

# Memo

**To:** File  
**From:** Shannon Malik, AICP  
**Date:** 7/10/2012  
**Re:** PZ 12-025, Firewood storage text amendment

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In speaking with Chairman Richard this morning, staff thought it would be helpful to give additional information on what precipitated the text amendment that is scheduled to be heard on July 11<sup>th</sup>. The additional details will be limited to a certain extent because the Planning & Zoning Commission will be hearing a related appeal request at its August 8<sup>th</sup> meeting.

There is a neighbor dispute occurring between the property owners at 220 and 234 61<sup>st</sup> Street. This dispute has been ongoing over the course of several years and it covers complaints received on a variety of subjects.

One of the complaints which was received by the Village pertains to the neighbor at 220 having built a structure to store firewood which includes an oversized rack/wall which serves as a screen between the two properties. (See photos below).

The neighbor at 234 had concerns with the structure's stability and size. Village staff, including the Village Manager, inspected the property and, with legal counsel's assistance, determined that the structure, under current code requirements is not permitted and that furthermore, the Zoning Ordinance did not provide for any reasonable wood storage method. Appendix A, Section 4.05(E)(32) indicates that any other structures or uses not listed in the table are "Not Allowed" (see attached citation).

The Village Prosecuting Attorney advised staff to pursue a text amendment to allow reasonably sized wood storage areas following discussions pertaining to the pending appeal. The attorney indicated that such regulations are commonplace in other communities and that drafting language will allow Westmont residents with fireplaces, wood burning stoves, and controlled open burning pits/chimineas to store wood legally. It will also eliminate any loop hole to modify such storage areas to functionally serve as an oversized fence or screen.

The owner of 220 was asked to clean up miscellaneous items on the property and remove the oversized structure while staff pursued the text amendment to make reasonably sized storage areas permissible under Section 4.05 of the Zoning Ordinance.

Subsequently, the owner has cleaned up some of the wood but wood storage continues to occur within this structure as well as behind it in a stacked row adjacent to the west property line between the two neighbors.

Staff acknowledges the owner's attempt to eliminate some of the wood and store it in a more orderly manner, but the structure's size, weight load, and structural stability are concerning. The storage rack serves as a fence or screening mechanism far in excess of the 6' maximum height requirement for

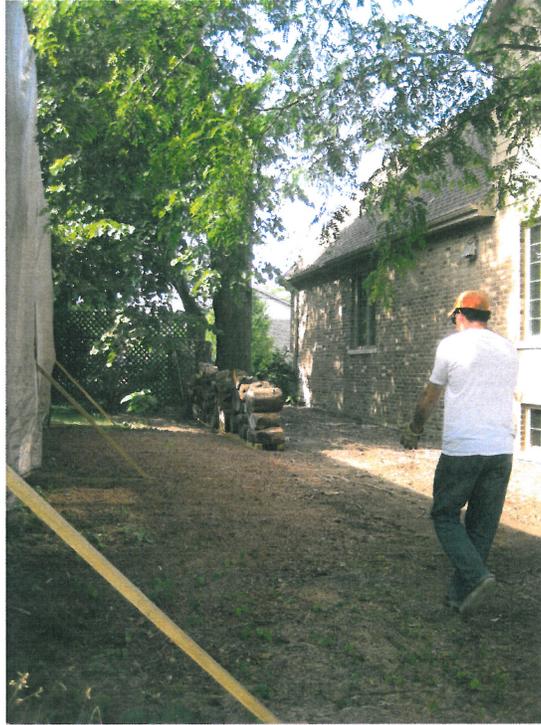
fences. It is roughly estimated to measure approximately 10-12' feet in height and 24' in length. The photos below were taken on June 15, 2012 and illustrate the scale of the storage structure.



View from east looking toward neighbor at 234 61st



View from east looking toward neighbor at 234 61st



Behind storage structure near west property line



View from east looking toward neighbor at 234 61st

(see third page #32)

**Sec. 4.05. - Control over accessory structures and uses.**

- (A) *Establishment of accessory uses.* Accessory structures and uses are permitted and special uses may be allowed in the various districts. They shall be compatible with the principal use and shall not be established prior to the establishment of the principal use. Accessory uses shall not include the keeping, propagation or culture of pigeons, poultry, rabbits, bees, livestock, horses or other nonhousehold animals whether or not for profit.
- (B) *Distance between accessory and principal buildings.* A detached accessory building shall not be nearer than ten feet from the nearest wall of the principal building; and [for] each foot over ten feet in length that the wall of an accessory building parallels and is adjacent to the principal building, the required distance between the two shall be increased by one additional foot.
- (C) *Limitations on accessory buildings.*
  - (1) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
  - (2) Only one accessory building shall be permitted on any residential lot in addition to a detached private garage, and such additional building shall not exceed 144 square feet in area.
  - (3) Garages, detached, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance.
- (D) *Allowable building encroachments in yards.* Detached accessory buildings in rear yards shall:
  - (1) Have a coverage of not more than 30 percent of the area of the rear yard, not including swimming pools as an accessory structure;
  - (2) Observe the side yard adjoining a street requirement;
  - (3) Be located not less than three feet from side lot lines in R-3 district and five feet in all other districts, from the nearest lot line, but in no case the rear lot line setback shall be less than five feet; and
  - (4) Be located not less than ten feet from another accessory building.



(E) *Permitted accessory structures and uses in yards.* The following structures and uses are permitted and may be encroachments in required yards as follows:

F	Denotes front yards and side yards adjoining streets. (A side yard adjoining a street is the secondary street frontage of a corner lot.)
S	Denotes interior side yards.
R	Denotes rear yards.

(1)	Awnings or canopies, attached, projecting not more than three feet into a required yard, except not more than 12 inches into the side yard	F	S	R
(2)	Arbors or trellises, detached			R
(3)	Arbors or trellises, attached	F	S	R
(4)	Air conditioning equipment		S	R
(5)	Balconies, projecting not more than five feet into a rear yard, and not more than 3½ feet into a front	F		R

	yard			
(6)	Bay windows projecting not more than three feet and not more than 50 percent of the width of the room of which it is a part	F	S	R
(7)	Chimneys, attached, projecting not more than 18 inches	F	S	R
(8)	Eaves or gutters, projecting not more than four feet into a front and rear yard, and not more than two feet into a side yard	F	S	R
(9)	Fallout shelters or other types of emergency shelters, attached or detached, to within ten feet of a lot line			R
(10)	Fences, open, not more than six feet in height, except in business and manufacturing districts, not more than seven feet in height. However, in residence districts such structure shall not exceed three feet in height when located in the front yard or side yard adjoining a street, except that four foot tall open fences constructed of wrought iron or aluminum material with at least 80% of the surface area open spaces shall be permitted in the front yard or side yard adjoining the street. In manufacturing districts, open fences not more than seven feet in height may be allowed in a front yard or side yard adjoining a street when approved as a special use	F	S	R
(11)	Fences, solid, not more than six feet in height; except in business and manufacturing districts, not more than seven feet in height. In all districts such structures shall not exceed 30 inches in height when located in a side yard adjoining a street, except where the economic development director may require screening of unsightly conditions upon a lot		S	R
(12)	Fire escapes, open or enclosed, projecting into a front or side yard adjoining a street not more than five feet, and projecting into interior side yards not more than 3½ feet	F	S	R
(13)	Flagpoles	F	S	R
(14)	Garages, detached, not more than 576 square feet in size, nor larger than 28 feet in length, except when approved by a variance		S	R
(15)	Growing of farm and garden crops in the open		S	R
(16)	Greenhouses and lawn buildings not exceeding 144 square feet in area			R
(17)	Lawn furniture, such as benches, sundials, birdbaths and similar architectural features	F	S	R
(18)	Loading spaces		S	R
(19)	Ornamental light standards	F	S	R
(20)	Parking spaces open to the sky, and in residential districts the parking of vehicles which are otherwise permitted in the district is permitted in the front yard on a private residential driveway, except travel trailers, camping trailers, mobile homes and boats		S	R
(21)	Playground equipment and clotheslines and poles		S	R
(22)	Playhouses and pergolas			R
(23)	Signs and nameplates	F	S	R
(24)	Sills, beltcourses, cornices and ornamental features of the principal building, projecting not more than 12 inches	F	S	R
(25)	Steps, open, for access to and from (a) a principal building or accessory structure, and (b) in gardens or terraces, including a raised landing not to exceed 100 square feet in area except for side yards which shall not exceed 15 square feet in area	F	S	R
(26)	Summer kitchens, not to exceed 144 square feet			R
(27)	Swimming pool clubhouse facility, with or without ancillary leasing office space, in the R-4 and R-5 Residential Districts where multi-family residences are present		S	R
(28)	Swimming pools, private			R
(29)	Terraces			R
(30)	Tennis courts, other paved recreational areas and fireplaces			R
(31)	Trees, shrubs and other plants, except that on corner lots, no trees, shrubs or other plants or structures over 24 inches in height shall be located within 20 feet of the corner of the property lines forming the	F	S	R

	intersection (also see <u>section 70-7</u> ). Additionally, no trees, shrubs or other plants or other structures over 24 inches in height (except mailboxes or similar objects) shall be located within ten feet of the corner of the intersection of a driveway and the property line at a sidewalk or public street or alley.			
(32)	Other accessory structures and uses as herein permitted in district regulations as accessory to a specific permitted or special use	Not Allowed		
(33)	Antennas, shortwave radio, transmitting and receiving, citizens band radio, transmitting and receiving, broadcast band radio, receiving, and television, receiving, not more than 60 feet in height (abovegrade) not to extend more than 15 feet laterally from supporting structure nor past established setback line, not more than three antennas on any one structure, to be provided with U. L.-approved lightning protection devices, not to occupy more than 100 cubic feet of air space and to be constructed of noncombustible material		S	R
(34)	Antennas, satellite intercepting, parabolic, disc type or micro-replay, not within yard smaller than 3,600 square feet, not more than five feet in height (abovegrade), not more than five feet in diameter, lightning protected by U. L.-approved devices, concealed on three sides by solid fencing or evergreens, set back from lot line no less than ten feet, not used for profit except by special use			R
(35)	Wind-powered electrical generators, with special use only, and with special conditions reviewed by electrical commission			R
(36)	Stationary trash bins, liquid petroleum or compressed natural gas containers and storage facilities not otherwise identified, not exceeding 100 square feet in area, may be permitted if screened or fenced on no less than three sides and the open side not visible from a public street		S	R
(37)	Window wells (not to exceed 2 feet in width)	F	S	R

(Ord. No. 82-26, 4-5-1982; Ord. No. 82-31, 5-17-1982; Ord. No. 83-29, 3-21-1983; Ord. No. 85-15, 2-4-1985; Ord. No. 86-98, 10-6-1986; Ord. No. 87-04, 1-5-1987; Ord. No. 88-25, 3-7-1988; Ord. No. 03-16, § 1, 1-20-2003; Ord. No. 05-183, §§ 1, 2, 8-1-2005; Ord. No. 05-255, § 1, 11-7-2005; Ord. No. 07-93, §§ 1, 2, 6-4-2007; Ord. No. 07-102, § 1, 6-4-2007; Ord. No. 07-118, §§ 1, 2, 7-16-2007; Ord. No. 08-114, § 1, 8-4-2008)