

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

 X

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: July 13, 2004 (B of T) Date: July 22, 2004
TITLE: ZBA 04-07: 702 Western Avenue
SUBMITTED BY: Department of Community Development *Walt*

BACKGROUND/POLICY IMPLICATIONS:

The Zoning Board of Appeals transmits for your consideration its recommendation relative to the above-mentioned petition. This petition requests 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'). (DISTRICT #4)

Staff is requesting waiver of first reading.

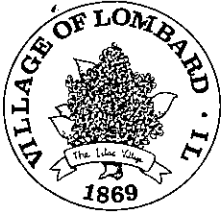
The Zoning Board of Appeals recommended approval of this petition with conditions.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date 7/13/04

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, Director of Community Development *Dah*

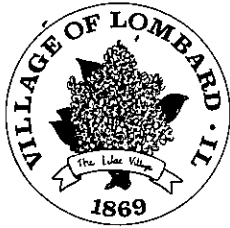
DATE: July 22, 2004

SUBJECT: ZBA 04-07: 702 Western Avenue

Attached please find the following items for Village Board consideration as part of the July 22, 2004 Village Board meeting:

1. Zoning Board of Appeals referral letter;
2. IDRC report for ZBA 04-07;
3. An Ordinance granting approval of the variation for fence height in the front yard area; and
4. Companion plat of survey associated with the petitioner's request.

Please contact me if you have any questions regarding the aforementioned materials.



VILLAGE OF LOMBARD

255 E. Wilson Ave.
Lombard, Illinois 60148
630/620-5700 FAX: 630/620-8222
TDD: 630/620-5812
www.villageoflombard.org

July 22, 2004

Village President
William J. Mueller

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

Trustees

Joan DeStephano, Dist. 1
Richard J. Tross, Dist. 2
Karen S. Koenig, Dist. 3
Steven D. Sebby, Dist. 4
Kenneth M. Florey, Dist. 5
Rick Soderstrom, Dist. 6

Village Manager
William T. Lichter

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.

"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."

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.

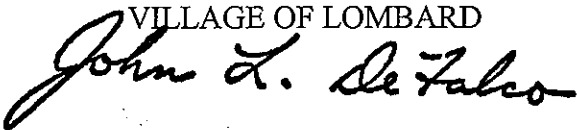
Mr. Heniff inquired about the type of gate they are proposing to use. Mr. Gianatasio stated that the gate will match the fence materials. He also noted that a compatible sliding gate would also be added along the side of the building.

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

att-

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Zoning Board of Appeals HEARING DATE: June 21, 2004
FROM: Department of Community PREPARED BY: Angela Clark, AICP
Development Planner I

TITLE

ZBA 04-07; 702 Western Avenue: 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').

GENERAL INFORMATION

Petitioner: Complete Building Maintenance Co.
702 Western Avenue
Lombard, IL 60148

Relationship to Property: Tenant

Property Owner: Trust #7877
702 Western Avenue
Lombard, IL 60148

PROPERTY INFORMATION

Existing Zoning: I Limited Industrial District

Existing Land Use: Industrial

Size of Property: 43,500 square feet

Surrounding Zoning and Land Use:

North: R2 Single Family Residence District; Union Pacific Railroad and Single Family Residences

South: B4PD Corridor Commercial District Planned Development & R2 Single Family Residence District; Owl Lumber and Single Family Residences

East: I Limited Industrial District; free-standing industrial building

West: I Limited Industrial District; free-standing industrial buildings

ANALYSIS

SUBMITTALS

This report is based on the following documents, which were filed with the Department of Community Development on May 28, 2004.

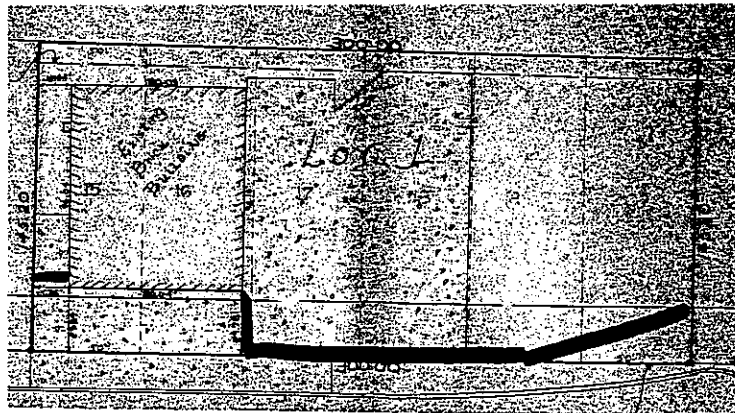
1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey with proposed fence locations on the property

DESCRIPTION

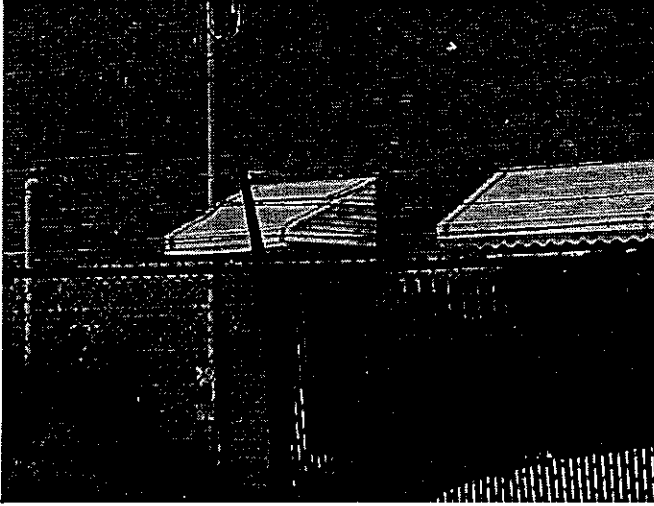
In 1998 the Board of Trustees created an Ad Hoc Committee on the East St. Charles Road Corridor. Through the committee review process, property owners along the corridor informed the Village of the need for additional parking in the area. When the former Kohler Trading Company site across the street from the subject property 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.

Site Plan



Photographs



ENGINEERING

Private Engineering Services

From an engineering or construction perspective, PES has no comments.

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.

PLANNING

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 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. Staff also finds that 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.

Compatibility with Surrounding Land Uses

East and west of the subject property are properties zoned for and developed as industrial uses. Many of these properties have utilized the front yard for storage and circulation purposes. 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 development for retail uses, the uses are oriented toward St. Charles Road and the uses back-up to the Western Avenue right-of-way. As such, the fence would not be impacting the retail nature and function of these properties.

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.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **affirmed** the Standards for Variations for the requested relief. 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 requested variation:

Based on the submitted petition and the testimony presented, the requested fence height variation **complies** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals accept the findings on the Inter-Departmental Review Committee as the findings of the Zoning Board of Appeals and recommend to the Corporate Authorities **approval** of ZBA 04-07, subject to the following conditions:

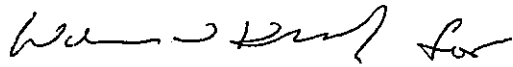
1. That the petitioner shall apply for and receive a building permit for any proposed fencing on the subject property.
2. That the fence shall be located per the petitioner's plans submitted as part of this request.
3. That the fence consist of wrought iron or an equivalent material not to exceed six 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.

Zoning Board of Appeals

Re: ZBA 04-07

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Inter-Departmental Review Group Report Approved By:



David A. Hulseberg, AICP
Director of Community Development

att-

c: Petitioner

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002

COMPLETE
BUILDING MAINTENANCE CO.

May 24, 2004

Village of Lombard
255 East Wilson Avenue
Lombard, IL 60148

**RE: Request for variance on height
restriction for a replacement fence at:
702 Western Avenue, Lombard, IL**

Gentlemen:

We would respectfully request a slight variance on the installation of a replacement fence at the above address. Currently, there exists a 6' chain link fence for enclosure of the yard area of the above-mentioned property. We are requesting a variance to replace this fence with a 6' decorative metal fence. We feel it is important to use a height of 6' instead of the required 4' maximum height for security reasons. We don't want to make it inviting for children to easily hop this fence to enter the yard area.

We feel the decorative fence will be an enhancement to the neighborhood area and again are only requesting the 6' height for safety reasons and heightened security.

We appreciate your consideration of this variance. Should you have any questions, please feel free to contact me at any time.

Sincerely,

COMPLETE BUILDING MAINTENANCE CO.



Robert Gianatasio

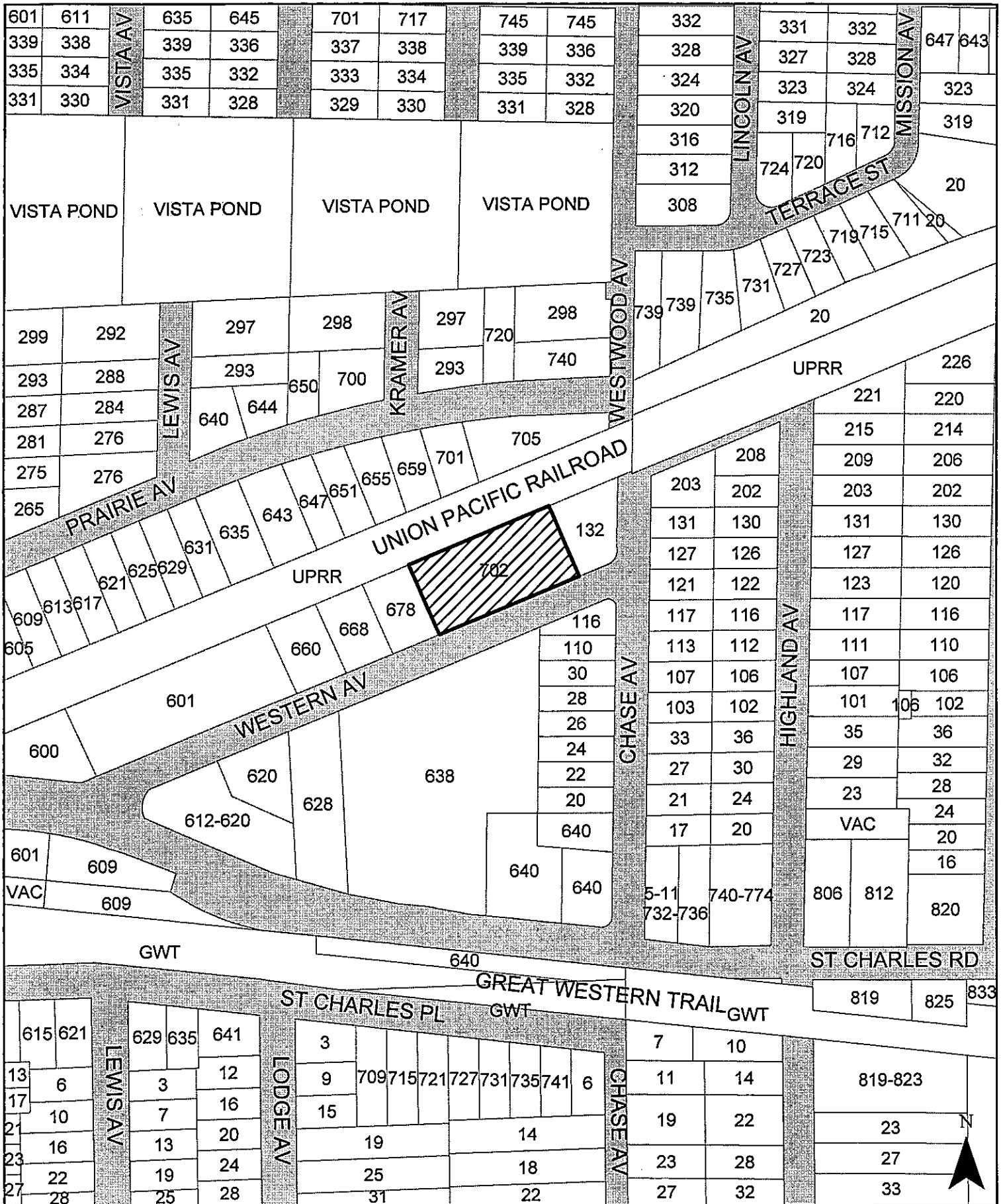
RG/gb

702 Western Avenue • Lombard, IL 60148 • Phone (630) 932-7890 • FAX (630) 932-4180
www.completebuilding.com

A full service roofing contractor since 1962

Location Map

ZBA 04-07: 702 E. Western Avenue



ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION
OF THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155 OF THE CODE OF LOMBARD, ILLINOIS**

(ZBA 04-07: 702 E. Western Avenue)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, the subject property is zoned I Limited Industrial District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting a variation from Title 15, Chapter 155, Section 155.205 (A) (3)(a)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to six (6) feet; and,

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on June 21, 2004 pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendations to the Board of Trustees with a recommendation of approval of the requested variation; and,

WHEREAS, the President and Board of Trustees does concur with the findings of the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve the requested variation subject to conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That a variation is hereby granted from the provisions of Title 15, Chapter 155, Section 155.205 (A) (3)(a)(c)(2) of the Lombard Zoning Ordinance to increase the maximum allowable fence height from four (4) feet to six (6) feet, subject to the conditions noted in Section 3 below.

SECTION 2: This ordinance is limited and restricted to the property generally located at 702 E. Western Avenue, Lombard, Illinois, and legally described as follows:

LOT 1 IN PAUL SMITH'S CONSOLIDATION OF LOTS 15, 16, 17, 18, 19, AND 20 IN BLOCK 3 IN SUNNYSIDE ADDITION TO LOMBARD A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 21, 1986 AS DOCUMENT R1986-147499 IN DUPAGE COUNTY, ILLINOIS.

Parcel No: 06-05-422-010

SECTION 4: This ordinance shall be granted subject to compliance with 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 shall 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 measured from grade to the top of the post. Said design is 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.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2004.

First reading waived by action of the Board of Trustees this _____ day of _____, 2004.

Passed on second reading this _____ day of _____, 2004.

Ordinance No. _____

Re: ZBA 04-07

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Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2004.

William J. Mueller, Village President

ATTEST:

Barbara A. Johnson, Deputy Village Clerk

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