

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 2, 2006 (B of T) Date: August 17, 2006

TITLE: DC 5244-06: 2 South 680 Gray Avenue (Shubbak)

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Plan Commission transmits for your consideration its recommendation relative to the above-mentioned DuPage County petition. This petition is requesting a fence height variation within a front yard.

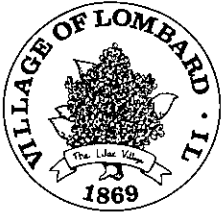
The Plan Commission recommended that the Board of Trustees send a letter to DuPage County stating that the Village does not object to the fence variation request provided that the existing hedges abutting the proposed fence be reduced. (UNINCORPORATED)

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *8/17/06*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP *Dah*
Assistant Village Manager/Director of Community Development

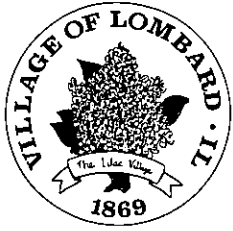
DATE: August 17, 2006

SUBJECT: DuPage County ZBA 5244-06: 2S680 Gray Avenue

Attached please find the following items for Village Board consideration as part of the August 17, 2006 Village Board meeting:

1. Staff report;
2. Plan Commission referral letter;
3. DuPage County comment form; and
4. Plans associated with the petition.

The Plan Commission recommends that the Village Board direct the Village President to sign the attached form stating that the Village of Lombard does not object to the petition provided that the petitioner be required to reduce and/or thin the existing hedges abutting the proposed fence.



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3926
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5812
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

August 17, 2006

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

Subject: DuPage County ZBA Case 5244-06

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced case under review by DuPage County. William Heniff, Senior Planner, presented the petition for the property at 2S680 Gray Avenue, located within the Butterfield East Subdivision. DuPage County has received a filing for a public hearing for a variation from the County's fence requirements to allow for a six-foot solid fence in a front yard, where a maximum fence height of four feet and fifty percent open is permitted; located on a lot within the County's R-4 Single Family Residence District (DuPage County ZBA Case 5244-06). As the subject property is located within the ultimate municipal boundaries of the Village, the Village has received notice of the public hearing from the County and has been asked to provide comments regarding this petition.

He also passed out photographs of the subject property and described the requested relief. The subject property is located at the northwest corner of Butterfield Road and Gray Avenue. The petitioner has constructed an eight-foot solid fence along the south property line. However, the petitioner would like to secure approvals from the County to extend the fence into the front yard as depicted on the plans.

In review of the subject property, staff notes that a mature hedgerow exists along the property line. Extending the fence to the east and into the requisite front yard would have minimal impact for visibility as the yard is already encumbered by mature vegetation. Moreover, as the Butterfield Road right-of-way is substantially wider than most rights-of-way and that since motorists tend to stop at the stop sign on Gray Avenue far beyond the subject property, the fence would not create a clear line of sight issue for motorists.

Re: DuPage Co. ZBA 5244-06
August 17, 2006
Page 2

He noted that the Plan Commission can offer no comment on the petition, direct staff to prepare a recommendation to the Board of Trustees or the Commissioners can recommend to staff to prepare a resolution of objection to the petition.

Chairperson Ryan noted that the bushes are far more of a hindrance than anything else. He felt that they should send a letter stating that before we approve the fence they should reduce the size of the bushes. Commissioner Burke noted that the bushes may be in the public right of way and outside of the fence line. Mr. Heniff noted that IDOT might not have a problem with trimming the bushes, but in context of clear line of sight, the bulk of vegetation is more of a visual impediment.

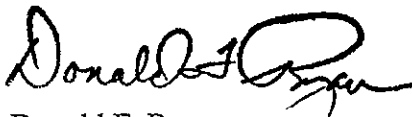
Commissioner Olbrysh noted that the fence is not a problem this time, but the hedgerow should be thinned out.

Commissioner Burke asked about the eight foot wood fence along Butterfield Road. Mr. Heniff noted that the fence is eight feet high and is within DuPage County code.

After due consideration, the Plan Commission recommended by a roll call vote of 4 to 0, that the Board of Trustees send a letter to DuPage County stating that the Village does not object to the fence variation requests associated with DuPage County ZBA 5244-06, provided that the existing hedges abutting the proposed fence shall be reduced in height and size and thinned out.

Respectfully,

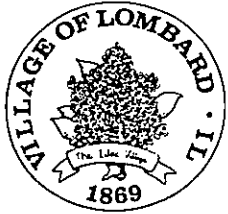
VILLAGE OF LOMBARD



Donald F. Ryan
Chairperson
Lombard Plan Commission

attachment

c. Lombard Plan Commission



MEMORANDUM

TO: LOMBARD PLAN COMMISSION
 Donald Ryan, Plan Commission Chairperson

FROM: William J. Heniff, AICP, Senior Planner ~~WAS~~
 Department of Community Development

DATE: June 19, 2006

SUBJECT: DuPage County Public Hearing 5244-06 - Shubbak

DuPage County has received a filing for a public hearing for a variation from the County’s fence requirements to allow for a six-foot solid fence in a front yard, where a maximum fence height of four feet and fifty percent open is permitted; located on a lot within the County’s R-4 Single Family Residence District. The petition is for the property at 2S680 Gray Avenue, in the Butterfield East Subdivision (DuPage County ZBA Case 5244-06). As the subject property is located within the ultimate municipal boundaries of the Village of Lombard, the Village has received notice of the public hearing from the County and has been asked to provide comments or concerns regarding this petition.

Staff would like to solicit the input and a recommendation of the Plan Commission regarding this petition.

BACKGROUND

The subject property is located at the northwest corner of Butterfield Road and Gray Avenue. The petitioner has constructed an eight-foot solid fence along the south property line (within DuPage County Regulations). However, the petitioner would like to secure approvals from the County to extend the fence into the front yard as depicted on the plans.

The Village’s and County’s regulations are as follows:

	Petitioner’s Request	Required by DuPage County	Required by Lombard
Fence in front yard	Solid fence	50% open	2’ within clear line of sight area or 4’ if 75% open
Clear line of sight area	Within defined area	25’ x 25’ clear area	30’ x 30’ area
Fence Height	6 feet	4 feet	2’ within clear line of sight area or 4’ if 75% open

In review of the subject property, staff notes that a mature hedgerow exists along the property line. Extending the fence to the east and into the requisite front yard would have minimal impact for visibility as the yard is already encumbered by mature vegetation. Moreover, as the Butterfield Road right-of-way is substantially wider than most rights-of-way and that since motorists tend to stop at the stop sign on Gray Avenue far beyond the subject property, the fence would not create a clear line of sight issue for motorists.

FINDINGS AND RECOMMENDATION

As the property is within the extra-territorial jurisdiction of the Village, DuPage County is soliciting the comments of the Village relative to this petition. While the petitioner's requested relief is significant, staff believes that the unique factors associated with the factors (excessive right-of-way, the existing mature vegetation) would not pose a significant issue to the subject property or neighboring properties. Staff is seeking the input of the Plan Commissioner's as to whether they concur with staff's recommendation to not object to the petitioner's request for zoning relief from DuPage County as part of ZBA 5466-06.

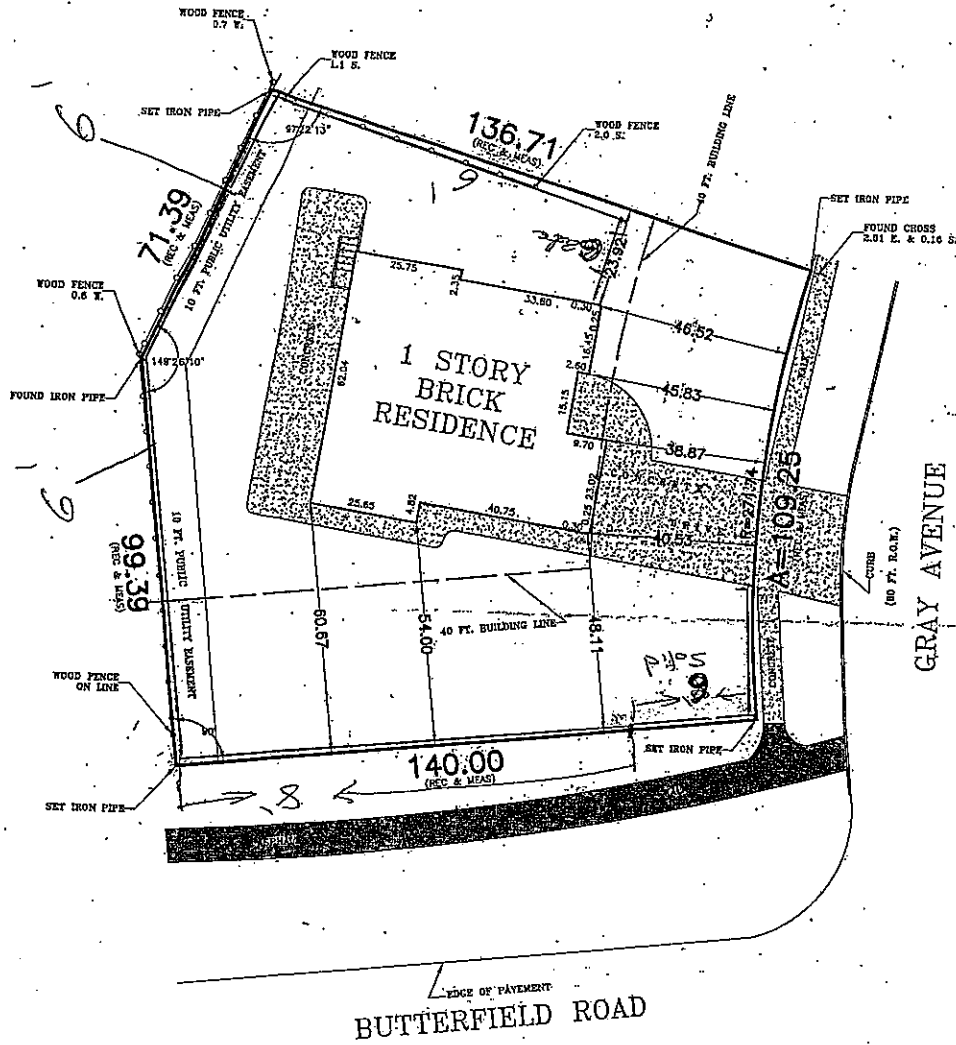
P L A T OF S U R V E Y

OF LOT 1 IN BLOCK 10 IN BUTTERFIELD UNIT NUMBER 4, A SUBDIVISION IN SECTION 25, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 1962, AS DOCUMENT R82-33299, IN DUPAGE COUNTY, ILLINOIS.

ADDRESS: 25860 GRAY AVENUE, LOMBARD, ILLINOIS.



SCALE: 1"=30'



TO: TAHSEEN SHUBBAK

THIS IS TO CERTIFY THAT WE, PREFERRED SURVEY, INC., ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION NO. 116 HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. PROPERTY CORNERS ARE SET OR NOT BY CLIENT AGREEMENT. MY LICENSE RENEWS ON NOVEMBER 30, 2006. GIVEN UNDER OUR HAND AND SEAL AT BRIDGEVIEW, ILLINOIS, THIS 24TH DAY OF SEPTEMBER, A.D. 2005

JOSEPH R. MALKSCH
ILLINOIS PROFESSIONAL LAND SURVEYOR

ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION #116

P.S.I. NO. 0564930

FIELD CREW KS/NM
CAD

Professional Design Registration #184-002705	
Field Work Completed	09/23/05
Field Area Surveyed	Sq. Ft.
Fielding Revised	



PREFERRED SURVEY, INC.

7845 W. 79TH STREET, BRIDGEVIEW, IL, 60455

Phone 708-458-7845 / Fax 708-458-7855



DU PAGE COUNTY ZONING BOARD OF APPEALS

JACK T. KNUEFFER ADMINISTRATION BUILDING

421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS 60187/ 630-407-6700/630-407-6702 (fax)

Zoning Petition 5244-06 Shubbak

Please review the information regarding the matter herein and return with any comments or concerns you wish to have reviewed by the DuPage County Zoning Board of Appeals. If you do not have any comments or concerns please indicate so on the line below.

Please return to Keya Willis, at the DuPage County Department of Economic Development & Planning Zoning Division by August 18, 2006.

<u>CASE #/PETITIONER:</u>	5244-06 Shubbak
<u>OWNER:</u>	Tahseen Shubbak, 2S680 Gray Ave, Lombard, Il 60148
<u>ADDRESS/LOCATION</u>	2S680 Gray Ave, Lombard, Il 60148
<u>PUBLICATION DATE:</u>	Daily Herald: July 26, 2006
<u>ZONING REQUEST:</u>	The Following Zoning Relief From the DuPage County Zoning Ordinance: A. Variation to Increase the Height of a Fence from 4 feet (50% open) to 6 feet (solid) in the Front Yard Setback (Sec. 37-407.2A)
<u>PRESENT USE:</u>	Single Family Residence
<u>PRESENT ZONING/LUP</u>	R-4 Single Family Residence Residential 0-5 DU/AC
<u>TOWNSHIP/COUNTY</u>	Milton/District 4 05-25-301-023
<u>BOARD DISTRICT/PPN</u>	
<u>ACREAGE/ UTILITIES:</u>	0.46 acres Sewer and Water
<u>ZBA PUBLIC HEARING:</u>	August 21, 2006

___ AS OF THIS DATE I HAVE NO CONCERNS/COMMENTS. I RESERVE THE RIGHT TO FILE AN OBJECTION OR COMMENTS IF THE REQUEST IS ALTERED.

Comments: The Village of Lombard does not object to the requested relief provided that the petitioner be required to reduce and/or thin the existing hedges abutting the proposed fence.

Signature: William J. Mueller, Village President Date: _____

Municipality/Township/Agency/Department: Village of Lombard

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.