

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO:	Zoning Board of Appeals	HEARING DATE:	April 28, 1999
FROM:	Department of Community Development	PREPARED BY:	Amy Willson Planner I

TITLE

ZBA 99-10; 502 Aspen Drive: Requests a variation to the Lombard Zoning Ordinance to allow a fence six feet (6') in height in a required corner side yard, where a maximum of height of four feet (4') is permitted.

GENERAL INFORMATION

Petitioner/Property Owner: Vipul and Bindu Verma
502 Aspen Drive
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: R2 Single-Family Residence
Existing Land Use: Single-Family Residence
Size of Property: Approximately 10,015 square feet

Surrounding Zoning and Land Use:

North:	R2 Single-Family Residence District, Single-Family Residence
South:	R2 Single-Family Residence District, Single-Family Residence
East:	R2 Single-Family Residence District, Single-Family Residence
West:	R2 Single-Family Residence District, Single-Family Residence

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on April 5, 1999:

1. Petition for Public Hearing.
2. Response to Applicable Standards.
3. Plat of Survey prepared by Gentile and Associates, Inc., dated April 22, 1996.
4. Site Plan showing location of proposed fence, prepared by petitioner.

DESCRIPTION

The petitioners are proposing to erect a six foot (6') fence in the rear and corner side yards of their property. They have stated that they need to enclose their back yard to allow for their German Shepherd to be able to go outside without frightening passersby. Because they live on a corner lot, their corner side yard setback is twenty feet (20'). The Zoning Ordinance requires fences that are within the required corner side yard to be a maximum of four feet (4') in height. In order to erect a six foot (6') fence in the required corner side yard, a variation is required.

PLANNING

The petitioners are proposing to enclose their rear yard and corner side yard. Due to the fact that they reside on a corner lot, certain restrictions apply regarding the corner side yard. The Zoning Ordinance restricts fences from being any taller than four feet (4') when located in the required twenty foot (20') corner side yard. If a fence is outside of the required corner side yard, and within the rear yard, it may be a maximum of six feet (6') in height.

The purpose of the lower fence height in the required corner side yard is for safety reasons, as well as aesthetic reasons for neighbors. The proposed fence will be located outside of the thirty foot (30') clear sight area created at the intersection of Aspen Drive and Pinebrook Drive. On the other hand, the proposed location will be adjacent to the western neighbor's front yard. Although there is a creek and easements separating the properties, the proposed fence may not be aesthetically pleasing to the neighbor.

If the fence is erected twenty-one feet (21') from the sidewalk, it would be outside the required corner side yard and it would be permitted to be six feet (6') in height. Fences are also permitted

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to be located in the drainage and utility easement as long as they do not interrupt the flow of drainage or conflict with underground utilities. The fence will, however, be erected at the risk of the property owner should the utility company need to gain access to utility lines located within the easement. By locating the fence outside of the corner side yard and going along the east and north property lines, the petitioner could have an enclosed area of approximately 3,500 square feet.

The Private Engineering Services Division and the Bureau of Inspectional Services have no objection to erecting a six foot (6') fence in the corner side yard.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented has affirmed the Standards for Variation. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of this petition:

Based on the submitted petition and the testimony presented, the requested variation does not comply with the Standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 99-10.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:ACW:jd
att-
c: Petitioner