

**May 26, 2021**

**Title**

ZBA 21-02

**Petitioner & Property Owner**

Jennifer Seelbach  
1024 E. Adams Street  
Lombard, IL 60148

**Property Location**

1024 E. Adams Street  
PIN: 06-16-113-009

**Zoning**

R2 Single-Family Residence

**Existing Land Use**

Single-Family Home

**Comprehensive Plan**

Low Density Residential

**Approval Sought**

A variation from Section 155.205(A)(1)(c)(ii) for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard in the R2 Single-Family Residence Zoning District.

**Prepared By**

Tami Urish  
Planner I



**LOCATION MAP**

**PROJECT DESCRIPTION**

The subject property is developed with a single-family home. The property owner would like to install a solid fence that is six feet in height in the front yard. The subject property directly abuts a commercial property with an office building and associated parking lot located in a B3 Community Shopping District.

**APPROVALS REQUIRED**

The petitioner requests that the Village approve a variation from Section 155.205(A)(1)(c)(ii) of the Lombard Village Code for a fence of up to six (6) feet, where a maximum of four (4) feet in height is permitted in the front yard for the subject property located within the R2 Single-Family Residence Zoning District.

**EXISTING CONDITIONS**

The property contains an existing two-story single-family residence with an attached garage.



**PROJECT STATS**

**Lot Size**

Parcel Area: 8,575 SF

Parcel Width: 65 feet

**Setbacks with proposed second-story addition**

Front (south) 30 feet

Side (west) 6.4 feet

Side (east) 7 feet

Rear (north) 40+ feet

**Submittals**

1. Petition for public hearing;
2. Response to standards for variation;
3. Plat of survey prepared by Schlaf-Sedig & Associates, Inc., dated 9/20/2018 and prepared as the site plan by the applicant.

**INTER-DEPARTMENTAL REVIEW**

**Building Division:**

The Building Division has no comments regarding the petition.

**Fire Department:**

The Fire Department has no comments regarding the petition.

**Private Engineering Services:**

Private Engineering Services (PES) has no comment the requested variance but offers the following:

*The storm sewer that runs along the back property line will need to be avoided.*

**Public Works:**

The Department of Public Works has no comment regarding the requested variance. However, we would ask that the following informational comment be included in the IDRC report:

*Care must be taken in placing any new posts along the rear (north) property line due to the presence of a private 12" storm sewer that runs along that property line. Since that sewer is not owned or maintained by the Village, it is possible that a JULIE locate request may not result in it being marked.*

**Planning Services Division:**

**Surrounding Zoning & Land Use Compatibility**

	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	R2	Single-family Residence
<b>South</b>	R2	Single-family Residence
<b>East</b>	R2	Single-family Residence
<b>West</b>	B3	Mixed Commercial

According to the permit cards of both properties, the home located at 1024 E. Adams Street was built in 1963 and the bank office building and parking lot was developed in 1973.

The petitioner/homeowner would like privacy while utilizing their front porch by screening the parking lot of an office building from sight. The petitioner proposes installing two solid fence panels that are six feet by six feet from the thirty-foot front yard setback of the property to run along the property line. In addition, the proposal includes a fence panel, eight feet in width with a beginning height of six feet and then drop down to four feet in height at an angle along the property line and attached in front of the aforementioned fence panels. The total variance request is for twenty feet of fencing within the front yard to exceed the required maximum of fence height of four feet. None of the proposed fencing impacts the clear line of sight of driveways or intersections. Please see attached site plan.

To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.407(F)(3). Staff offers the following commentary on these standards with respect to this petition:

- a. *That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner has been shown, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied.*

The subject property is next to a property zoned within a business zoned property with a more intense use when compared to a single-family residence use that are on the other three sides of the property. The majority of the shared property line is allowed to be a maximum of eight (8) feet in height which illustrates the acknowledgement of additional fence height (privacy) from uses other than residential (railroad, business, office or industrial) per the zoning code is accommodated:

§ 155.205 - Fences, walls, and hedges.

(A) Fences and walls.

(1) Fences or walls in residential districts.

(c) Permitted height.

(i) Fences or walls in any residential district shall not exceed six feet in height, except that where a lot in a residential district abuts railroad right-of-way or property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such railroad right-of-way or business, office, or industrial district on the residential lot may reach, but not exceed, eight feet in height.

(ii.) Fences or walls in required front yards shall not exceed four feet in height.

The petitioner is requesting additional privacy from the point of view from the front porch seating area as shown in the photo. Jennifer, homeowner, is about 12' south of where Jim, homeowner, is standing and the idea is to extend the higher fence southerly to that point and then angle it down to a 4' height. This shows the primary area in question and the desire to provide some partial screening of the adjacent West Suburban Bank (WSB) parking lot abutting the site.



- b. *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.*

The subject property abuts a business district. This circumstance is specific to the subject property and a small minority of other properties zoned R2 single-family residence use that abut railroad right-of-way or business, office or industrial districts.



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

This standard is affirmed.

- d. *The alleged difficulty or hardship is shown to be caused by this ordinance and has not been created by any person presently having an interest in the property.*

Staff finds that the hardship for this variation is due to the proximity and impact of the parking lot for the office building in the business district on the single-family residence use.



- e. *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.*

This standard is affirmed.

Staff does not believe that the proposed additional fence height will have a negative impact on adjacent properties but provide aesthetic screening from vehicles.

- f. *The granting of the variation will not alter the essential character of the neighborhood.*

Staff finds that this standard is affirmed. The proposed fence will not alter the essential character of the neighborhood.

- d. *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*

The proposed fence is not expected to impact light or air supply to the adjacent property.

Staff finds that the variation request meets the standards for variation.

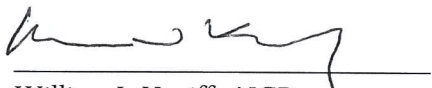
## **FINDINGS & RECOMMENDATIONS**

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 as discussed at the public hearing, and those findings included as part of the Inter-Departmental Review Committee Report be the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities approval of ZBA 21-02 subject to the following conditions:

1. The addition shall be constructed in substantial conformance to the plans submitted by the petitioners as noted in this IDRC report;
2. The petitioner shall apply for and receive a building permit for the proposed fence (or amend the existing fence permit);
3. The petitioner shall satisfactorily address all comments noted within the Inter-Departmental Review Committee Report; and
4. This approval shall be subject to the construction commencement time provisions as set forth within Sections 155.103(C)(10) and (F)(11).

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP  
Director of Community Development

c. Petitioner

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## Seelbach – 1024 E. Adams – Responses to 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.
  - a. As evidenced in the photos taken by Mr. Heniff, our front yard is directly adjacent to the parking lot of West Suburban Bank's headquarters and the front ends of cars parked in those spots are a mere 5 to 6 feet from our property line and approximately 10 feet from our house/porch. We are seeking the variance both for privacy sake as we spend a lot of time on our front porch as well as to prevent pedestrians from cutting through the gaps in the bank's bushes which are evident in the photos.
- 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 the other property within the same zoning classification.
  - a. No other houses in our neighborhood have their front yards / porches directly adjacent to the bank's parking lot. No houses to the east abut the bank's property. The house to the north does, but their house is farther from the property line and is L shaped and oriented to the NE, so not where they spend their time. The house to the south of us has a sidewalk and a wider tree line/hedge row between their property and the bank and their garage is against the bank property so that their porch front yard is oriented to the NE as well, away from the lot line w/ the bank.
  - b. Our situation is unique to our neighborhood.
- 3) The purpose of the variation is not based primarily upon a desire to increase financial gain.
  - a. It does not.
- 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.
  - a. It was not. We purchased the house in Oct 2019 w/ the existing fence.
- 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.
  - a. It will not. We understand from Mr. Heniff that the bank has already confirmed they have no objection to what we'd like to do.
- 6) The granting of the variation will not alter the essential character of the neighborhood
  - a. It will not.
- 7) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion of the public streets, or increase the danger of fire, or impart natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
  - a. The proposed variation will not have any of the above listed negative impacts.



planned new 6ft fence

new fence will have lattice on top in back yard

Variance being sought is to taper this section from 6ft to 4ft  
Variance being requested is a 6ft fence in this section rather than 4ft

Tree in photo →

Access To Westmore-Meyers Rd.

R: 27.45'

R: 42.88'

R: 133.01'

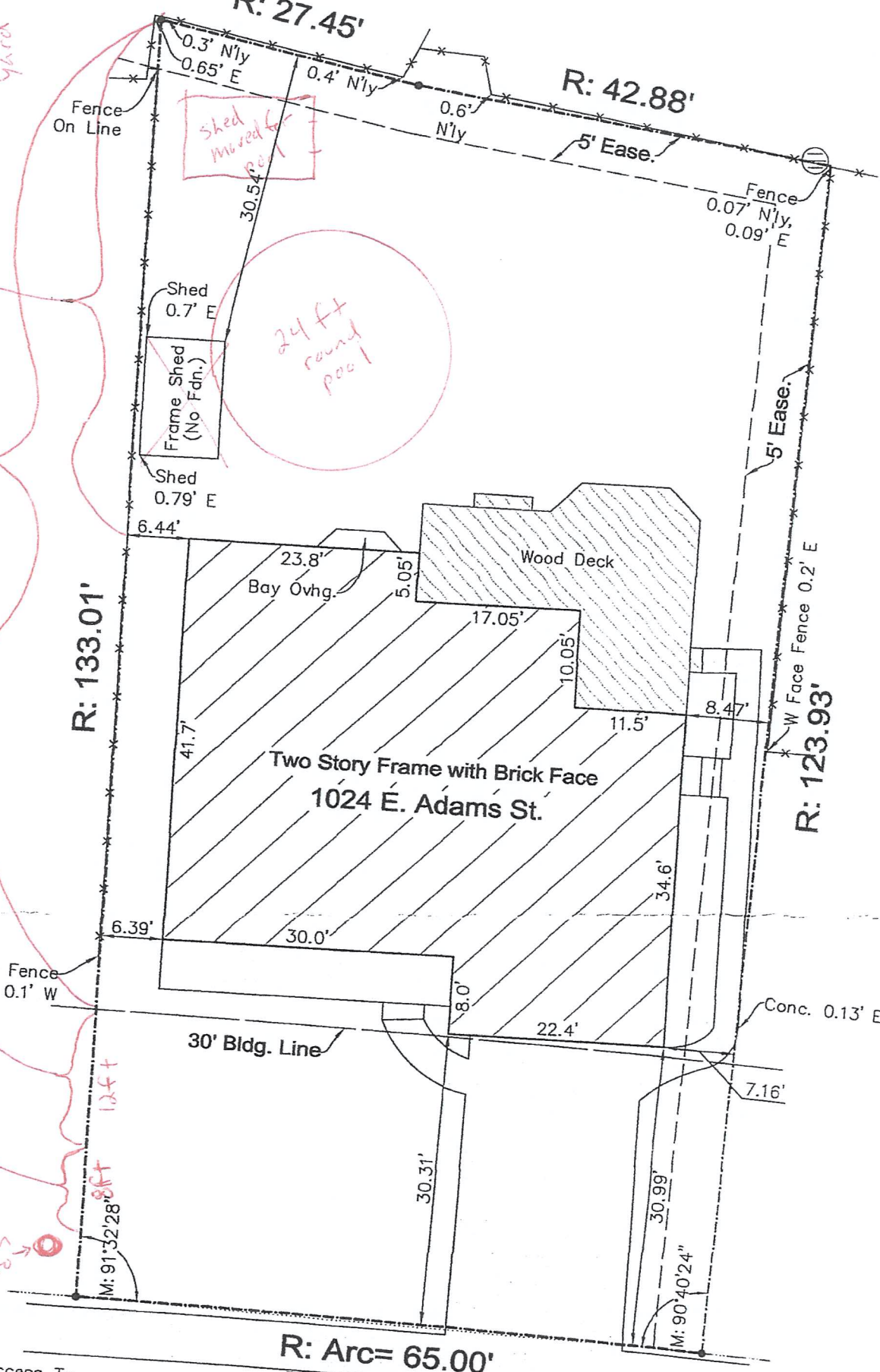
R: 123.93'

R: Arc= 65.00'

R: Rad.= 1855.80'

R: Ch= 64.99'

Adams St.



PLANNED  
NEW  
FENCE