

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A FENCE VARIANCE AT 1248 OXFORD LANE**

THE UNDERSIGNED Petitioners, Daniel S. Wolf and Tammy L. Wolf (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant a variance from section 6-2-12:1.2 to permit a five-foot (5’) tall open fence with accompanying six foot, eight inch (6’-8”) masonry columns be located in the front yard for the property legally described on **Exhibit A** (the “Property”); and (ii) such other variances, departures or deviations as may necessary to permit the installation of the fence as depicted on the plans made a part hereof as **Exhibit B** pursuant to the Naperville Municipal Code (the “Code”).

In support of this Petition, the Petitioner represents to the City as follows:

1. The Owner of the Property is Tammy L. Wolf as Trustee of the Tammy L. Wolf Trust Dated December 13, 2002, as Amended (the “Owner”).
2. The Subject Property is zoned E2 Medium Density Estate District and consists of one (1) approximately 3.02 -acre lot.
3. The existing land uses surrounding the Property are as follows:
 - a. North E2 Detached Single Family Residential
 - b. East Unincorporated DuPage County – Goodrich Woods
 - c. South R-1 Unincorporated DuPage County – Single Family Home
 - d. West E2 Detached Single Family Residential and R-1 Unincorporated DuPage County – Single Family home
4. The variance from section 6-2-12:1.2 to permit a five-foot (5’) tall open fence with accompanying six-foot, eight inch (6’-8”) masonry columns to be located in the front yard meets the requirements for a zoning variance under the Naperville Municipal Code, Section 6-3-6:2 and

is appropriate based on the following factors:

- a. *The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The Property is located one lot north of the intersection of 75th Street and Oxford Lane and the 3-acre Property is occupied by a single-family home. The Petitioner seeks to install a fence around the Property which consists of a five-foot (5') tall open fence with accompanying six foot, eight inch (6'-8") columns which are not "open". Section 6-2-12:1.2 of the Code prohibits fencing from exceeding four feet (4') within the front yard. In this instance, the Property is located in close proximity to the busy intersection of 75th Street and Oxford Lane. Petitioner believes installation of the proposed fence with the masonry columns will: (i) provide a safety buffer from automobile traffic generated by 75th Street and Oxford Lane; (ii) delineate the Property's lot lines; (iii) provide additional privacy and security; and (iv) provide an overall aesthetic improvement to the area.

A stated purpose of the City's fence height restriction is to ensure adequate standards for the provision of light, air, and open spaces are met. Section 6-1-6 of the Code defines an "open fence" as a fence where for each one (1) foot wide segment at least thirty percent (30%) of the surface area is in open spaces which afford direct views through the fence. Here, Petitioner is proposing four masonry columns across the approximately 250-foot-wide lot and the proposed fence overall far exceeds thirty percent (30%) to be classified as an "open fence". As a result, the design meets the intent of the Code because it will not interfere with light, air, and open spaces of any adjacent property owners. The fence also serves various ancillary functions including: (i) providing a clear delineation of the Property's lot lines; (ii) complementing the home, landscaping, and adjacent properties; and (iii) allows the Petitioner to better utilize their yard. In addition, the fence will be designed to meet all vision clearance requirements. Given the location of the Property along with the style of the proposed fence, and decorative masonry columns, the installation at this

location will provide safety benefits, enhance the residential use of the Property, and properly delineate the Property while not visually cutting off the Property from the rest of the neighborhood.

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The location and character of the Property together with the nature of the surrounding neighborhood creates a unique set of circumstances. The Property is located in close proximity to 75th Street and Oxford Lane and the traffic that is generated by these roadways and not all E2 zoned properties are located one lot north of 75th street. Installation of the proposed fence will provide a clear delineation of the Property's lot lines, complement the home and landscaping, provide additional safety and privacy of the Petitioner's home, and allow the Petitioner to better utilize its side yards.

- c. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. To the contrary, the fence will be appealing, tasteful and will have a positive effect to the character of the neighborhood. The proposed fence will be designed, laid out, and constructed, in a manner that achieves both balance and harmony with the neighborhood, and blends in a visually unobtrusive manner with the surroundings. In fact, the City granted the same variance to nearby a property at 1223 Oxford Lane Olesen Drive pursuant to Ordinance No. 20-055. Petitioner seeks relief to install a fence of comparable quality and design as the fence that was erected pursuant to that ordinance. Granting the relief will allow for a cohesive appearance for the properties in this area.


WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to grant: (i) a variance

from section 6-2-12:1.2 to permit a five foot (5') tall open fence with accompanying six foot, eight inch (6'-8") masonry columns; and (ii) such other variances, departures, deviations or other relief which is deemed necessary to approve the installation of the proposed fence as depicted on the plans submitted herewith.

RESPECTFULLY SUBMITTED this 18th day of June, 2024.

PETITIONER:

Daniel S. Wolf and Tammy L. Wolf

By: 

ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

LOT 4 IN BLOCK 2 IN ARTHUR T. McINTOSH AND COMPANY'S RIVER GROVE SUBDIVISION, BEING A SUBDIVISION IN PART OF SECTIONS 29 AND 30, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 1926 AS DOCUMENT NO. 206178.

PARCEL 2:

AN EASEMENT GRANTED TO AND FOR THE BENEFIT OF PARCEL 1, FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE WATER, STORM AND SANITARY SEWER SERVICES ON THE FOLLOWING DESCRIBED PROPERTY: THE EAST TWENTY FIVE FEET (25') OF THE WEST THIRTY THREE FEET (33') OF LOT 6, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID LOT 6, ALL IN BLOCK 2 IN ARTHUR T. McINTOSH AND COMPANY'S RIVER GROVE SUBDIVISION, BEING A SUBDIVISION IN PART OF SECTION 29 AND 30, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 1926 AS DOCUMENT NO. 206178 IN DUPAGE COUNTY, ILLINOIS.

As contained in Grant of Easement dated the 23rd day of June, 2011 and recorded in the DuPage County Recorder's Office on the 28th day of June, 2011 as Document Number R2011-076211.

Commonly known as: 1248 Oxford Lane, Naperville, Illinois 60540
Permanent Real Estate Index Number: 08-29-104-005

**EXHIBIT B
PLANS**

FINAL GRADING PLAN

LOT 4 IN BLOCK 2 IN ARTHUR T. MCINTOSH AND COMPANY'S RIVER GROVE SUBDIVISION, BEING A SUBDIVISION IN PART OF SECTIONS 29 AND 30, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 1926 AS DOCUMENT NO. 206178, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1248 OXFORD LANE, NAPERVILLE, ILLINOIS

LOT AREA: 131,442.29 S.F OR 3.02 ACRES (MEAS.)

P.I.N.: 08-29-104-005

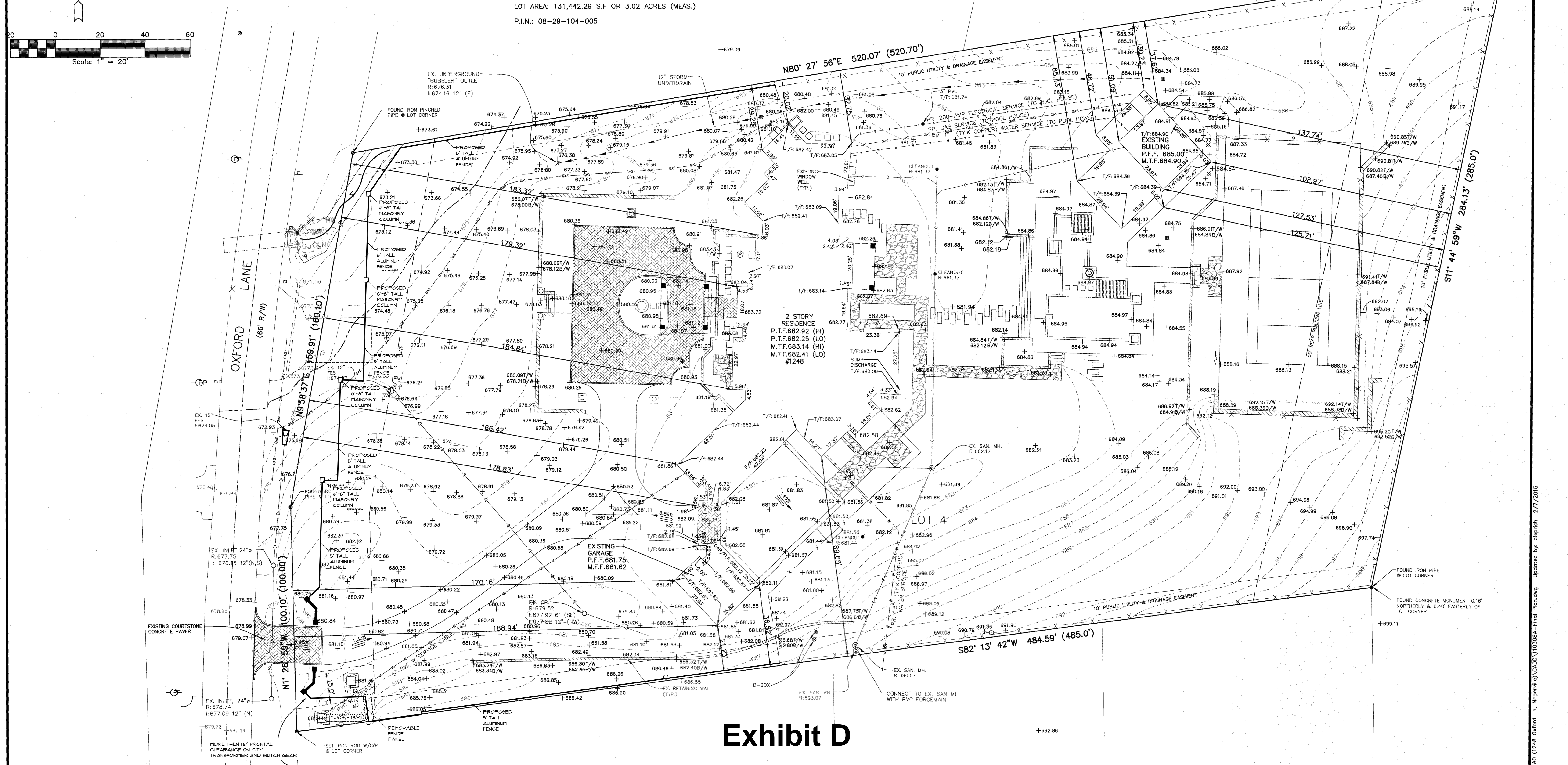
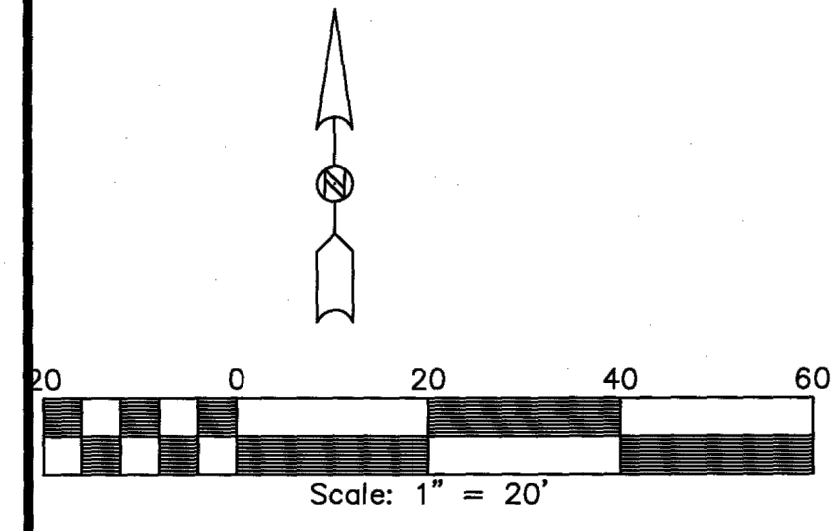


Exhibit D

BENCHMARKS:

REFERENCE: DUPAGE COUNTY BENCHMARK #130002 (NGVD 1929)
BRONZE DISK IN WING WALL OF BRIDGE OVER THE WEST BRANCH OF THE
DUPAGE RIVER ON THE SOUTH SIDE OF 75TH STREET
ELEVATION = 664.19'

SITE BENCHMARK #1
TOP OF IRON PIPE AT THE NORTHWEST CORNER OF THE SUBJECT SITE.
ELEVATION = 672.11'

SITE BENCHMARK #2
TOP OF IRON PIPE AT THE SOUTHWEST CORNER OF THE SUBJECT SITE.
ELEVATION = 680.62'

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ERA JOB #: 110308A
PREPARED FOR: MUELLNER CONSTRUCTION, INC.
G:\PROJECTS\MUELLNER CONSTRUCTION INC\110308A\CADD\110308A-FINAL PLAN.DWG

ENGINEERING RESOURCE ASSOCIATES, INC.
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PHONE (217) 351-6268
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DRAWN BY:	BL
CHECKED BY:	SB
APPROVED BY:	JG

FINAL GRADING PLAN REVISED: FEBRUARY 9, 2015
FINAL GRADING PLAN: NOVEMBER 13, 2014

I, JON P. GREEN, HEREBY VERIFY THAT I HAVE MEASURED THE ABOVE PROPERTY AND THAT THE PLAN HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID CONDITIONS. DATED AT WARRENVILLE, IL. THIS 13TH DAY OF NOVEMBER A.D. 2014

REGISTERED PROFESSIONAL ENGINEER NO. 062-052108
PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

CITY OF NAPERVILLE PROJECT # 12-2366

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Exhibit D