

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: August 23, 2006

FROM: Department of Community PREPARED BY: Jennifer Backensto, AICP
Development Planner II

TITLE

ZBA 06-19; 601-609 E. St. Charles Road: The petitioner requests approval of the following actions on the subject property located within the B4 Corridor Commercial District:

1. A variation to Section 155.205(A)(2)(c)(2) of the Lombard Zoning Ordinance to allow an eight-foot high fence in the required front yard where a maximum height of four feet is permitted; and
2. A variation from Section 155.205(A)(2)(e) to allow a solid fence within a clear line of sight area.

GENERAL INFORMATION

Petitioner/Property Owner: Robert Carter
841 Saylor
Elmhurst, IL 60126

PROPERTY INFORMATION

Existing Zoning: B4 Corridor Commercial District

Existing Land Use: Industrial buildings and storage yards

Size of Property: Approximately 1.4 acres

Surrounding Zoning and Land Use

North: I Limited Industrial District; developed as Matthies Landscaping

South: R2 Single-Family Residence District; developed as Great Western Trail

East: I Limited Industrial District; developed as Owl Hardwoods and Ace Coatings

West: B4 Corridor Commercial District; developed as Nofsinger's Auto Repair

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development:

1. Plat of Survey, prepared by Glen D. Krisch Land Surveyor, Inc., dated February 10, 1987.
2. Site Plan showing proposed fence location on 601 E. St. Charles Road property.
3. Aerial view of the subject property.

DESCRIPTION

The petitioner is requesting variations to allow for the replacement of several sections of legal nonconforming fencing along the north property line. This fence replacement is proposed to satisfy a previous condition of approval that was required as part of a setback variation granted earlier this year.

INTER-DEPARTMENTAL REVIEW COMMENTS

Fire and Building

Fire and Building have no comments on this petition.

Public Works

Public Works Utility Division has no comments on this petition.

Private Engineering

The Private Engineering Services Division has the following comment on the subject petition:

- Allowing the new fence within the clear line-of-sight area for the driveway would present a hazard to vehicles and pedestrians, particularly due to the curve in the road at this location. There is sufficient room to locate the fence outside of the clear line-of-sight area. Therefore, we recommend denying the variation regarding the clear line-of-sight area.

Planning

Background

In December 2005, the ZBA heard a case requesting approval of a front yard setback variation to allow for a bay window to be located 10 feet from the front property line (ZBA 05-20). On March 2, 2006, the Village Board approved this request with a condition that the fencing along the north property line be replaced.

Currently, the existing fence varies in height and has sections of solid wood as well as chain link with slats. The proposed replacement fence would be eight feet high and of solid wood construction. The portions of the fence on the far west and far east sides of the property would meet code as eight-foot fences high are permitted within business districts.

The portion of the fence located between the 601 & 609 E. St. Charles Road buildings is both within the front yard and the clear line of sight areas for two driveways. The affected driveways are not used by customers and are used only for business vehicles. By Code, fencing within this area could be only four feet high and any sections within a clear line of sight area would need to be of open construction. The graphic on the following page illustrates the proposed fencing as well as the front yard setback line and clear line of sight areas.

Staff finds that this case presents unique circumstances that warrant the granting of a variation. The lot itself is unusually shaped and has a small depth for a commercial property, ranging from 124 feet deep at the west end, increasing to 145 feet at its deepest point, then coming to point at the east end. This configuration undoubtedly contributed to the way the site was laid out and the buildings were constructed in 1956.

The granting of these variations will not negatively impact the surrounding neighborhood as there has been fencing in the same location for many years, and the replacement solid wood fence will be a substantial aesthetic improvement over the existing assortment of materials. Furthermore, there is also precedent for this type of relief as a similar variation request for an eight-foot fence within the front yard and within clear line of sight areas was granted in 2001 for the property across the street at 600 E. St. Charles Road (PC 01-04).

Perhaps most significantly, the hardship in this case has not been created by any person presently having an interest in the property. The existing fence is entitled to remain as a legal nonconforming structure and Code allows the fence to be maintained and repaired. Were it not for the Village requiring its replacement, the existing fence would not need any zoning relief to remain as-is.

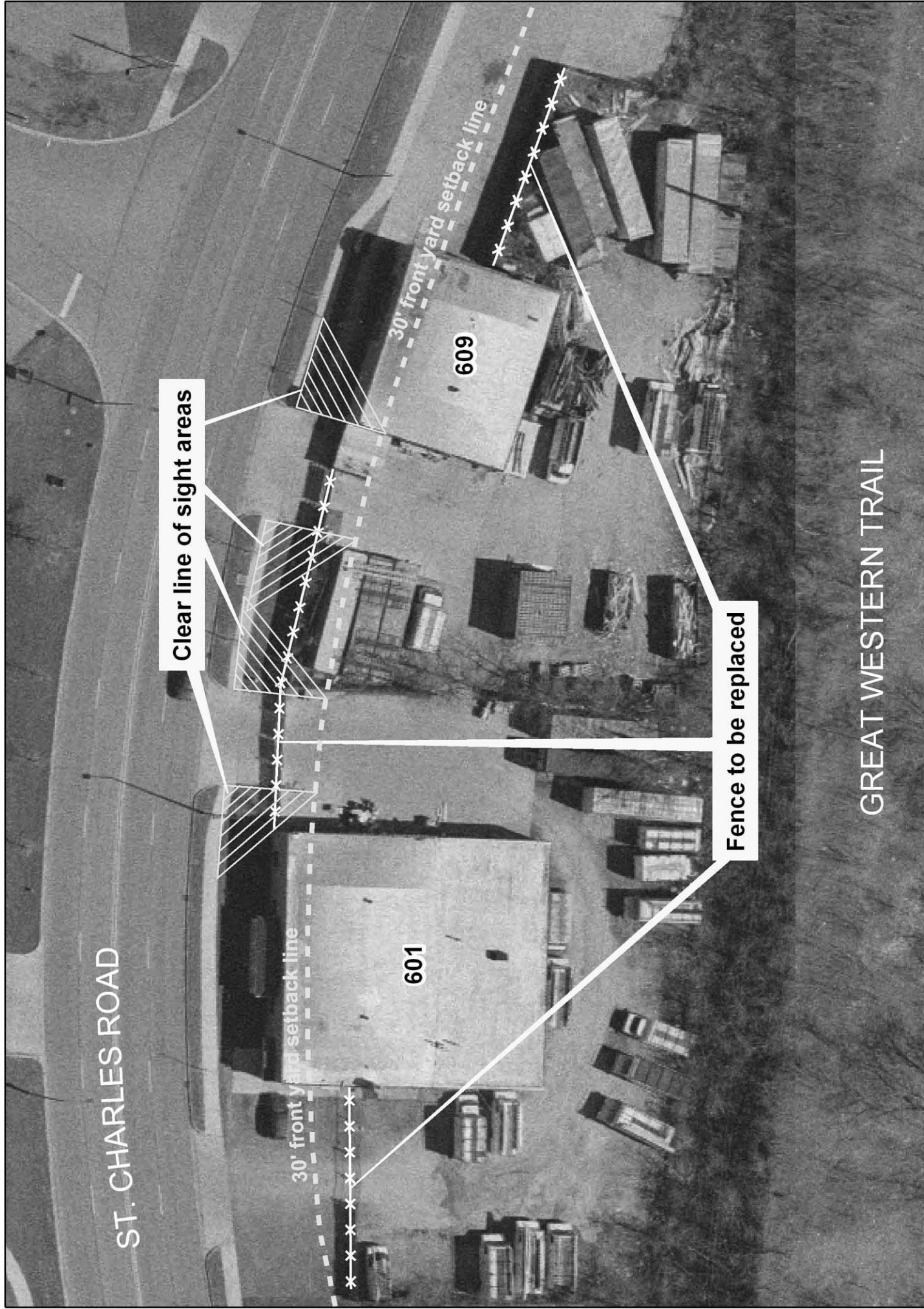
With regard to the clear line of sight variations, staff does not object to the fence at 609 E. St. Charles as the petitioner has stated that this driveway is seldom used and, when it is used, serves as an entrance. As such, there is no functional clear line of sight issue. However, the driveway to the east of the 601 E. St. Charles building is a primary exit for the site and is frequently used. The petitioner has stated that that particular driveway cannot serve as an entrance only because the other driveway on the west side of the 601 property has even more obstructed sight lines.

In cases where there is a legal nonconforming structure that is to be removed and replaced, staff traditionally makes every attempt to bring the replacement structure into compliance with Code. Accordingly, staff notes that the clear line of sight issue could be eliminated by shifting the fence to the south, outside of the clear line of sight area. The petitioner has stated that they do not wish to move the fence because the area to the south of the fence is necessary for parking and

601-609 E. St. Charles Road:

Replacement of fence within front yard & clear line of sight area

1 inch equals 40 feet



ST. CHARLES ROAD

30' front yard setback line

601

30' front yard setback line

609

Clear line of sight areas

Fence to be replaced

GREAT WESTERN TRAIL

maneuvering. Although staff recommends that the fence be moved as part of its recommendation of approval for the other variations (see Condition No. 1), the Zoning Board of Appeals could strike Condition No. 1 if they feel that there is a practical hardship that prevents the petitioner from meeting the clear line of sight provisions.

With all of the above factors taken into consideration, staff finds that this petition meets the Standards for Variations and recommends that the Zoning Board of Appeals make a recommendation for approval of the requested relief, subject to conditions.

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 variation:

Based on the submitted petition and the testimony presented, the requested variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 06-19, subject to the following conditions:

1. The fence along the east side of 601 E. St. Charles Road shall be relocated outside of the clear line of sight area.
2. The petitioner shall apply and receive a building permit for the proposed fence.
3. Any gates located along the fence between the 601 E. St. Charles Road and 609 E. St. Charles Road buildings may not open outward toward St. Charles Road.
4. The finished or decorative side of the fence shall face St. Charles Road.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:JB

att-

c: Petitioner