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FRED BUCHOLZ, RECORDER  
DUPAGE COUNTY ILLINOIS  
01/16/2020 11:31 AM

DOCUMENT # R2020-005935

## **ORDINANCE 7727**

### **AN ORDINANCE APPROVING A FENCE HEIGHT VARIATION ZBA 19-05: (244 East St. Charles Road)**

**PIN(s); 06-08-106-011; 06-05-321-011; 06-05-321-012;  
06-05-321-013; and 06-05-321-014**

**ADDRESS: - 244 East St. Charles Road, Lombard, IL 60148**

**Prepared by and Return To:  
Village of Lombard  
255 E. Wilson Avenue  
Lombard, IL 60148**



I, **Janet Downer**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of

ORDINANCE 7727

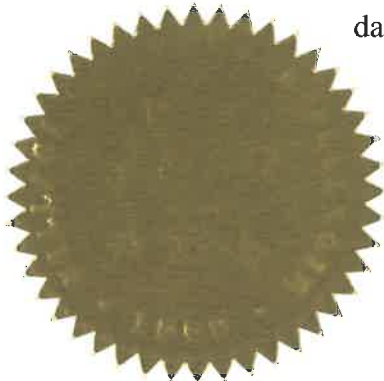
AN ORDINANCE APPROVING  
A FENCE HEIGHT VARIATION  
(ZBA 19-05: 244 East St. Charles Road)

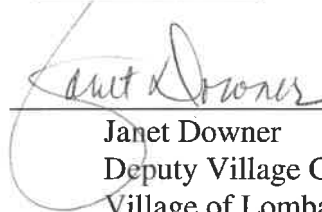
PIN(s) : 06-08-106-011; 06-05-321-011;  
06-05-321-012; 06-05-321-013; and 06-05-321-014

ADDRESS: 244 E. St Charles Road, Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 3rd  
day of October, 2019.

**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 12<sup>th</sup>  
day of November, 2019.



  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois


**ORDINANCE 7727**

**PAMPHLET**

**ZBA 19-05: 244 E. ST. CHARLES ROAD**



PUBLISHED IN PAMPHLET FORM THIS 4<sup>th</sup> DAY OF OCTOBER 2019, BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk

**ORDINANCE NO. 7727**

**AN ORDINANCE APPROVING  
A FENCE HEIGHT VARIATION  
(ZBA 19-05: 244 East St. Charles Road)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:**

- A. That, on July 24, 2019, the Zoning Board of Appeals of the Village of Lombard (the "ZBA") heard a request for a fence height variation, pursuant to proper notice, relative to the Subject Property (as defined below), pursuant to which an eight (8) foot high fence was being requested, to be constructed at the property line within the rear front yard of a through lot in the B2 General Neighborhood Shopping District, when only a four (4) foot high fence is allowed within the thirty (30) foot rear front yard of a through lot.
- B. That, on July 24, 2019, the ZBA made no recommendation, relative to the variation being requested, to the President and Board of Trustees.
- C. That, subsequent to the July 24, 2019 appearance before the ZBA, the petitioner for the variation met with the neighboring property owners, and agreed to move the eight (8) foot fence nine (9) feet off of the North property line of the Subject Property (as defined below), and agreed to certain additional conditions if the fence height variation was to be granted, as set forth below.
- D. That, subsequent to the agreement referenced in subsection C. above, the petitioner determined that, as a result of an existing utility pole, and the

underground utility infrastructure in relation thereto, it may be necessary to locate the aforementioned fence only eight (8) feet off of the North property line of the Subject Property (as defined below), within the West twenty (20) feet of the Subject Property (as defined below).

- E. That the President and Board of Trustees hereby find that, with the moving of the eight (8) foot fence to a point at least eight (8) feet off of the North property line of the Subject Property (as defined below), within the West twenty (20) feet of the Subject Property (as defined below), and at least nine (9) feet off of the North property line of the Subject Property (as defined below) at all other locations within the rear front yard of the Subject Property (as defined below), and compliance with the additional conditions as set forth below, the fence height variation meets the criteria for the granting of a variation, as set forth in Chapter 155 of the Lombard Village Code.

**SECTION 2:** That the following variation is limited to the property legally described as follows:

LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 5 AND PART OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179463, IN DUPAGE COUNTY, ILLINOIS; AND LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT, BEING A SUBDIVISION OF LOTS 5 THROUGH 9 INCLUSIVE, IN BLOCK 14 IN H.O. STONE AND COMPANY'S ADDITION TO LOMBARD, A SUBDIVISION OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARNDT HOSPITAL CONSOLIDATION PLAT RECORDED MAY 29, 1986 AS DOCUMENT R86-52310 IN DUPAGE COUNTY, ILLINOIS;

ALSO THAT PART OF THE FORMER 33.00 FOOT WIDE STEWART AVENUE RIGHT OF WAY AS DEDICATED PER H. O. STONE & COMPANY'S ADDITION TO LOMBARD (DOCUMENT NO. 79463) IN SECTIONS 5 AND 8, TOWNSHIP 39

NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF AND ABUTTING THE NORTHERLY LINE OF THE ST. CHARLES ROAD RIGHT OF WAY (AS DEDICATED PER DOCUMENT NO. 179463), LYING EAST OF AND ABUTTING THE EAST LINE OF LOT 1 IN ARNDT HOSPITAL CONSOLIDATION PLAT (PER DOCUMENT NO. R86-52310), LYING EAST OF AND ABUTTING THE EAST LINES OF LOTS 1, 2, 3 & 4, BLOCK 14 IN SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD, AND LYING SOUTH OF AND ABUTTING THE WINDSOR AVENUE RIGHT OF WAY AS HERETOFORE DEDICATED PER SAID H. O. STONE & COMPANY'S ADDITION TO LOMBARD; AND VACATED PER DOCUMENT R2017-105182, RECORDED OCTOBER 12, 2017, IN DUPAGE COUNTY, ILLINOIS;

PINs: 06-08-106-011; 06-05-321-011; 06-05-321-012; 06-05-321-013;  
and 06-05-321-014;

Common Address: 244 East St. Charles Road, Lombard, Illinois;

(the "Subject Property").

**SECTION 3:** That a 4.00 foot variation from the 4.00 foot maximum fence height in the rear front yard of a through lot requirement of Section 155.205(A)(2)(c)(ii) of the Lombard Village Code is granted to the owner(s) of the Subject Property, to allow for the construction of an eight (8) foot high fence, in the rear front yard of the Subject Property, subject to the conditions as set forth in Section 4 below.

**SECTION 4:** The fence height variation, as set forth in Section 3 above, is subject to the following conditions:

- A. The fence shall be constructed no less than eight (8) feet from the North property line of the Subject Property, within the West twenty (20) feet of the Subject Property, and no less than nine (9) feet from the North property line of the Subject Property at all other locations within the rear front yard of the Subject Property. Notwithstanding the foregoing, to the extent that the fence can be constructed within any portion of the West twenty (20) feet of the Subject Property at a location greater than eight (8) feet from the North

property line of the Subject Property, without creating a conflict with the existing utility pole and the underground utility infrastructure in relation thereto, said fence shall be so constructed at such greater distance from the North property line of the Subject Property, but shall not, in any event, be required to be constructed more than nine (9) feet from the North property line of the Subject Property in order to avoid a conflict with the existing utility pole and the underground utility infrastructure in relation thereto.

- B. The fence shall be constructed of white vinyl.
- C. No more than the bottom seven (7) feet of the fence shall be opaque, the intent being to have lattice work or spindles within at least the top one (1) foot of the fence, so that the top one (1) foot is not entirely opaque.
- D. The portion of the Subject Property, on the North side of the fence, shall be landscaped with viburnum, spaced every ten (10) feet, for the full length of the fence. Said landscaped area shall be maintained in accordance with the property maintenance provisions of the Lombard Village Code, and any dead plant materials shall be replaced, so as to keep the area maintained in accordance with the original planting plan.
- E. A fence, of the same height and materials as referenced in this Ordinance, and connected to the fence referenced herein at the Northwest corner of the Subject Property, shall be installed along the West property line of the Subject Property, from a point no less than eight (8) feet from the North property line of the Subject Property to a point no less than twenty-six (26) feet from the North property line of the Subject Property.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this 3<sup>rd</sup> day of October, 2019.

Passed on second reading this 3<sup>rd</sup> day of October, 2019, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

NAYS: None

ABSENT: None

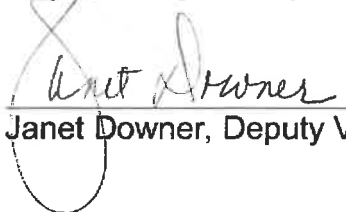
**APPROVED** by me this 3<sup>rd</sup> day of October, 2019.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Janet Downer, Deputy Village Clerk

Published by me in pamphlet form this 4<sup>th</sup> day of October, 2019.

  
Janet Downer, Deputy Village Clerk