

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

TO: Zoning Board of Appeals                      HEARING DATE: November 19, 2008

FROM: Department of Community              PREPARED BY: Stuart Moynihan  
Development    Associate Planner

**TITLE**

**ZBA 08-15; 1300-1366 S. Finley Road:** The petitioner requests that the Village approve the following actions for the subject property located within the R5PD General Residential Planned Development District:

1. A variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a front yard from four feet (4') to seven and one half feet (7.5').
2. A variation to Section 155.205(A)(1)(e)(4) of the Lombard Zoning Ordinance to increase the maximum allowable width for supporting members of a fence in the clear line of sight area from six inches (6") to thirty inches (30") in width.

**GENERAL INFORMATION**

Petitioner: Steve Apke  
124 Aberdeen Drive  
East Dundee, IL 60118

Property Owner: Villages II, LLC  
5005 West Touhy Ave.  
Skokie, IL 60077

Relationship of Petitioner to  
Property Owner: Fence Contractor

**PROPERTY INFORMATION**

Existing Zoning: R5PD General Residential District Planned Development

Existing Land Use: Multi-Family Apartment Buildings

Size of Property: Approximately 39.3 acres

Surrounding Zoning and Land Use:

- North: B4APD Roosevelt Road Corridor District Planned Development and B4A Roosevelt Road Corridor District; developed as Dania Furniture and Lombard Toyota.
- South: R2 Single Family Residence District; developed as Single Family Residences
- East: R5PD General Residential District Planned Development; developed as Multi-Family Apartment Buildings
- West: Unincorporated residential properties; developed as Single Family Residences

**ANALYSIS**

**SUBMITTALS**

This report is based on the following documents, which were filed with the Department of Community Development on October 15, 2008.

1. Petition for Public Hearing.
2. Response to the Standards for Variations.
3. Brochure from Ameristar/Montage Fence which describes the proposed “Classic” style fence.
4. Site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Krisch Land Surveyor, Inc., dated December 15, 2004, with proposed fence location.

**DESCRIPTION**

The subject property is located along Finley Road south of Roosevelt Road. The petitioner is seeking to replace an existing six foot (6’) masonry wall, with seven and one half foot (7.5’) high brick pillars, located along Finley Road with an ornamental steel fence six feet (6’) in height. The existing brick pillars would remain. Therefore a variation to increase the maximum allowable fence height in a front yard from four feet (4’) to seven and one half feet (7.5’) is required. In addition, two (2) of the existing brick pillars currently stand within clear line of sight areas at the northern driveway along Finley Road. As these pillars are two feet (2’) in width with a cap two and one half feet (2.5’) in width, a variation is necessary to allow two of these pillars to remain within the clear line of sight areas.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### ENGINEERING

#### Private Engineering Services

The Private Engineering Services Division has no comments on the subject petition.

#### 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 regarding this request.

### PLANNING

The existing masonry wall adjacent to Finley Road exceeds the maximum height of four feet (4') allowed by the Zoning Ordinance for walls and fences within the front yard setback. The petitioner is proposing to replace sections of the masonry wall with a Montage "Classic" style ornamental fence of open construction between the existing brick pillars. Since this proposal would replace greater than fifty percent (50%) of the value of this non-conforming structure, a variation is necessary to allow these pillars at seven and one half feet (7.5') to remain.

The approval of this variation would also allow the petitioner to construct the fence sections as proposed at six feet (6') in height. The petitioner believes the proposed fence would be a visual improvement to the property and that a fence constructed at four feet (4') in height would be out of balance with respect to the existing brick pillars.

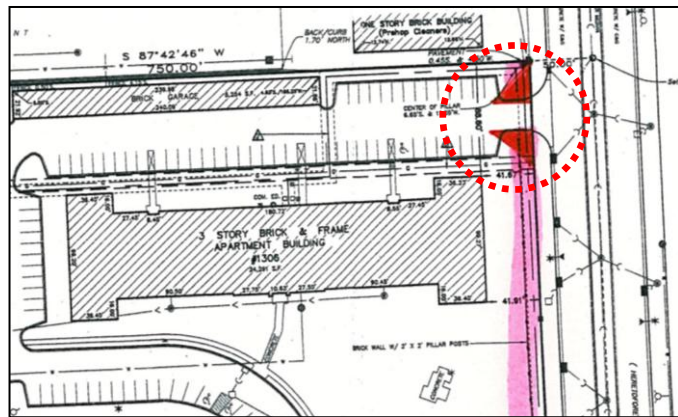
While the proposed fence height would be greater than allowed by the Zoning Ordinance, it is staff's opinion that this proposal would be more aesthetically pleasing and bring

the wall into closer compliance with code. The petitioner has stated that the fence would provide better security at six feet (6') in height rather than the four feet (4') allowed by code. Staff concurs



and believes that the fence, as proposed, would provide greater visibility onto the property for both the passersby and law enforcement.

The petitioner is also seeking a variation to allow two (2) of the existing brick pillars at the northern driveway along Finley Road to be within the clear line of sight areas. Pursuant to the Zoning Ordinance, supporting members of a fence in the clear line of sight area shall not be greater than six inches (6") in width. The existing brick pillars are thirty inches (30") in width. The original planned development was silent with respect to fencing and no permit was issued for the wall as permits were not required until 2000.



The above plan shows the location of these pillars within clear line of sight triangles (in red). Currently, the pillar on the southern side of the driveway is of only minor concern regarding visibility as the driveway is right turn in and right turn out only. The pillar on the northern side of the driveway could block some visibility to and from Finley Road. However, the petitioner's proposal will actually increase visibility in the clear line of sight area as the fence will be of open construction.

Staff feels that both variations can be supported because they bring the existing wall as a whole into closer compliance with the Zoning Ordinance.

## FINDINGS AND 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 variations:

Based on the submitted petition and the testimony presented, the requested variations **do comply** with the Standards required for variations 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 08-15, subject to the following conditions:

1. The petitioner shall apply for and receive a building permit for the fence prior to construction.
2. The fence shall be installed in accordance with the site plan based on the ALTA/ACSM Land Title Survey prepared by Glen Krisch Land Surveyor, Inc., dated December 15, 2004, submitted as part of this petition.
3. The proposed fence shall be of an open style in substantial conformance with the proposed "Classic" style fence from Ameristar/Montage Fence.
4. Notwithstanding the existing seven and one half foot (7.5') high pillars, no fence shall be constructed within the front yard setback on the subject property at a height greater than six feet (6').
5. The variation to allow the brick pillars to remain in the clear line of sight area shall be applied only to the two pillars directly adjacent to the northern driveway along Finley Road.
6. In the event that either of the two brick pillars directly adjacent to the northern driveway along Finley Road are destroyed or deconstructed to fifty percent (50%) of their value, they shall neither be reconstructed nor shall any supporting member of the fence greater than six inches (6") in width be constructed within the clear line of sight area.
7. The signs attached to the existing wall shall be removed and shall not be reinstalled on the proposed fence.

Inter-Departmental Review Group Report Approved By:

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William J. Heniff, AICP  
Director of Community Development

WJH  
c: Petitioner