

July 22, 2004

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

Subject: ZBA 04-07; 702 E. Western Avenue

Dear President and Trustees:

Your Zoning Board of Appeals submits for your consideration its recommendation on the above referenced petition. The petitioner requests that the Village approve a variation from Section 155.205 (A)(3)(a)(c)(2) of the Lombard Zoning Ordinance to increase the permitted fence height in a required front yard from four feet (4') to six feet (6') for the subject property, which is located within the I Limited Industrial Zoning District.

The Zoning Board of Appeals conducted a public hearing on June 23, 2004. The petitioner, Robert Gianatsio, owner of the business at 702 Western Avenue presented the petition. He discussed the history of the property. He entered into a parking agreement with the Village to allow for additional parking for his business within the Western Avenue right of way. As a condition of the agreement, the Village requested that he replace his existing chain link fence with a new wrought iron fence. As the fence will be over four feet in height, he must received approval of the variation prior to erecting the fence.

He then discussed the proposed fence and its location on the property. The fence will still be an open fence, so issues associated with clear line of sight will not be a problem. The additional height is needed for security purposes.

Chairperson DeFalco then opened the meeting for public comment. No one spoke in favor or opposed to the petition. He then requested the staff report.

William Heniff, Senior Planner, presented the staff report. He stated that when the former Kohler Trading Company site was redeveloped by Safeguard Storage, the developer agreed to install on-street parking on Western Avenue at the request of the Village. Staff met with the property owners along Western Avenue to establish agreements specifying improvements to be made to their properties in exchange for licenses to access the on-street parking constructed on the south side of Western Avenue.

One improvement identified in the license agreement for the property at 702 E. Western was the removal and replacement of an existing chain link fence in the front yard. The existing fence is approximately six feet in height with barbed wire across the top. The license agreement states that the fence may be replaced with a new decorative wrought iron fence of up to eight feet in height provided that the owner applies for and is granted a variation to exceed the four foot maximum height in the required front yard. The petitioner intends to replace the fence with a six-foot metal fence and therefore requests a variation at this time.

He then discussed the Zoning Ordinance provisions as it relates to fences. The four-foot (4') height restriction of fences in front yards is intended to provide adequate visibility for pedestrian, bicycle, and vehicular traffic. This restriction is also intended to ensure that light and air flow are not obstructed on other properties, as well as for aesthetic purposes within neighborhoods. Staff finds that the material and placement of the proposed fence will not inhibit light or air circulation on adjacent properties. A portion of the fence will be located within a line of sight area as it will be adjacent to a driveway on the subject property. Since the proposed fence will consist of open construction, staff finds that the fence will not obstruct visibility when traveling in or out of the site.

As the subject property is located within the I Limited Industrial District, staff finds that the placement of a six foot fence in the front yard is acceptable given the nature of the uses within the area and will therefore be unobtrusive to surrounding properties. The proposed replacement fence will be an aesthetic improvement to the property as well as to the corridor overall. Staff can support the requested variation assuming that the fence is at least 75% open which will prevent the front yard area from appearing enclosed.

The petitioner's proposed fence would not be inconsistent with past development activity along Western Avenue and would be more compatible with the adjacent uses. While the property to the south is zoned and developed for retail uses, the uses are oriented toward St. Charles Road and the uses back-up to the Western Avenue right-of-way. With respect to the single-family residence at 116 S. Chase, the property is oriented toward Chase and away from the subject property. As the new fence is replacing an existing fence already located on the property, the residential property should not be negatively impacted.

He also passed out pictures of the subject property that clearly illustrate the existing conditions of the site and of the neighboring properties.

Chairperson DeFalco then opened the meeting for discussion by the Board Members.

Mr. Polley asked about the age of the existing fence and the green slats that are currently on the fence. Mr. Gianatasio did not know the fence age as it was there prior to him operating his business there. He noted that the new fence would be an open fence and would not contain any screening material. He also plans to provide additional landscaping adjacent to the fence at a later date.

Mr. Polley then asked about the residence south of the property. Mr. Gianatasio stated that their house faces Chase Avenue and that their detached garage and driveway faces Western Avenue. He believed the fence would be an aesthetic improvement from what is existing on the property.

Chairperson DeFalco then inquired about the existing tree east of the property. Mr. Gianatasio stated they propose to angle the fence so that they do not have to remove the tree.

Mr. Heniff inquired about the type of gate they are proposing to use. Mr. Gianatasio stated that the gate will match the fence materials. He also noted that a compatible sliding gate would also be added along the side of the building.

After due consideration of the petition and testimony presented, found that the proposed variation complied with the Standards of the Zoning Ordinance. Therefore, on a motion by Dr. Corrado and seconded by Mr. Polley, the Zoning Board of Appeals recommended approval of ZBA 04-07 by a roll call vote of 5 to 0, subject to the following conditions:

1. That the petitioner shall apply for and receive a building permit for any proposed fencing on the subject property.
2. That the fence staff be located per the petitioner's plans submitted as part of this request.
3. That the fence consist of wrought iron or an equivalent material not to exceed six feet (6') in height when measure from grade to the top of the post. Said design subject to the approval of the Director of Community Development.
4. That the fence shall be of at least 75% open construction and shall meet all provisions of Section 155.205(A)(3)(e) of the Lombard Zoning Ordinance.

Respectfully,

VILLAGE OF LOMBARD

John DeFalco
Chairperson
Zoning Board of Appeals

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