

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


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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : December 31, 2019 **(BOT) Date:** January 9, 2020

SUBJECT: ZBA 19-07: 201 W Madison Street

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

BACKGROUND/POLICY IMPLICATIONS:

At the December 19, 2019 Board meeting this petition was continued to January 9, 2020. Trustee Ware asked the Village Board to review the petition and visit the site. The petitioner has since offered to modify the three (3) panels of the fence. Attached is a draft ordinance should the Village Board consent to proceed in this regard.

Please place this petition on the January 9, 2020, Board of Trustees agenda.

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 Manager

FROM: William J. Heniff, AICP, Director of Community Development 

MEETING DATE: January 9, 2020

SUBJECT: **ZBA 19-07, 201 W. Madison Street**

At the December 19, 2019 Board meeting this petition was continued to January 9, 2020. Trustee Ware asked the Village Board to review the petition and visit the site. The petitioner has since offered to modify the three (3) panels of the fence. Attached is a draft ordinance should the Village Board consent to proceed in this regard.



MEMORANDUM

TO: Village Board and Scott R. Niehaus, Village Manager

FROM: Trustee Ware, District 6

MEETING DATE: January 9, 2020

SUBJECT: **ZBA 19-07, 201 W. Madison Street**

Before you is a request for two fence variations at 201 W. Madison Street. The property owner reached out to me after the ZBA made a recommendation of denial. I visited the property and met with the owner. She explained her reasons for the fence and gave me information on the property, home, and neighborhood. This was a replacement fence, and the current fence is in the same location as the previous fence. As such, the degree of non-conformity has not increased.

I am prepared to make a motion to approve the attached ordinance. This would allow the property owner to keep the fence at the current height of six feet. She will need to cut the posts as they are over six feet tall. The ordinance would also allow for the fence to be less than the required 66% open in the clear line of sight area. As seen on the ordinance exhibit she will be making fence 50% open for three panels.

Please contact me with any questions.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING CERTAIN VARIATIONS FROM TITLE XV,
CHAPTER 155, SECTION 155.205(A)(1) OF THE LOMBARD VILLAGE CODE IN
REGARD TO THE LOCATION OF A FENCE**

(ZBA 19-07; 201 W. Madison Street)

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

WHEREAS, the property, as described in Section 4 below (the “Subject Property”), is zoned R2 Single-Family Residence Zoning District; and,

WHEREAS, an application has been filed with the Village of Lombard requesting approval of the following variations pursuant to the Lombard Zoning Ordinance (Title 15, Chapter 155 of the Village Code), and associated with a fence that was constructed without a building permit in October, 2019 on the Subject Property:

1. A variation from Section 155.205(A)(1)(c)(ii) of the Village Code to allow for an existing six foot (6’) high solid fence in a corner side yard for the Subject Property; and,
2. A variation from Section 155.205(A)(1)(e) of the Village Code to allow for a six foot (6’) high solid fence in the clear line of sight area for a driveway on the Subject Property; and

WHEREAS, a public hearing has been conducted by the Zoning Board of Appeals on December 4, 2019, pursuant to appropriate and legal notice; and,

WHEREAS, the Zoning Board of Appeals has forwarded its findings to the Village Board with a recommendation of denial for the requested variations; and,

WHEREAS, following the public hearing before Zoning Board of Appeals, the petitioner has consented, as part of the variation request, to modify the fence by removing selected existing PVC slats from the existing fence to achieve a minimum of fifty percent (50%) open construction on three (3) panels within the clear line of sight area for the existing driveway, and

WHEREAS, in light of the foregoing revision to the fence, the Village Board hereby overturns the recommendation of the Zoning Board of Appeals, and approves the requested variations, due to the fact that the fence is a replacement fence and not a new fence, the fence does not increase any existing non-conformities, and the placement of the house on the

Subject Property, and the exit points therefrom, results in limited areas for use as a fenced in area;

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 the recitals, as set forth above, are hereby incorporated herein by reference.

SECTION 2: That the following variations are hereby granted for the Subject Property, subject to the conditions set forth in Section 3 below:

- A. A variation from Section 155.205(A)(1)(c)(ii) of the Village Code to allow for an existing six foot (6') high solid fence in a corner side yard for the Subject Property; and,
- B. A variation from Section 155.205(A)(1)(e) of the Village Code to allow for a six foot (6') high solid fence partially in the clear line of sight area for a driveway on the Subject Property.

SECTION 3: That the variations set forth in Section 2 above shall be granted subject to compliance with the following conditions:

- A. Within ninety (90) days of the date of approval of this Ordinance, the existing fence shall be modified by the removal of existing PVC slats therefrom in order to achieve a minimum of fifty percent (50%) open construction on three (3) panels within the clear line of sight area for the existing driveway, as depicted in Exhibit "A" attached hereto and made a part hereof; and
- B. The petitioner shall apply for and obtain a building permit for the fence, with said permit being subject to the provisions of Section 13.03 of the Village Code.

SECTION 4: This Ordinance is limited and restricted to the property located at 201 W. Madison Street, Lombard, Illinois, and legally described as follows:

LOT 63 IN CHARLES H. CRESS' RESUBDIVISION IN THE RESUBDIVISION OF BLOCKS 11 TO 20 OF GREEN VALLEY, BEING A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE OF THE THIRD

Ordinance No. _____
Re: ZBA 19-07
Page 3

PRINCIPAL MERIDAN, ACCORDING TO THE PLAT OF SAID CHARLES H. CRESS' RESUBDIVISION RECORDED AUGUST 16, 1950 AS DOCUMENT 601469, IN DUPAGE COUNTY, ILLINOIS;

PIN: 06-18-201-008.

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 _____, 2020.

First reading waived by action of the Board of Trustees this _____ day of _____, 2020.

Passed on second reading this _____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this _____ day of _____, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Ordinance No. _____

Re: ZBA 19-07

Page 4

Published by me in pamphlet form this _____ day of _____, 2020

Sharon Kuderna, Village Clerk

Page 5

(Page 1 of 3)

1. *Site Plan (clear line of sight area is the black triangle)*

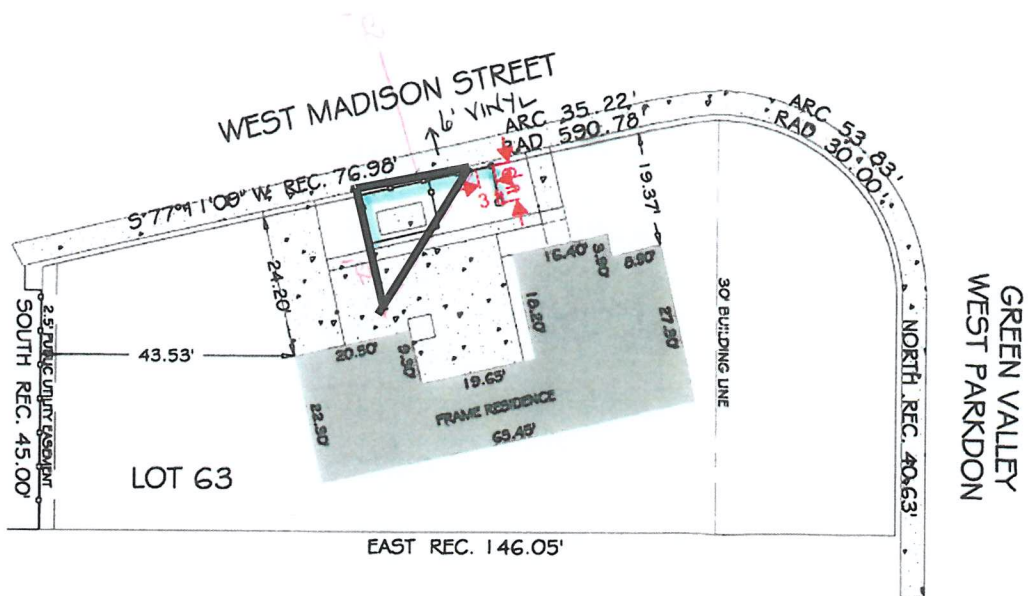


Exhibit "A"
(Page 2 of 3)

2. *Two (2) panels aligned north south and one (1) panel aligned east west, with purple stars, where every other slat will be removed to achieve 50% open space*



Exhibit "A"
(Page 3 of 3)

3. *Existing fence panels along Madison Street, aligned east west*
One (1) panel, with purple star, where every other slat will be removed to achieve 50% open space (western most panel)

