

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

TO: Zoning Board of Appeals                      HEARING DATE: June 25, 2008  
FROM: Department of Community              PREPARED BY: Michael S. Toth  
Development                                              Planner I

**TITLE**

**ZBA 08-07; 197 S. Lombard Ave.:** The petitioner requests a variation from Section 155.205(A)(1)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to five feet (5') in the R2 Single-Family Residence District.

**GENERAL INFORMATION**

Petitioner/Property Owner: Anita Coughlan  
197 S. Lombard Ave  
Lombard, IL 60148

**PROPERTY INFORMATION**

Existing Zoning: R2 Single Family Residential District  
Existing Land Use: Single Family Residence  
Size of Property: Approximately 9,603 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; developed as Single Family Residences  
South: R2 Single Family Residence District; developed as Single Family Residences  
East: R2 Single Family Residence District; developed as Single Family Residences  
West: R2 Single Family Residence District; 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 May 2, 2008.

1. Petition for Public Hearing.
2. Response to the Standards for Variation.
3. Written explanation prepared by the petitioner, describing the need for a variation.
4. Plat of Survey prepared by Glen D. Kirsch Land Surveying, Inc., dated May 18, 2008.
5. Fence Plan prepared by petitioner on Plat of Survey prepared by Glen D. Kirsch Land Surveying, Inc., dated May 18, 2008.

### **DESCRIPTION**

The subject property is located at the northeast corner of Maple Street and Lombard Avenue. The petitioner is requesting a variation to allow the installation of a solid wood fence at a height of five (5) feet where only four (4) feet is permitted. The new fence will replace an existing four (4) foot chain link fence along the southern property line.

### **INTER-DEPARTMENTAL REVIEW COMMENTS**

#### **ENGINEERING**

##### **Private Engineering Services**

As the proposed fence is not within a 30' line-of-sight for the intersection or driveway(s), the Private Engineering Division of Community Development has no comments on this 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 on the subject petition.

#### **PLANNING**

Staff notes that there is a change in grade on the subject property. The elevation is highest at the western portion of the property and gradually slopes to the south and southeast (see Appendix A). The existing four (4) foot fence height measurement was taken at grade from the southern portion of the property at one of the low points. As the petitioner has represented that the hardship associated

with the variation is due to privacy concerns, staff investigated the effects of the existing four (4) foot required fence height relative to the rear yard elevations.

Measuring Fence Height

The definition for a fence specifies the manner in which the height is to be determined for the purposes of the Zoning Ordinance. The definition reads as follows:

FENCE is a free standing structure, made of metal, wire, wire mesh, masonry, plastic, wood, vinyl or a combination thereof, including gates, rising above ground level, measured from the grade at the location of the fence to the highest point of any component of the fence construction, including posts or any decorative elements, and used to delineate a boundary or as a barrier or means of protection, confinement, or screening”

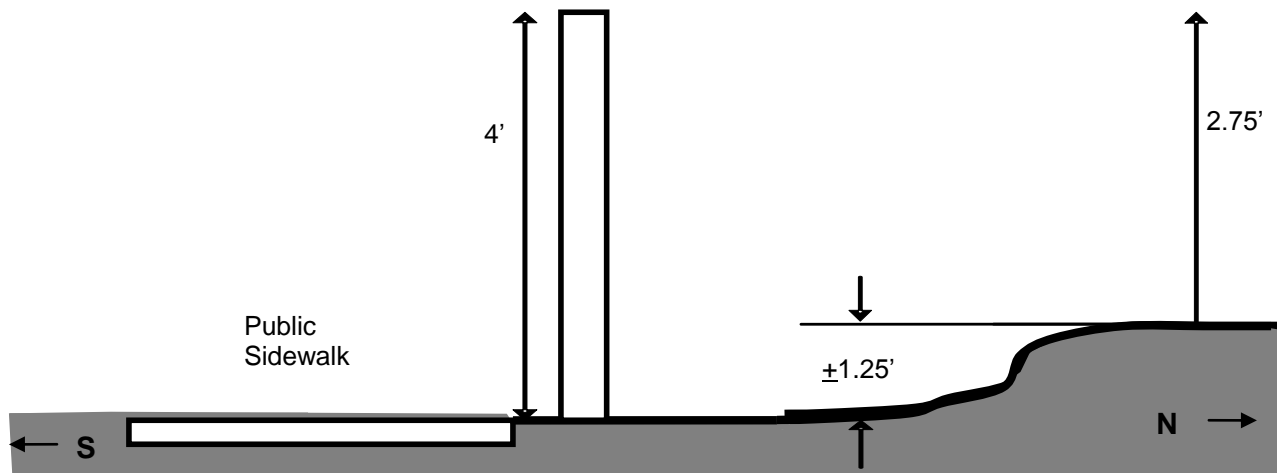
The term “grade” is also defined in the Zoning Ordinance, which reads as follows:

GRADE is the average level of the finished surface of the ground adjacent to the exterior wall of the building or structure.

Staff has consistently used the concept of “average grade” for determining the height of structures, such as the proposed fence. In circumstances where the grade changes substantially, measurements are taken from several points. Typically, these measurements are averaged together to determine the height for the purposes of verifying compliance with the Zoning Ordinance. In this case, different points were measured to determine the screening capabilities of the fence in relation to the rear yard.



**Figure 1: Depiction of the Existing Fence with grade change illustrated.**



**Figure 2: Section View of the Existing Fence (existing grade change on the subject property is more gradual than it actually appears in this depiction)**

Surveying equipment was used to determine that there is more than a one (1) foot change in grade (precisely  $\pm 1.25'$ ) between the patio area in the rear of the house and the ground where the existing four (4) foot chain link fence is located. As such, the existing four (4) foot fence functions as a three (3) foot fence when screening the patio area. In essence, allowing a five (5) foot wood privacy fence would afford the petitioner the same level of privacy that a four (4) foot fence would provide under a zero-grade deviation circumstance.

Due to the change in grade, the existing four (4) foot fence located on the subject property provides inadequate screening from Maple Street. Maple Street is considered a residential street; however, staff does recognize that it is a collector street. Collector streets gather traffic from numerous smaller streets and deliver traffic to and from arterial streets, which accounts for a higher traffic volume than the smaller residential streets that feed into them. As previously mentioned, fence height is measured at the location of the fence, but due to the unique topographical characteristics of the subject property, the petitioner is unable to utilize the full screening potential of even a four (4) foot fence. Staff would like to further note that there are no clear line of site issues relative to the proposed fence.

#### Standards for Variations

*1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Due to a deviation in grade, the physical topography of the subject property is altered whereas the maximum four (4) foot fence height does not properly screen all portions of the property.

The petitioner is at a hardship because the strict letter of the code does not allow them the proper screening that would be afforded to a property with level terrain.

*2) The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

A variation of this sort would only apply to those properties having fluctuations in grade at crucial points of measurement (i.e. fence location).

*3) The purpose of the variation is not based primarily upon a desire to increase financial gain.*

The purpose of the variation is solely for added privacy. The increased fence height will not increase any financial gain.

*4) The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The Zoning Ordinance only allows a four (4) foot fence where a five (5) foot fence is desired. The variation would only benefit the petitioner, not anyone else who may have an interest in the property.

*5) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The fence is located outside of any clear line of site areas; therefore, it would not impede on the safety and welfare of the area.

*6) The granting of the variation will not alter the essential character of the neighborhood; and,*

There are other properties in the direct vicinity with fences in excess of the required four (4) feet located in the corner side yard. Thus, granting this variation will not alter the essential character of the neighborhood.

*7) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

One (1) additional foot in fence height will not cause any further drainage, fire hazards and/or air & light supply issues.

## 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 variation:

Based on the submitted petition and the testimony presented, the requested 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 08-07, subject to the following condition:

1. The fence shall be constructed consistent with the plans prepared by the petitioner on the submitted Plat of Survey dated May 18, 2004 and made part of this petition.

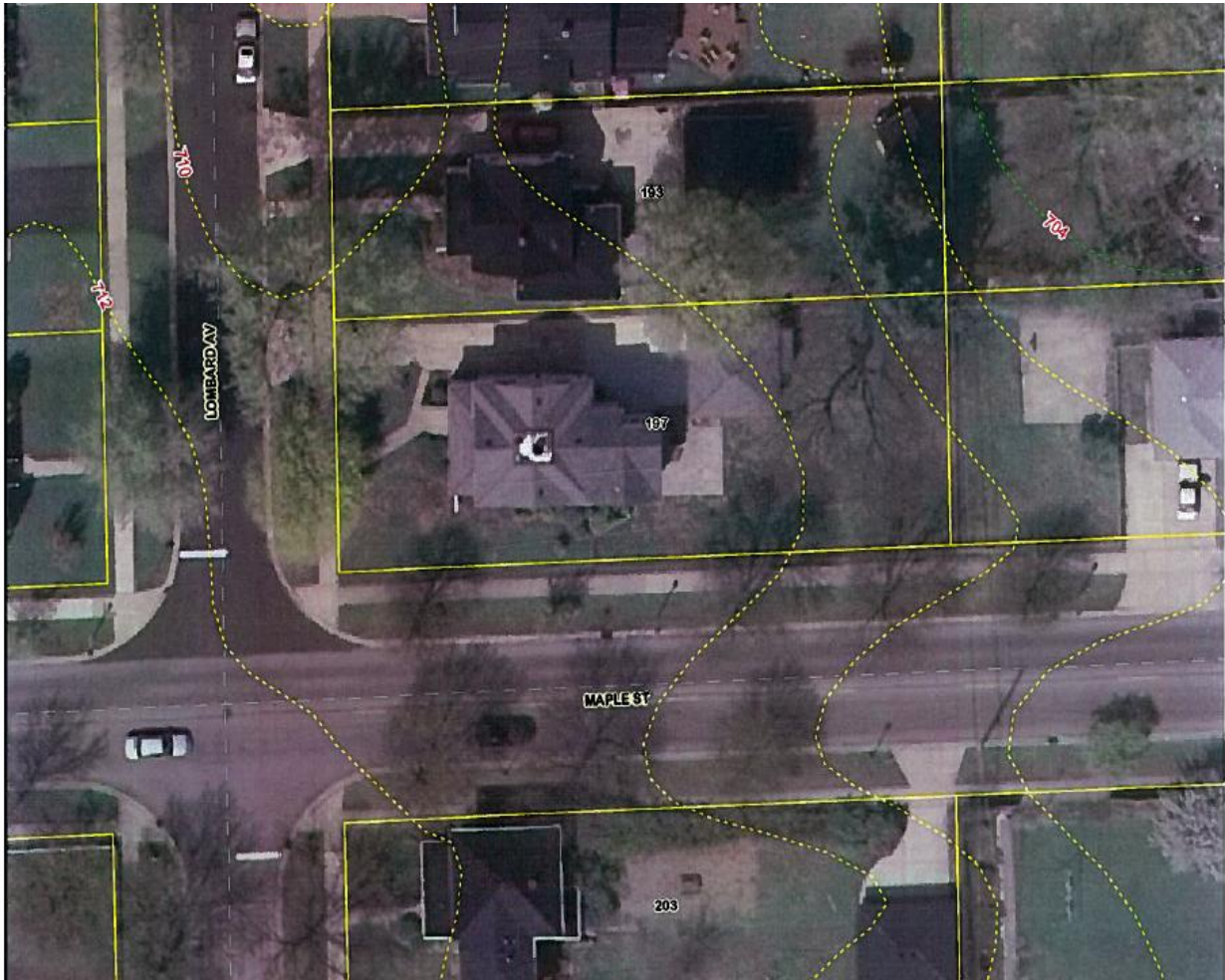
Inter-Departmental Review Group Report Approved By:

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William Heniff, AICP  
Acting Director of Community Development

DAH  
att-  
c: Petitioner

**APPENDIX A –**  
**Topological Conditions**



As depicted above, the grade on the subject property slopes from the northwest portion of the property towards the south and southeast portion of the property.