



# Village of Lombard

Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org

## Minutes

### Zoning Board of Appeals

*John DeFalco, Chairperson  
Mary Newman, Raymond Bartels,  
Greg Young, Keith Tap,  
Ed Bedard and Val Corrado  
Staff Liaison: Matt Panfil*

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Wednesday, September 24, 2014

7:30 PM

Village Hall Board Room

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#### Call to Order

#### Pledge of Allegiance

#### Roll Call of Members

**Present** 6 - John DeFalco, Mary Newman, Raymond Bartels, Greg Young, Ed Bedard, and Val Corrado  
**Absent** 1 - Keith Tap

#### Public Hearings

[140370](#)

##### **ZBA 14-10: 236 W. Sunset Avenue**

Requests that the Village grant a variation from Section 155.205(A)(1) (c)(ii) of the Lombard Zoning Ordinance to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6') on the subject property located within the R2 Single-Family Residence District. (DISTRICT #1)

*Mr. Jeffrey Lenz, homeowner, presented the petition. Mr. Lenz stated that he would like to be able to replace an existing six foot (6') tall solid fence with a new six foot (6') tall solid fence. Referencing photographs in the Inter-Departmental Review Committee (IDRC) report, Mr. Lenz said that while the existing fence is six feet (6') in height, the fence appears shorter because of a slope in the yard. Mr. Lenz is concerned about the lack of privacy because people are easily able to view his yard.*

*Mr. Lenz stated that the fence does not encroach into any clear line of sight areas and then concluded by thanking staff for their work in helping him submit his petition.*

*Chairperson DeFalco questioned if there was anyone present to speak in favor of or against the petition. Hearing none, staff was asked for their presentation.*

*Tami Urish, Planner, submitted the IDRC Report and a memo from staff dated September 24, 2014 correcting the actual height of the fence as six feet (6') in height as opposed to the staff report stating the actual height as five feet (5') into the public record in its entirety.*

*Ms. Urish stated that in this request the corner side yard is located along North Elizabeth Street. Access to the detached garage is located on West Sunset Avenue. Access to the attached garage of the adjacent property (611 N. Elizabeth) is located on North Elizabeth Street, north of the subject property.*

*The subject property is a reverse corner lot, defined as a corner lot where the street-side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. Therefore, the maximum four foot (4)' height provision for a fence extends thirty feet (30') from the corner side property line as opposed to twenty feet (20') for a standard corner lot.*

*In regards to the other members of the IDRC, there were no specific comments or concerns. However, the Planning Services Division notes that a variation may only be granted if there is a demonstrated hardship that distinguishes the property from all other properties in the area and the petitioner must show that they have affirmed each of the seven (7) Standards for a Variation. Staff finds that standards two, three, five, six, and seven have been affirmed; however, standards one and four have not been affirmed.*

*In response to the first standard, Ms. Urish stated that staff does not agree that the construction of a six foot (6') tall fence is a matter of need, but rather a matter of preference. The grade change is not unique as similar topographical conditions occur throughout the Village. Similar to the first standard, staff finds that the supposed hardship is not caused by Lombard's Zoning Ordinance.*

*In consideration of precedent, Ms. Urish stated that staff identified approximately seventeen (17) similar cases that appeared before the Zoning Board of Appeals (ZBA) since 2005. Each case involved a request for a six foot (6') tall solid fence in a corner side yard in a single-family residential zoning district. Staff recommended approval for only four (4) of the seventeen (17) cases. In such instances, staff supported the request once due to a truly unique grade change, once due to unique design circumstances that were approved legally prior to the property being annexed into the Village, and twice because the petitioners maintained the existing building line of a legally nonconforming structure.*

*Ms. Urish concluded by recommending that the petition be denied because approval would set a long-range precedent that could be commonly applied to all corner side yards.*

*Chairperson DeFalco then opened the meeting for discussion by the ZBA members.*

*Mr. Bedard asked if staff has received any comments from surrounding neighbors. Ms. Urish responded that there were some comments, one of which was supportive of the request.*

*Ms. Newman asked if the proposed fence will be solid, to which Mr. Lenz affirmed due to his preference for privacy.*

*Chairperson DeFalco asked the petitioner if he had considered fully conforming to Village Code. Mr. Lenz stated that he did consider the option, but it would prevent him from enclosing almost half of his yard because it would have to be setback thirty feet (30') due to the property being a reverse corner lot.*

*Mr. Bedard asked why the petitioner felt the need for a six foot (6') tall fence instead of an allowable four foot (4') tall fence. Mr. Lenz responded that because of a slope in the yard, a six foot (6') tall fence would provide more privacy.*

*Chairperson DeFalco reminded the ZBA members that a hardship, that affirms all of the standards for a variation is necessary for approval. The petitioner has stated the hardship to be the slope of the property, but staff disagrees.*

*Mr. Young asked staff to confirm that in the seventeen (17) cases previously mentioned the Village Board approved all of them. Ms. Urish confirmed.*

**A motion was made by Mr. Bartels, seconded by Ms. Newman, that the Zoning Board of Appeals recommends this petition for denial to the Corporate Authorities.**

**The motion carried by the following vote:**

**Aye:** 4 - John DeFalco, Mary Newman, Raymond Bartels, and Ed Bedard

**Nay:** 2 - Greg Young, and Val Corrado

**Absent:** 1 - Keith Tap

## **Business Meeting**

### **Approval of Minutes**

A motion was made by Dr. Corrado, seconded by Mr. Young, to approve the minutes of the September 3, 2014 meeting. The motion passed by a unanimous vote.

## **Planner's Report**

## **New Business**

## **Unfinished Business**

## **Adjournment**

A motion was made by Ms. Newman, seconded by Mr. Bedard, to adjourn the meeting at 7:51 p.m. The motion passed by a unanimous vote.

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John DeFalco, Chairperson  
Zoning Board of Appeals

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William J. Heniff, AICP, Director of Community Development  
Zoning Board of Appeals