



# CITY OF WOOD DALE

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## **COMMUNITY DEVELOPMENT COMMISSION** **MEETING AGENDA**

Date & Time: May 17, 2021 at 7:00 PM  
Location: Wood Dale City Call  
404 N. Wood Dale Road, Wood Dale, IL 60191  
Members: Ron Damasco, Jaime Ochoa, Richard Petersen, Dave Shimanek,  
Tereasa Szatko, George Vant, David Woods  
Staff Liaison: Ed Cage

Due to the social distancing requirements and limitations on meeting room capacity related to the COVID-19 pandemic, public is encouraged to submit written comments prior to the public hearing to [gprociecha@wooddale.com](mailto:gprociecha@wooddale.com). All written comments will be shared with the Community Development Commission.

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **BUSINESS ITEMS**

A. *Approval of Meeting Minutes from April 19, 2021*

IV. **PUBLIC HEARINGS**

A. ***CDC-2021-03 – Request to withdraw***

Klinton Patel representing Tobacco and More is requesting a special use and major site plan review to permit operation of a liquor store. The subject property is located at 417-419 E Irving Park Road (PIN 03-15-214-037). Anand Soni is the owner of the parcel.

B. ***CDC-2021-04***

Thomas Lawler is requesting a fence variation to allow construction of 6' high privacy fence in the front yard. The subject property is located at 394 Preserve Lane (PIN 03-15-417-015). Thomas Lawler and Dawn Hach are the owners of the parcel.

V. **STAFF LIAISON REPORT**

VI. **ADJOURNMENT**



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## COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: April 19, 2021  
Present: Richard Petersen, George Vant, Dave Woods  
Jaime Ochoa, Dave Shimanek, Ron Damasco  
Absent: Theresa Szatko  
Also Present: Gosia Pociecha, Attorney Sean Conway

Meeting Convened at: 7:00 P.M.

### **CALL TO ORDER:**

Mr. Shimanek made a motion, seconded by Mr. Woods to appoint Mr. Ochoa as Chairman Pro Tem. The motion was unanimously approved by voice vote. Attorney Conway will act as facilitator for the Public Hearing.

### **PROVAL OF THE MINUTES:**

Mr. Woods made a motion to approve the minutes of the October 19, 2020 meeting; the motion was seconded by Mr. Peterson and unanimously approved as presented via voice vote.

### **PUBLIC HEARINGS:**

#### **CASE NO. CDC-2021-03**

### **OVERVIEW:**

Mr. Klinton Patel representing Tobacco and More is requesting a Special Use and major site plan review to permit operation of a liquor store. The subject property is located at 417-19 E. Irving Park Rd. The owner of the parcel is Anand Soni.

### **DISCUSSION:**

Ms. Pociecha advised Commissioners of petitioner's request to continue this Public Hearing and, to that effect, Mr. Peterson made a motion to continue Public Hearing CDC-2021-03 until the May 17, 2021 meeting of the Community Development Commission. The motion was seconded by Mr. Shimanek and was unanimously approved by voice vote. Motion carried.

**STAFF LIAISON REPORT:**

Ms. Pociecha advised Commissioners that two fence variation requests will be presented at the May meeting and that there are few other development projects that are expected to be presented in the near future.

**ADJOURNMENT:**

Mr. Petersen motioned to adjourn the meeting. Mr. Vant seconded the motion and it was unanimously approved via voice vote. The meeting adjourned at 7:10 P.M.

*Minutes taken by Marilyn Chiappetta*

DRAFT

# CITY OF WOOD DALE

Community Development



## MEMO

DATE: May 17, 2021

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. CDC-2021-04, Zoning Variation to Allow 6' High Fence in Front Yard, 394 Preserve Lane

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### REQUEST

An application has been filed by Thomas Lawler for a fence variation to allow construction of 6' high privacy fence in the front yard for property located at 394 Preserve Lane.

### PROPERTY INFORMATION

Site Address: 394 Preserve Lane  
PIN: 03-15-417-015  
Property Size: 0.19 Acres (approx. 8,909 square feet)  
Existing Land Use: Vacant  
Future Land Use: Single Family Residential  
Existing Zoning: R-3, Single Family

#### Surrounding Zoning / Land Use

North: R-3, Single Family / Residential  
South: Unincorporated R-4 Single Family / Conservation Easement  
East: R-3, Single Family / Vacant  
West: R-3, Single Family / Residential

### ANALYSIS

#### **Submittals**

The analysis and recommendation provided in this memo are based on the following documents, which are on file in the Community Development Dept. and attached as noted:

- Public Hearing Application
- Proof of Ownership
- Petitioner Narrative and Images (Exhibit A)
- Variation Standards Responses (Exhibit B)
- Plat of Survey (Exhibit C)

- Proposed Fence Location Map & Fence Photograph (Exhibit D)
- Conservation Design Forum Memo, dated 05-29-2009 (Exhibit E)
- Neighbors Comment via email (Exhibit F)

### Project Description

The subject property is located at 394 Preserve Lane in the Ethan Woods Subdivision (see the location map below). The property is classified R-3, Single Family and is vacant (Exhibit C). Thomas Lawler and Dawn Hach are the owners of the property and the petitioners. According to DuPage County Parcel Viewer, the south-east corner of the subject property contains a regulatory wetland that affects 3 neighboring properties.

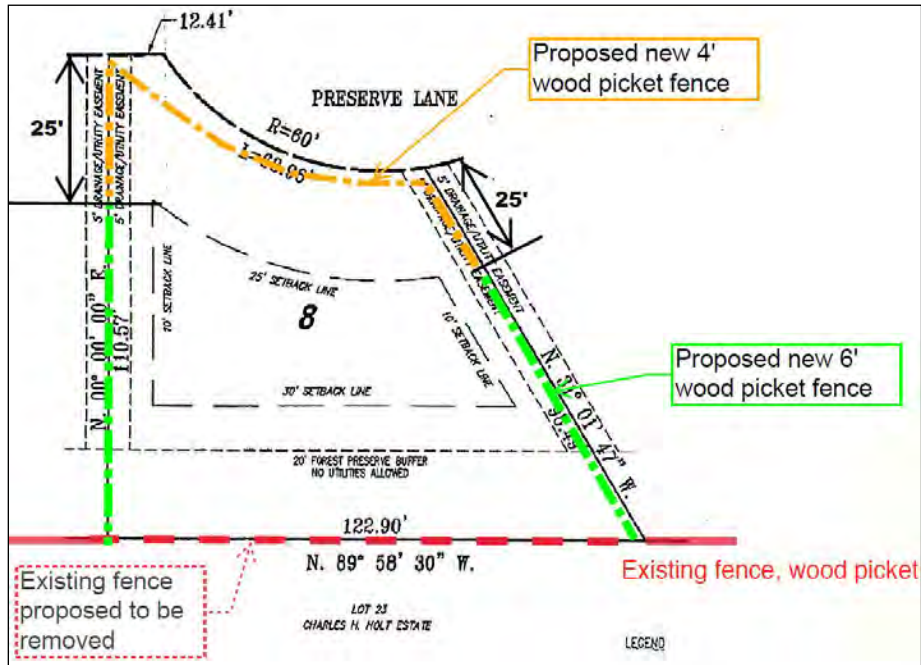


*Location Map*

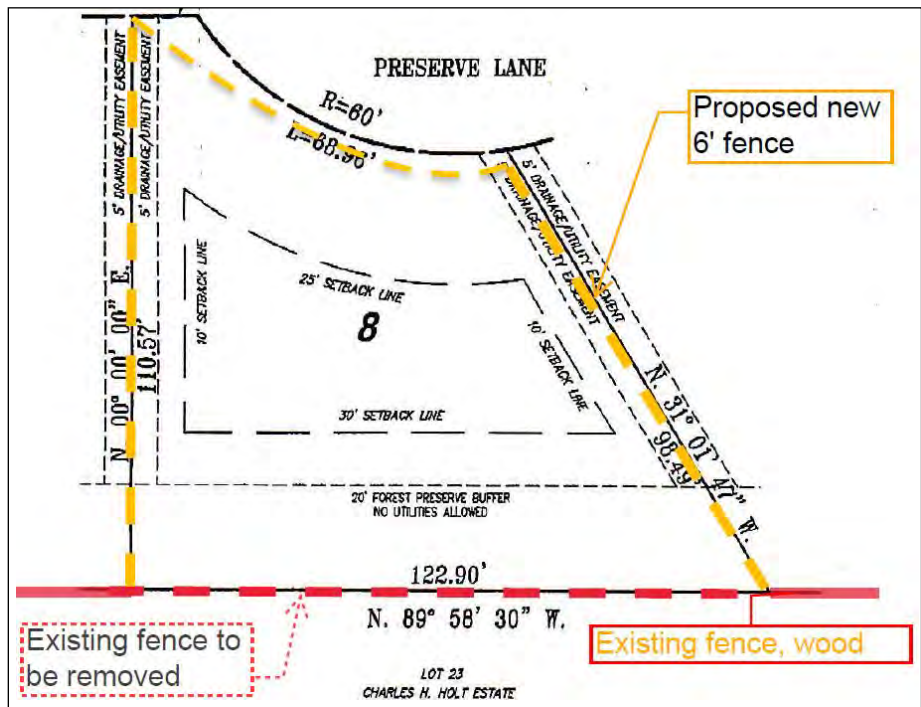
In November of 2020, a building permit application was submitted to construct a 6' wooden privacy fence around the subject property. The intent was to provide a uniform fence and connect it to the conservation easement parcel located directly to the south. The petitioner is the property owner of the subject property at 394 Preserve, of the conservation parcel, as well as the parcel located at 427 E Deerpath (see the map above).

However, per Sec. 17.602 of the Municipal Code, only 4' high open/decorative fences are permitted in the front yard. The applicant has petitioned for a zoning variation to allow construction of a 6' wooden privacy fence round the entire property. The graphics below depict what is currently permitted by the Code, as opposed to what is being requested.

### Code Requirements



### Proposal







*Subject Property Photograph - View Looking South*

### **Compliance with the Comprehensive Plan**

The property is designated as Single Family Residential in the Future Land Use Map of the Comprehensive Plan. The Single Family Residential land use category for properties located in the southeast area of the City is intended to preserve the primarily single-family neighborhood with less of a grid street network and more parks and green spaces throughout.

The proposed development will help the City in achieving Goal 4, Objective 2: Manage development to create a balanced mix of land uses, promoting economic vitality and a sustainable quality of life. The intent of the property owners is to keep the subject property vacant. This would maintain the open space in the existing subdivision reducing the total potential impervious area.

The requested zoning variation request will continue the use of the property as a vacant single-family residential land use and is consistent with the Comprehensive Plan.

### **Compliance with the Unified Development Ordinance (UDO)**

The subject property is designated as R-3, Single Family. The applicable building type for this property is a Type 3, Medium Detached House, however, as previously stated the parcel is vacant.

Fences are regulated by Section 17.602.B.3.b of the Municipal Code which states that decorative 4' fences are permitted in all yards, while a 6' privacy fence is permitted only behind the front building line. Since the subject property is vacant, the front setback line would be applicable, therefore, any fence between the 25' front setback line and the front property line may not exceed the height of 4'.

The zoning variation request was submitted to allow construction of a uniform 6' privacy fence in the front yard as depicted on Exhibit D.

### **Neighborhood Comment**

Notice was provided to adjacent property owners in accordance with Section 17.401.D of the UDO. Staff did not receive any public comments related to this petition as of 5/12/21. The applicant submitted a copy of an email from the owners of the property adjacent to the west, noting that they had no objections (Exhibit F).

### **Findings of Fact**

The Community Development Commission may recommend approval of Variations if evidence is presented to establish that the application meets the standards. The applicant has provided responses to the standards in Exhibit B. The standards are as follows (*staff comments italicized*):

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

*The subject property is currently vacant and the property owners intent to maintain it as vacant. The reason for the variation request is to allow construction of a uniform 6' privacy fence around the property, as opposed to a code compliant 6' fence on the sides and 4' high fence in the front yard. While no evidence has been provided that the property cannot yield a reasonable return if code compliant fence is installed, the petitioners request for uniform fence height would be more aesthetically pleasing. This standard is met.*

2. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

*As stated above, the intent of the property owners is to maintain the subject property as vacant. Because there is no building on site, the only improvement would be the proposed perimeter fence. Per the applicant, installation of two different fence types would increase the cost for materials and labor and also would not be aesthetically pleasing. The fact that the property owners' intent to maintain the parcel as a continuation of the habitat similar to the conservation easement directly to the south creates an unusual condition. The proposed variation request would generally not be applicable to other properties in the same district. This standard is met.*

3. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.

*The subject property has historically been vacant. The intent to maintain it as vacant would decrease the potential impervious surface area for the subdivision as well as preserve the existing wetland partially located on site. These conditions existed prior to the subject property's purchase by the current owners in 2020. This standard is met.*



4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

*The proposed variation will not be materially detrimental to the public welfare or injurious to other property owners as the proposal calls for perimeter fence only. Further, the property owners' intent to maintain the property as vacant will decrease the potential impervious surface area for the subdivision as well as preserve the existing wetland partially located on site. This standard is met.*

5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

*The proposed variation will not impair an adequate supply of light and air to adjacent property, as the proposed improvements involve perimeter fence only. There will be no increased congestions in the public streets or increased danger to the public safety. This standard is met.*

6. The proposed variation will not alter the essential character of the neighborhood.

*The subject site is located within a newer residential subdivision where only few homes have been constructed to date and a significant number of parcels are still vacant. The proposed improvements will not alter the essential character of the neighborhood as the proposed fence fits within the scope of typical residential improvements. However, the Community Development Commission may discuss the impact the proposed 6' front yard fence may have once the remaining properties around the cul-de-sac are developed. This standard is met.*

7. The proposed variation is in harmony with the spirit and intent of this chapter.

*The proposed variation is in harmony with the spirit and intent of the Unified Development Ordinance. The request for a uniform fence is necessitated by desire to maintain the parcel as vacant in a similar matter to the conservation easement located directly to the south. This standard is met.*

8. The existence of any nonconformity anywhere in the city shall not itself be considered grounds for granting a variation for other property.

*The petitioner is not citing nonconformity anywhere else in the city as grounds for variations. This standard is met.*

## RECOMMENDATION

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The Community Development Department finds that the request for a zoning variation is compatible with surrounding zoning and land use classifications, meets the requirements in the Unified Development Ordinance and is consistent with the City's Comprehensive Plan. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed zoning variation is consistent with the Unified Development Ordinance and Comprehensive Plan; and, therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo dated May 17, 2021 as the findings of the Community Development Commission, and recommend to the City Council approval of the zoning variation to allow six feet (6') high privacy fence in the front yard in Case No. CDC-2021-04.

***(Yes vote would be to approve; No vote would be to deny)***

March 4, 2021

City of Wood Dale  
Community Development Department  
404 N. Wood Dale Rd  
Wood Dale, Illinois 60191

RE: 394 Preserve  
Variance Application

We are the owners of 394 Preserve (the "Property"), which is adjacent to our home located at 427 Deerpath Road. Tom has lived in the house for 15 years while Dawn grew up in the home. The Property consists of approximately a quarter of an acre as shown on the appended survey. Currently, a small portion of the Property is fenced. We are requesting a variance that will allow us to build a six-foot wood fence on the portion of the Property indicated on the survey. A picture of the proposed fence is also enclosed.

Currently, the neighborhood, known as Ethan Woods, consists of approximately 15 parcels, only 4 of which have been improved by homes. The Property is located within a certified wet lands area. We do not intend to construct any improvements on 394 Preserve and intend to continue to maintain it as a preservation area. As such, the neighboring properties will benefit by 394 Preserve acting as a water detention area. In case of excessive rains, water can flow onto the property and alleviate flooding on neighboring properties. As noted on the appended site assessment from Conservation Design Forum, maintaining the property as it is as sustainable green infrastructure will resolve ponding issues that we did not create.

The proposed fence will not be detrimental to the public welfare or injurious to other properties in the neighborhood. We have talked to our neighbors and they have no objection to the proposed fence. A letter from one of the neighbors is appended. The proposed fence will not alter the essential character of the neighborhood. Constructing the requested fence will not be a detraction nor will it impair the supply of light or air to adjacent properties. The fence will not increase congestion, danger of fire or in any way endanger public safety.

Very truly yours,

Thomas Lawler and Dawn Hach  
427 East Deerpath Road  
Wood Dale, Illinois 60191

Information Responsive to Variation Standards

1. The intention when purchasing the subject property was to include it in our existing, adjacent Wood Dale property. Lack of uniformity with current fencing will negatively affect the aesthetic value of the subject property and surrounding properties.
2. The costs for adjustments in height will increase for both material prep as well as labor. Relations with neighbors due to the unusual appearance of height changing fencing will be challenged.
3. We did not create any existing fence or contribute to the water issues faced by the neighborhood
4. The proposed fence will not be detrimental to the public health or injurious to other properties. To the contrary, by not constructing any improvements, other than the proposed fence, water problems for many of the surrounding homes and wetland areas will be alleviated.
5. Because the proposed fence is only 6 feet, and is not near any homes, it will not impair any neighbor's light or air. The proposed fence will not increase congestion, increase the risk of fire, or endanger public safety.
6. The property and our proposed fencing will not alter the character of the neighborhood, but only help beautify the neighborhood, likely increase home values, and help solve existing water issues.
7. The proposed fence is in harmony with the spirit and intent of the Code and allows us to solve a number of issues for us and our neighbors as described above. None of the neighbors have objected and we have included correspondence from a neighbor indicating approval. Dawn is a lifelong Wood Dale resident, and I have been here for 15 years. We have no intention of leaving. Our home and existing property have been in our family for nearly 70 years.
8. We have not reviewed any nonconformity elsewhere in the City and any such nonconformity is not the basis for our requested variance.















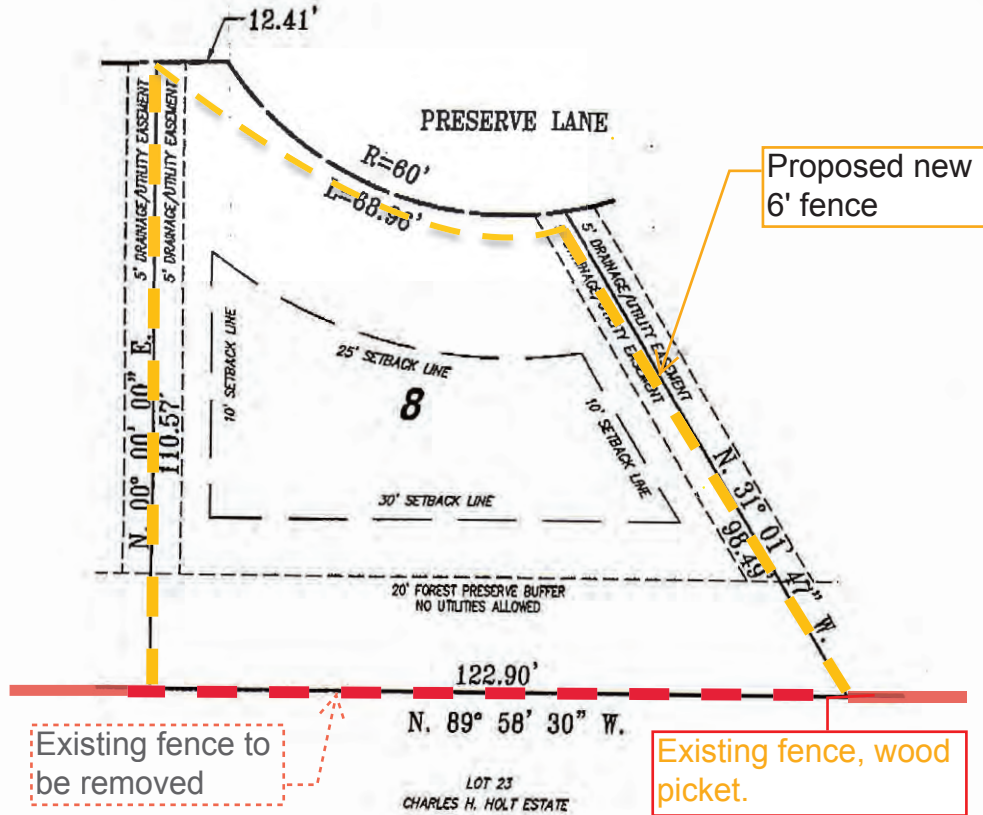


# PLAT OF SURVEY

LOT 8 IN ETHAN WOODS/DEVELOPMORE SUBDIVISION BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

Exhibit D

New Fence for The Lawler Property  
6 Feet- Wood picket



LEGEND

(0.00') RECORD DATA  
0.00' MEASURED DATA

NOTES:

1. FIELD SURVEY PERFORMED ON DECEMBER 8, 2005.
2. PLAT REPRESENTS A BOUNDARY SURVEY OF A DESCRIPTION SUPPLIED TO THE SURVEYOR BY THE CLIENT.
3. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

STATE OF ILLINOIS )  
                          ) SS  
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, ROBERT W. STASIK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2322, HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THAT SURVEY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT DOWNERS GROVE, ILLINOIS, THIS 16TH DAY OF DECEMBER, A.D., 2005.



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2322  
LICENSE RENEWAL/DATE OF EXPIRATION: 11-30-06



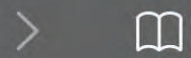
C.M. Lavinie & Associates, Inc.  
Consulting Civil Engineering  
Land Planning & Surveying  
633 Rogers Street  
Downers Grove, Illinois 60515  
voice 630-434-2780  
fax 630-434-2781

JOB NUMBER: 04-14s LOT 8	DATE: 12/16/05
DRAWN BY: GG	SCALE: 1"=20'
CHECKED BY: RWS	
#	DATE
	DESCRIPTION

Tom Lawler  
427 Deerpath Road  
Wood Dale, 60191  
312-208-5733

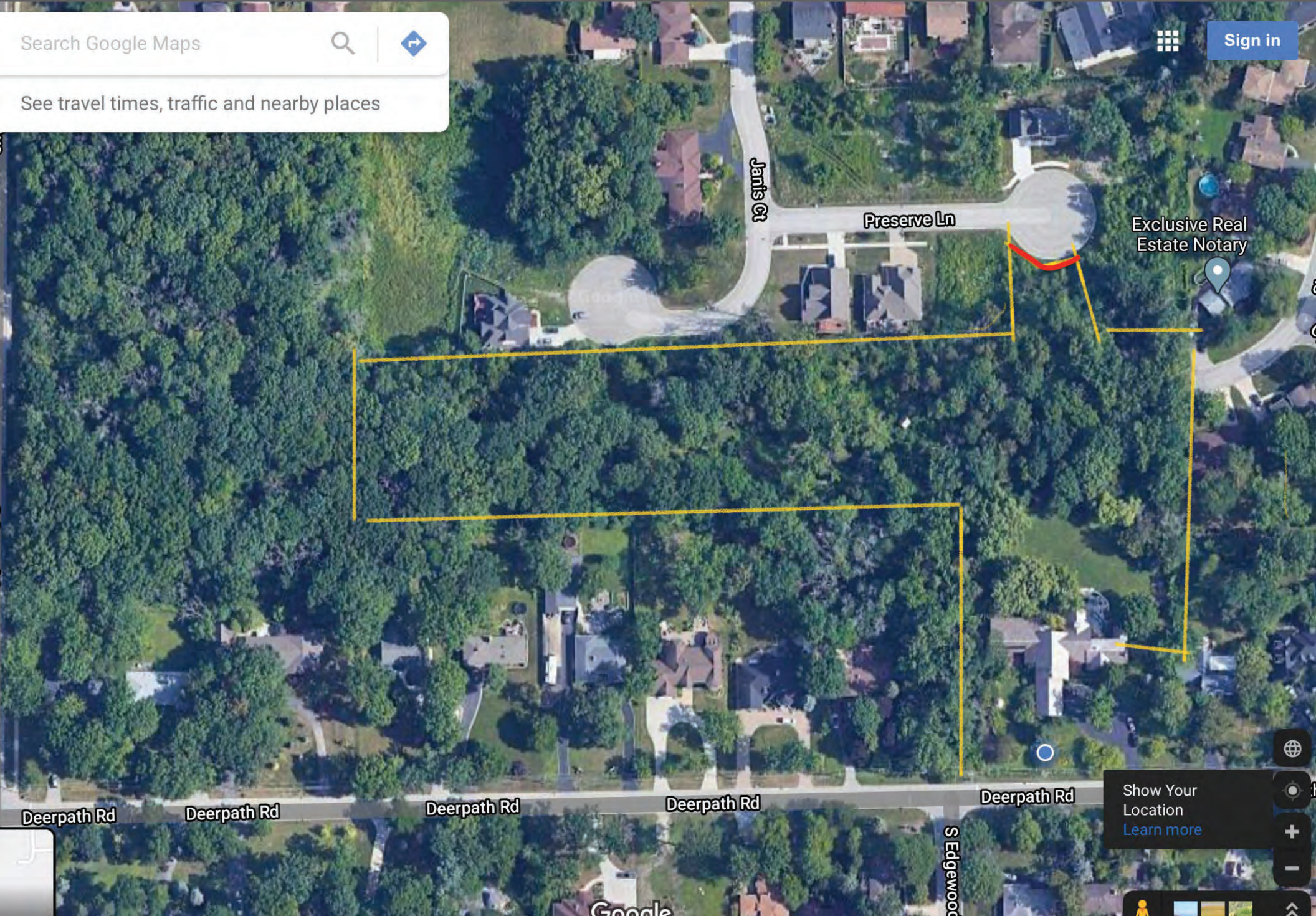






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**MEMORANDUM**

<b>Date:</b>	May 29, 2009
<b>To:</b>	Ms. Dawn Hach
<b>From:</b>	James Patchett
<b>Re:</b>	Updated Site Assessment
<b>cc:</b>	Dan Swartzman, Tom Price, Gerould Wilhelm
<b>Ref. #:</b>	[Project #09025.00] – [2009-05-29] – [Updated Site Assessment]

**MEMO**

Per your request, Conservation Design Forum staff members have conducted an updated assessment of the remnant woodland system and the adjacent yard area associated with your family’s home located at 17W220 Deerpath Road in Wood Dale. CDF staff visited your property on two (2) occasions during May 2009 to assess evidence of any potential adverse impacts to the subject areas within your property as a result of the construction activities to date associated with the adjacent Ethan Woods residential development project. Particular focus was directed at the identification of potential adverse impacts on native plant species health and bio-diversity including obvious changes in floristic character within the woodland system, or evidence of increased flooding, erosion, and sedimentation within the woodland or the yard area surrounding your family’s residence. Such impacts are often associated with construction activities and can result in the increased rate and volume of surface water runoff, erosion, and sedimentation.

Two areas within the woodland system were of most interest during our evaluation based on predevelopment and proposed post development scenarios. The first is the drainage swale that runs through the middle portion of the woodland system towards Deerpath Road. This swale was a constructed drainage way that would not have occurred in these woods historically. Rather, the historical character of the type of “Flat Woods” ecosystem that is contained within your property was typical of this region of Du Page County. These woodland systems, often situated in very level terrain, were generally composed of numerous poorly drained depressions that tended to pond spring snowmelt waters or even temporarily pool rainwater throughout the growing season due to seasonally high water tables and consistently saturated soil conditions. Several of these natural depressions are situated throughout your woodland property. Historically, however, it is unlikely that these depressions tended to pond water for extended periods of time during the growing season due to the high organic matter content in the soils which influenced high rates of water absorption, coupled with relatively small drainage areas and the diverse composition of plant species that resided in these habitats.

Prior to the construction of Ethan Woods, the drainage swale through the central portion of the woods received direct discharge from the pre-existing public neighborhood detention basin located north of your family’s property and south of Woodlane Court. Our initial site evaluation in 2004 revealed that the drainage from this pre-existing detention basin was having an obvious adverse impact to the health and bio-diversity of the woodland system. Chronic discharge into the woods was resulting in the creation of down-cutting in the channel, causing increased erosion and sedimentation, and likely lowering the water table which over time, would begin to alter the stability of the ecosystem and adversely affect the health of the native species that are adapted to the unique combination of topography, soil moisture, and groundwater characteristics present throughout the site. This situation can also result in increased

flooding on adjacent properties. One of our primary concerns related to the long term health of the woodlands was associated with the proposed construction and the increased volume and velocity of discharge that would be directed into the site from an additional proposed detention basin. There is no question that had this been constructed as originally proposed, the changes in surface and groundwater hydrology would have directly impacted your property.

Several alternatives for managing the discharge from the detention basin were discussed. The plan that was finally agreed upon was to install a storm sewer such that the detention basin discharge would bypass your property for most storm events. It was agreed that the storm sewer would be installed using directional boring techniques so that there would be no surface disturbance to your woods, therefore minimizing impacts at the ground surface to resident soils, plants, and intact habitats.

As a result, our observations earlier this month indicate that the erosion and down-cutting process in this drainage swale has generally ceased, and the native plant species appear to be slowly re-colonizing and healing over the previously eroded areas. Therefore, the redirection of stormwater discharge as a result of the construction activities appears to have had a positive influence on the bio-diversity and health of the woodland system, and also likely has resulted in a net decrease of runoff and flooding on the west side of your home property.

The other area of original concern is the low area at the northeast corner of your property. This historically low depression is situated in the eastern portion of the woodland system that backs up to your family's lawn. The construction of the street and cul-de-sac associated with Jayden Lane required the placement of fill in the eastern portion of the Ethan Woods property. This fill has reduced the naturally occurring volume of depressional storage that existed on the two properties. Because of the loss of storage, it is likely that the depth of ponding has increased. In addition to the fill, logs and other debris has been cast into the low lying portions of the Ethan Woods site immediately adjacent to your property, which in all likelihood further exacerbate the volume and duration of ponding in your woods and yard.

Two storm sewer inlets have been installed as part of the roadway and lot construction along the east edge of the property in the back of lots 5, 6, and 7. As you can see in the attached photographs, however, the inlet elevations are considerably higher than the surrounding terrain, and can not provide any positive drainage from the woods. Furthermore, we are concerned that this condition will worsen when the individual lots are developed in the future, particularly lots 5,6,7,8,& 9. Construction of homes on these individual lots will require the placement of additional fill materials and will also generate increased runoff, a portion of which will flow towards the back yards. Our recommendation to the developer is to install a catch basin inlet at the southwest corner of lot 7 and discharge it to storm manhole S104. The rim of the catch basin should be sufficiently high to allow for some continued ponding to maintain the hydrology of the area but not so high as to perpetuate the existing flooding. The rim should be located at approximately elevation 694, which would allow for a maximum of about one foot of ponding.

In summary, we find no evidence of negative impacts in the form of increased flooding, erosion, sedimentation, and loss of bio-diversity and system health in the central portion of your property surrounding the drainage swale. We do, however, have concerns that the construction activities have resulted in the incidence of increased ponding in the eastern portion of your woodland property including into a portion of your family's back yard as described above. We believe that these symptoms

MEMORANDUM

~~[Project #09025.00]~~~~[Project #09025.00]~~~~[Project #09025.00]~~ - [2009-05-29] – [Updated Site Assessment]

**Page 3 of 3**

may be resolved, however, with the placement of additional environmentally sustainable green infrastructure measures within portions of the Ethan Woods development site.

Please do not hesitate to contact Tom, Jerry, or me directly with any questions or comments following your review of this memorandum.

Thank you again for the opportunity to provide continued professional services to you and your family.

Sincerely,

James M. Patchett, ASLA, LEED AP  
Founder and President



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**Fwd: 394 preserve In fence**

1 message

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**Thomas Lawler** <lawlerii@aol.com>  
To: Dawn Lawler <lawlerdawn@gmail.com>

Fri, Mar 5, 2021 at 7:27 AM

Begin forwarded message:

**From:** Andrew Kijowski <andrewkijowski@yahoo.com>  
**Subject:** 394 preserve In fence  
**Date:** January 9, 2021 at 10:48:35 PM CST  
**To:** lawler@hachconstruction.com

Hi Tom,

Thanks for meeting with us to discuss your fence next door. We agree with you that a 6 foot fence all around the property would look aesthetically better and that's what we would prefer.

Thanks,

Andrew & Maggie Kijowski