LEGISTAR # 220199 DISTRICT # 1

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

 Resolution or Ordinance (Blue)
 X
 Waiver of First Requested

 X
 Recommendations of Boards, Commissions & Committees (Green)

 Other Business (Pink)

- **TO :** PRESIDENT AND BOARD OF TRUSTEES
- **FROM:** Scott R. Niehaus, Village Manager

DATE : July 12, 2022 (BOT) Date: July 21, 2022

SUBJECT: PC 22-17, 27 W. Grove Street, Outlot A and 53 N. Park Avenue, Park Place of Lombard

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner, Park Place of Lombard's Homewoner's Association, requests that the Village approve a zoning variation from Section 155.205(A)(1)(c)(i) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of six (6) feet in height is permitted in the interior side yard and rear yard on the subject property located within the R6PD Central Residence Planned Development District.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the July 21, 2022 Board of Trustees agenda under Items for Separate Action and a waiver of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):	
Finance Director	Date
Village Manager	Date

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:Scott R. Niehaus, Village ManagerFROM:William J. Heniff, AICP, Director of Community DevelopmentMEETING DATE:July 21, 2022SUBJECT:PC 22-17, 27 W. Grove Street, Outlot A and 53 N. Park Avenue, Park
Place of Lombard

Please find the following items for Village Board consideration as part of the July 21, 2022 Board meeting:

- 1. Plan Commission referral letter;
- 2. IDRC report for PC 22-17; and
- 3. An Ordinance granting approval of the variance.

The Plan Commission recommended approval of this petition by a vote of 6-0. Please place this petition on the July 21, 2022 Board of Trustees agenda under Items for Separate Action and a waiver of first.

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Village President Keith T. Giagnorio

Village Clerk Liz Brezinski

Trustees

Brian LaVaque, Dist. 1 Anthony Puccio, Dist. 2 Bernie Dudek, Dist. 3 Andrew Honig, Dist. 4 Dan Militello, Dist. 5 Bob Bachner, Dist. 6

Village Manager Scott R. Niehaus

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses 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."

VILLAGE OF LOMBARD

255 E. Wilson Ave. Lombard, Illinois 60148-3926 (630) 620-5700 Fax (630) 620-8222 www.villageoflombard.org

July 21, 2022

Mr. Keith T. Giagnorio, Village President, and Board of Trustees Village of Lombard

Subject: PC 22-17: 27 W. Grove Street, Outlot A and 53 N. Park Avenue – Park Place of Lombard

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition.

The petitioner, Park Place of Lombard's Home Owners Association, requests that the Village approve zoning variations from Section 155.205(A)(1)(c)(i) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of six (6) feet in height is permitted in the interior side yard and rear yard on the subject property located within the R6PD Central Residence Planned Development.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on June 20, 2022. Sworn in to present the petition was Jennifer Ganser, Assistant Director of Community Development, Anna Papke, Senior Planner and Diana LaVaque, Home Owners Association President.

Acting Chair Giuliano read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Ms. LaVaque stated that Park Place consists of six single family homes built approximately five years ago. Immediately to the south of Park Place is 49 N. Park Avenue with multilevel apartment building with a ramp that leads to parking decks. Park Place's shared driveway is approximately fifteen feet below the parking ramp of 49 N. Park Avenue. PC 22-17 July 21, 2022 Page 2

The existing fence between the properties is a chain link fence, four feet in height. Due to individuals gaining access to Park Place's shared driveway, noise and headlights shining into homes, the homeowner's association would like to install a solid privacy fence, eight feet in height at the south property line. A fence six feet in height is adequate along the east property line as the properties have similar grades heights.

Acting Chair Giuliano asked if any person would like to speak in favor or against this petition, or for public comment. Hearing none, she asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. The petitioner proposes to install an eight-foot-tall fence along a portion of the south side of the Park Place development. The apartment building next door is at a higher grade therefore, additional privacy, security and noise abatement is being sought. The development was before the Plan Commission in 2015 for previous zoning relief. Staff supports the fence variance.

Acting Chair Giuliano asked if there were any questions or comments on the staff report. Hearing none, she asked if Commissioners had any questions or comments for the petitioner.

Commissioner Johnston asked for clarification of the berm with trees to the south of Park Place. Ms. LaVaque responded that the berm is approximately ten feet in height where the shared driveway ends. The plan is to install a fence eight feet in height in the same location as the chain link fence without extending past the evergreen trees that provide adequate screening. The proposed fence would be on top of the berm replacing the existing chain link fence.

Commissioner Johnston asked if the overall height of the fence would then be twelve feet in height. Ms. LaVaque responded that the grade varies and it is only the portion indicated on the plans near the ramp and not extending the total length of the south property line.

Commissioner Johnston asked about snow removal near the fence. Ms. LaVaque responded that she has coordinated with the owners of other properties and have made provisions for snow removal.

Commissioner Johnston asked if the home owners association will maintain the fence. Ms. Lavaque responded that the home owners association is responsive to owner requests and is intent on keeping the property in good order due to the uniqueness of the development.

Acting Chair Giuliano asked if there were any further questions or comments for the petitioners or staff.

On a motion by Commissioner Johnston, and a second by Commissioner Walker, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 22-17 subject to the three (3) conditions in the staff report:

1. The fence shall be constructed in substantial conformance with the Site Plan;

- 2. The petitioner shall apply for and receive a building permit for the fence;
- 3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103.

Respectfully,

VILLAGE OF LOMBARD

Leigh Giuliano, Acting Chairperson Lombard Plan Commission

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

PC 22-17: 27 W. GROVE STREET AND 53 N. PARK AVENUE (PARK PLACE)

JUNE 20, 2022

Title

PC 22-17

Petitioner / Contractor

Diana LaVaque, HOA President

29 W. Grove Street Lombard, IL 60148

Property Owner

Park Place of Lombard HOA 27 W. Grove Street and Victor E. Lezza 53 N. Park Avenue Lombard, IL 60148

Property Location

27 W. Grove Street and 53 N. Park Avenue 06-07-206-051;06-07-206-050 Trustee District #1

Zoning

R6PD Central Residence Planned Development

Existing Land Use

Single-Family Homes

Comprehensive Plan

Medium Density Residential

Approval Sought

Variance for a fence up to eight (8) feet in height

Prepared By

Jennifer Ganser, AICP

Assistant Director



LOCATION MAP

DESCRIPTION

The petitioner proposes to install an 8' tall fence on a portion of the south side of the Park Place development. They note the fence will help with the view from the parking ramp at 49 N. Park Avenue. The parking ramp is at a significantly higher grade then Park Place. The fence will provide additional privacy and sound abatement. Additional privacy and reducing traffic noise from the ramp would provide further improvements to the relatively new development.

As the property is a Planned Development the fence variance is before the Plan Commission, instead of the Zoning Board of Appeals.

APPROVAL(S) REQUIRED

The petitioner requests that the Village approve zoning variations from Section 155.205(A)(1)(c)(i) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of six (6) feet in height is permitted in the interior side yard and rear yard on the subject property located within the R6PD Central Residence Planned Development.

PROJECT STATS

Submittals

- 1. Petition for a public hearing;
- 2. Response to Standards for Variations,
- Plat of resubdivision, prepared by Engineering Resource Associates, Inc, dated February 15, 2016;
- Plat of Survey prepared by Engineering Resource Associates, Inc, dated May 27, 2016; and
- Pictures of existing conditions, dated May 23, 2022;
- Picture of fence panel, dated May 23, 2022; and
- 7. Site Plan, prepared by the petitioner.

EXISTING CONDITIONS

The existing lots were platted in 2015 and are developed as single-family homes.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no issues or concerns. Should the petition be approved, additional comments will be forthcoming during the permit review.

Fire Department:

The Fire Department has no issues or concerns. Should the petition be approved, additional comments will be forthcoming during the permit review.

Private Engineering Services (PES):

Private Engineering Services has no comments on this petition. Should the petition be approved, additional comments will be forthcoming during the permit review.

Public Works:

The Department of Public Works has no issues or concerns. Should the petition be approved, additional comments will be forthcoming during the permit review.

Planning Services Division (PSD):

The Planning Services Division notes the following:

1. Surrounding Zoning & Land Use Compatibility

		<u> </u>	
	Zoning	Land Use	
	Districts		
North	R2	Detached Single-Family Residences	
South	R6	Seven-Story Multi-Family Residences	
East	R6	Three-Story Multi-Family Residences	
West	R6PD	Attached Single-Family Residences	

In regards to the surrounding land uses, the site is located within an area that is adjacent to low-density single-family residential to the north, low- to medium-density residential to the west, high-density residential to the south, and medium-density residential to the east. The development functions as a transitional component that connects the high-density residential and downtown businesses to the south to the low-density single-family home subdivisions to the north.

2. Comprehensive Plan Compatibility

Staff finds that the proposed fence is consistent with the Comprehensive Plan's recommendation of medium density residential.

3. Zoning Ordinance Compatibility

The proposed fence is 8' in height solid and would be made of wood. The fence is intended to block noise and ensure privacy for the Park Place development residents. The fence will not be in the clear line of sight triangle. There is an existing chain link fence in the location. A variance is needed because Park Place abuts property also zoned residential. Residential property that abuts railroad right-of-way or property in a business, office, or industrial district can be 8' in height by right.

As part of a future permit application the HOA will also add a 6' solid wood fence on the east side and portion of the south side of the development. This fence meets Code.

4. Standards for a Variation

A variation may only be granted if there is a demonstrated hardship that distinguishes the subject property from other properties in the area. To be granted a variation, petitioners must show that they have affirmed each of the standards for variations outlined in Section 155.205(A)(2)(c). Staff believes the petitioner has affirmed the standards and concurs with their response.

In regards to Standards One, Two, Three, and Four, staff finds that there is a hardship due to the particular physical surroundings that are unique to this property. The surrounding neighborhood is also a mix of single-family homes and multi-family buildings. Based on the overall character of lots within the surrounding neighborhood, staff also finds that the petitioner has fully affirmed Standards Five, Six, and Seven. In consideration that the granting of such a variation would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, staff can support the request.

SITE HISTORY

The Park Place development was approved in 2015 (PC 15-19, Ordinance 7104).

FINDINGS & RECOMMENDATIONS

Staff finds the proposed variance to be consistent with the surrounding neighborhood and land uses, objectives of the Zoning Ordinance, and the intent of the Comprehensive Plan in general.

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of this petition:

Based on the submitted petition and the testimony presented, the requested variation **complies** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 22-17, subject to the following condition(s).

- 1. The fence shall be constructed in substantial conformance with the Site Plan;
- 2. The petitioner shall apply for and receive a building permit for the fence;
- 3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103.

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Inter-Departmental Review Committee Report approved by:

Who sh

William J. Heniff, AICP

c. Petitioner

XI. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

- 1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
- The parking deck ramp for the apartment building at 49 N. Park Avenue is significantly higher than the grade of our development, and it increases at height from west to east. Our grading does slope up on the south end, in our landscaping, but measured from the grade of our driveways to the highest point of their ramp, it is about 15-20 feet above the grade of our driveways. There is an existing chain link fence, however it does not provide any privacy because it is primarily below the parking ramp.
- 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.
- Our condition is unique due to the placement of the aforementioned apartment building's parking deck ramp.
- 3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
- The purpose of the variation is primarily to provide additional privacy, deter pedestrians from climbing over the ramp and through our private, shared, driveway, and reduce the traffic noise.
- 4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

This condition was present before any of the homes were purchased by the current homeowners.

- 5. 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.
- The fence would be brought down to 6' height once it reaches the east (rear) façade of 53 N Park Avenue and would terminate on their south façade before their front patio; therefore not blocking any sightlines. Additionally, we are placing the fence in a location that will not require any removal or relation of any foliage.
- 6. The granting of the variation will not alter the essential character of the neighborhood; and,

We feel it will improve the essential character of the neighborhood.

- 7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- The proposed variation will not cause any of these issues. We feel it will help with screening the vehicle lights from shining in our homes, provide extra safety for our development by deterring pedestrians from using the south end as a short cut and increase the value of our homes and the properties surrounding us.
- One other item I wanted to note is that if this variance is approved, our permit application will also include a 6' privacy fence along the east end of our development. That will improve the value of the smaller apartment building to the east of us, as that existing fence is damaged and trees have grown into it over the years.



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May 23, 2022

27 W Grove & 53 N Park Fence Height Variance Application



1. Existing South Fence Line - Looking South



2. Existing South Fence Line - Looking SE



3. Existing South Fence Line - Looking SW



4. Existing South Fence Line - East termination point of the proposed 8' fence



6. Existing South Fence Line - Looking West



5. Existing South Fence Line - Looking East

May 23, 2022

27 W Grove & 53 N Park Fence Height Variance Application

Proposed Fence Panel Style

- Height: 8'
- Posts: Metal PostMaster
- Board Tops: Dogear
- Decorative Top: None
- Picket Size: 1"x6"
- Picket Spacing: 0"
- Rails: 2x4





ORDINANCE NO.

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

(PC 22-17; 27 W. Grove Street and 53 N. Park 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 as defined below is zoned R6PD Central Residence District Planned Development; and,

WHEREAS, an application has heretofore been filed requesting approval of variations from Title 15, Chapter 155 Section 155.407 (E) of the Lombard Zoning Ordinance to increase the maximum fence height to eight (8) feet where six (6) feet is required; and,

WHEREAS, a public hearing on such application has been conducted by the Village of Lombard Plan Commission on June 20, 2022 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendation with the President and Board of Trustees with a recommendation of approval for the requested variations; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village of Lombard to approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

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 variations are hereby granted from the provisions of Title 15, Chapter 155, Section 155.407 (E) of the Lombard Zoning Ordinance to increase the maximum fence height to eight (8) feet where six (6) feet is required.

SECTION 2: This ordinance is limited and restricted to the property generally located at 27 W. Grove Street and 53 N. Park Avenue, Lombard, Illinois, and legally described as follows:

OUTLOT A AND LOT 6 OF PARK PLACE OF LOMBARD, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF IN SECTIONS 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON FEBRUARY 22, 2016 AS DOCUMENT NO. R2016-016547, IN DU PAGE COUNTY, ILLINOIS.

Parcel No: 06-07-206-051 and 06-07-206-050

SECTION 3: This ordinance shall be granted subject to compliance with the following conditions:

- 1. The fence shall be constructed in substantial conformance with the Site Plan;
- 2. The petitioner shall apply for and receive a building permit for the fence; and
- 3. This approval shall be subject to the commencement time provisions as set forth within Section 155.103.

SECTION 4: 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,	2022.
First reading waived by action, 2022.	of the Board of Trustees	this day of
Passed on second reading this	day of	, 2022.
Ayes:		
Nays:		
Absent:		

Ordinance No. _____ Re: PC 22-17 Page 3

Approved this _____ day of _____, 2022

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published by me this _____ day of _____, 2022

Elizabeth Brezinski, Village Clerk