

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A FENCE VARIANCE AT 1227 OLESEN DRIVE**

THE UNDERSIGNED Petitioners, Scott Mitchell Stauffer and Christine Stauffer (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 four foot six inch (4’- 6”) open fence with accompanying five foot six inch (5’-6”) brick piers which are not “open” to be located in the front and corner side yards 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 Owners of the Property are Scott Mitchell Stauffer and Christine Stauffer (the “Owners”).
2. The Subject Property is zoned R1A Low Density Single Family Residence District and consists of one (1) lot totaling approximately 58,604 square feet.
3. The existing land uses surrounding the Property are as follows:
 - a. North R1A Detached Single Family Residential
 - b. East R1A Detached Single Family Residential
 - c. South E2 PUD Detached Single Family Residential
 - d. West R-1 Unincorporated DuPage County Detached Single Family Residential
4. The variance from section 6-2-12:1.2 to permit a four foot six inch (4’- 6”) open fence and five foot six inch (5’-6”) brick piers to be located in the front and corner side yards 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 on a corner lot at the northwest corner of Hobson Road and Olesen Drive. The Property is occupied by a recently constructed single family home. The Petitioner would like to install a fence around the Property which consists of a four foot six inch (4'- 6") open fence with five foot six inch (5'-6") brick piers spaced every thirty feet (30') (depiction attached). Section 6-2-12:1.2 of the Code prohibits fencing from exceeding four feet (4') at the front and corner side yard lot line. In this instance, the Property is located on a corner lot, at the busy intersection of Hobson Road and Olesen Drive. Petitioner believes installation of the proposed fence with the brick piers will: (i) provide a safety buffer from automobile traffic generated by Hobson Road and Olesen Drive; (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, despite the fact that the brick piers will not be "open", they are only spaced every 30' and the proposed fence overall far exceeds thirty percent (30%) to be classified as an "open fence" and as a result meets the intent of the Code because it will not interfere with light, air, and open spaces of any adjacent property owners. Additionally, the proposed fence will improve safety by providing a delineation to Hobson Road and Olesen Drive. The fence also serves various ancillary functions including: (i) providing a clear delineation of the Property's lot lines; (ii) complementing the home and

landscaping; and (iii) allows the Petitioner to better utilize their yards. Additionally, the minimal increase in fence height is mitigated by the substantial landscaping which exceeds the height of the proposed fence. 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 brick piers, 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 Hobson Road and Olesen Drive and the traffic that is generated by these roadways. Installation of the proposed fence will provide a clear delineation of the Property's lot lines, complement the home and landscaping, and allow the Petitioner to better utilize its side yards. Moreover, given that the height of the existing landscaping exceeds the height of the proposed fence, the installation of the fence will have no impact to the residential neighborhood.

- 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.

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 four foot six inch (4'-6") open fence with accompanying five foot six inch (5'-6") brick piers which are not "open" to be located in the front and corner side yards; 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 23rd day of July, 2019.

PETITIONER: SCOTT MITCHELL STAUFFER AND CHRISTINE STAUFFER

By: THEIR ATTORNEY

ROSANOVA AND WHITAKER LTD.

By: _____

Vincent M. Rosanova

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 1 IN CHARLESTON RESERVE RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 2017, AS DOCUMENT R2017-085953, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1227 Olesen, Naperville, Illinois 60540

PIN: 08-29-106-011

**EXHIBIT B
PLANS**