

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

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| TO: | Zoning Board of Appeals | HEARING DATE: | November 19, 2003 |
| FROM: | Department of Community Development | PREPARED BY: | Angela Clark, AICP Planner I |

TITLE

ZBA 03-25; 1000 W. Shedron Way: The petitioner requests a variation to Section 155.205(A)(1)(c)(2) 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') in the R2 Single-Family Residence District.

GENERAL INFORMATION

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| Petitioner/Property Owner: | Mrs. Terri Hedding 1000 W. Shedron Way Lombard, IL 60148 |
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PROPERTY INFORMATION

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| Existing Zoning: | R2 Single-Family Residence District |
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| Existing Land Use: | Single-Family Residence |
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| Size of Property: | Approximately 8,649 Square Feet |
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Surrounding Zoning and Land Use:

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| North: | R2 Single-Family Residence District; Single-Family Residences |
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| South: | R2 Single-Family Residence District; Single-Family Residences |
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|-------|---|
| East: | R2 Single-Family Residence District; Single-Family Residences |
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| West: | R2 Single-Family Residence District; Single-Family Residences |
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ANALYSIS

SUBMITTALS

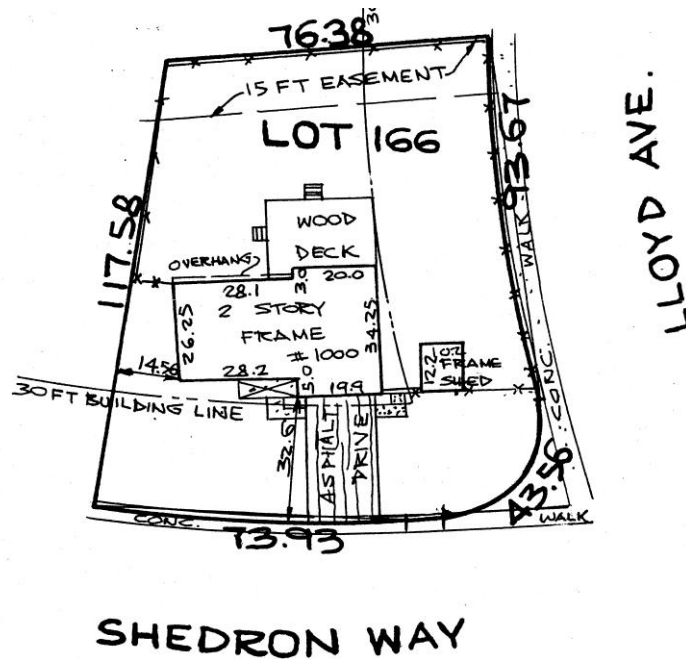
This report is based on the following documents, which were filed with the Department of Community Development on September 24, 2003.

1. Petition for Public Hearing
2. Response to the Standards for Variation
3. Plat of Survey

DESCRIPTION

The petitioner requests a variation to increase the maximum allowable fence height in a corner side yard from four feet (4') to six feet (6'). The petitioner's lot is located at the corner of Shedron Way and Lloyd Avenue. The petitioner would like to replace the existing four foot (4') chain link fence with a six foot (6') solid wood fence.

PLAT OF SURVEY



PHOTOGRAPHS OF THE SUBJECT PROPERTY



ENGINEERING

Private Engineering Services

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

Public Works Engineering

Public Works Engineering has no comments or changes.

FIRE AND BUILDING

The Fire Department/Bureau of Inspectional Services has no comments.

PLANNING

A text amendment to increase the fence height in corner side yards to six feet (6') was workshopped before the Plan Commission in May 2002. Staff believed that the amendment could be supported provided that the proposed fence was not abutting the front yard of another property. Upon review of the proposed amendment, the Plan Commission believed that the current requirement should remain in place. The four-foot (4') height restriction of fences in corner side 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.

While staff does not dispute the petitioner's concerns regarding safety in light of the petitioner's hearing impairment, staff cannot support the variation for the following reasons. Staff finds that the placement of a solid six foot fence within the proposed location poses several negative impacts. The proposed location of the fence falls within the front yard area of an abutting property. Code requires in such instances that the fence remain outside of the neighboring required front yard. Staff finds that placement of the fence adjacent to the neighboring front yard

may be aesthetically displeasing as well as obstruct light and the view of that property. Staff also finds that placement of the proposed fence could detract from the desired visibility along the street intended by Code.

A variation may only be granted if there is a demonstrated hardship. The petitioner raised several issues within the response to the Standards for Variations. Many of the identified threats could potentially effect any corner lot within the Village of Lombard. Staff recognizes the petitioner's unique circumstances, however staff believes that the petitioner's safety concerns can be addressed within the requirements outlined in the Code. The petitioner may place a six foot fence on the property outside of the corner side yard and abutting front yard areas. The fence could be placed thirty feet (30') west of the eastern property line, enabling the petitioner to block visibility from the street without encroaching the corner side yard. Furthermore, granting of a variation requires that the petitioner show that they affirmed each of the "Standards for Variation". Staff finds that the following standards are not affirmed.

1. *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.* Staff finds that there is no demonstrated physical hardship, nor are there any unique topographical conditions related to this property that would prevent compliance with the ordinance. The petitioner's stated hardship in this instance is the petitioner's hearing impairment. Staff finds that the concerns raised by the petitioner can be reasonably accommodated within the Code requirements. Staff concurs with the petitioner's assessment that increased traffic is experienced on the corner lot. However this is not unique to the subject property, but rather characteristic of corner lots in general.
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 other property within the same zoning classification.* The petitioner's lot is comparable to other corner lots in the single-family residential district. Staff finds that there are not any unique differences between the petitioner's lot and others with the same classification.
3. *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 has not been created by the ordinance.
4. *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.* Staff finds that the placement of a six-foot (6') fence adjacent to a

neighboring front yard may be aesthetically displeasing as well as restrict light and air flow to the neighboring property.

5. *The granting of the variation will not alter the essential character of the neighborhood.* While there are other properties in the neighborhood that have six-foot fences in the corner side yard, fence permits are not on file for the properties identified in the petitioner's responses to the Standards for Variations. The fences may have been constructed prior to the fence permit requirements or without permits.

Alternative Recommendation

If the Zoning Board finds that this request meets the Standards for Variations, staff recommends that a condition be placed on the variation to apply to the present homeowners, in light of the fact that the stated hardship applies specifically to them. Should the petitioner no longer reside at the subject property, the portion of the fence within the corner side yard shall be removed from the property.

FINDINGS AND RECOMMENDATIONS

The Department of Community Development has determined that the information presented **has not affirmed** the Standards for Variations for the requested increase in maximum allowable height for a fence in a required corner side yard. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Zoning Board of Appeals make the following motion recommending **denial** of the requested variation:

1. Based on the submitted petition and the testimony presented, the requested fence height variation **does not comply** with the Standards required for a variation by the Lombard Zoning Ordinance; and, therefore, I move that the Zoning Board of Appeals recommend to the Corporate Authorities **denial** of ZBA 03-25.

Inter-Departmental Review Group Report Approved By:

David A. Hulseberg, AICP
Director of Community Development

DAH:AC
att-
c: Petitioner