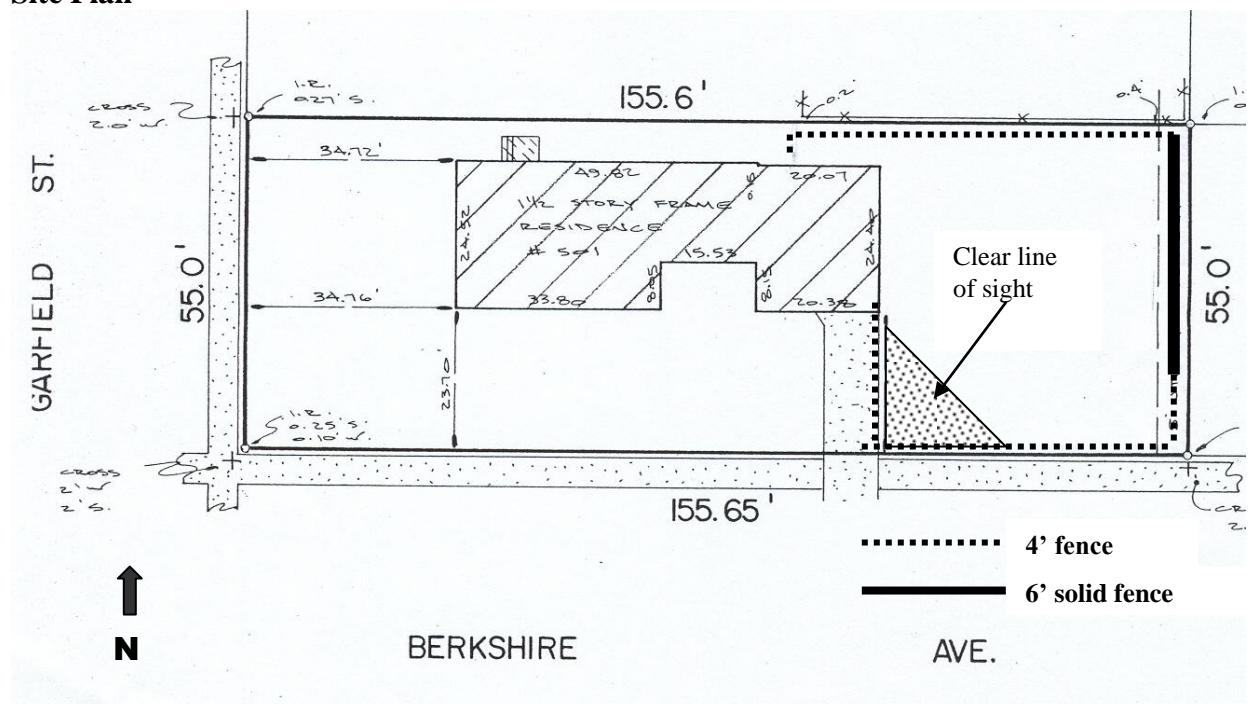
This report is based on the following documents, which were filed with the Department of Community Development on June 5, 2006.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey, dated May 14, 1996, and prepared by American Survey Co.
4. Site plan, prepared by the petitioner, showing proposed fence type and location.

### DESCRIPTION

The subject property is located at the northeast corner of Berkshire Avenue and Garfield Street. The petitioner is proposing to install a fence enclosing the portion of his lot east of the residence. Most of the fencing would be four feet in height, but along the rear property line, a solid six foot (6') fence would extend from the northeast corner of the lot, along the rear property line, to a point eleven feet from the corner side property line. The remaining eleven feet (11') along the rear property line would have a four foot fence. This transition from a four foot fence to a six foot fence would be aligned with the building line of the residence on the adjacent property. The maximum height for fences in the corner side yard is four feet. Because the six foot fence will encroach into the corner side yard, a variation is needed.

### Site Plan



## **ENGINEERING**

### **Private Engineering Services**

From an engineering or construction perspective, PES has no comments.

### **Public Works Engineering**

Public Works Engineering has no comments regarding this request.

## **FIRE AND BUILDING**

The Fire Department/Bureau of Inspectional Services has no comments on this petition.

## **PLANNING**

The residence on the subject property is setback twenty three feet from the corner side property line and complies with the corner side yard setback. The adjacent property to the east is only setback eleven feet (11') from the corner side property line, similar to many of the corner lots along Berkshire Avenue. The petitioner is requesting to install a solid six foot (6') fence along the rear property line from the interior side property line to the established building line of the adjacent property. The Zoning Ordinance does not permit six foot (6') fences in corner side yards. The proposed six foot (6') fence would extend nine feet (9') into the corner side yard. Therefore, the petitioner is requesting a variation.

Staff can support the variation for the following reasons. The subject property is not a reverse corner lot, therefore, the solid six foot fence would not be adjacent to any portion of the front yard of the adjacent property to the east. The solid six foot (6') fence will not impact any line of sight areas, as it is more than forty five feet (45') from the driveway and the neighboring property's driveway is located off of Martha. Furthermore, there is a precedent for granting variations to allow a six foot (6') fences in corner side yards when they are aligned with the building line of a residence (ZBA 05-06). The six foot fence will not alter the essential character of the neighborhood as it will be aligned with the building line of the majority of the residences along Berkshire Avenue, consistent with the intent of the fence height regulations for corner lots.



Staff also notes that portion of the four foot (4') fence within the clear line of sight of the driveway on the subject property must be of open construction. The Zoning Ordinance defines an open construction fence as a fence which has over its entirety at least 75% of its surface area in open space which affords a direct view through the fence.

## **FINDINGS AND RECOMMENDATIONS**

The Department of Community Development has determined that the information presented **has 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 **approval** of the requested variation:

Based on the submitted petition and the testimony presented, the requested fence height 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 included as part of the Inter-departmental Review Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-13, subject to the following conditions:

1. The fence shall be installed in accordance with the site plan submitted as part of this petition.
2. That the petitioner shall apply for and receive a building permit for the relocation of the fence on the subject property.
3. That the variation shall be limited to the existing residence. Shall the existing residence be reconstructed due to damage or destruction by any means, any fencing on the property shall meet all current height requirements.

Inter-Departmental Review Group Report Approved By:

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David A. Hulseberg, AICP  
Director of Community Development

att-  
c: Petitioner