



Legislation Details (With Text)

**File #:** 20-545B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/7/2020      **In control:** City Council

**On agenda:** 6/2/2020      **Final action:** 6/2/2020

**Title:** Pass the ordinance approving a variance to permit an open style fence within the required front and corner side yard setbacks at the subject property located at 1223 Oxford Lane, Naperville - PZC 19-1-143

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Variance Ordinance, 2. Exhibit A. Legal Description, 3. Exhibit B. Fence Plan, 4. Exhibit C. Fence Detail, 5. Exhibit D. Variance Standards, 6. Location Map, 7. Fence Contract, 8. Prelim-Final Subdivision Plat, 9. Disclosure of Beneficiaries, 10. Development Petition, 11. PZC Meeting Minutes 5-6-20- DRAFT

Date	Ver.	Action By	Action	Result
6/2/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a variance to permit an open style fence within the required front and corner side yard setbacks at the subject property located at 1223 Oxford Lane, Naperville - PZC 19-1-143

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 19-1-143 on May 6, 2020; no members of the public provided testimony on this case. The PZC voted to recommend approval of the case (Approved, 9-0). Staff concurs.

**BACKGROUND:**

The subject property is zoned E2, Medium Density Estate District. The 2.4 acre property is currently improved with a single-family residence and associated accessory structures, located at the southwest corner of Hobson Road and Oxford Lane. The property has a platted 50' corner side yard setback (Hobson side), and a platted 35' front yard setback (Oxford side).

**DISCUSSION:**

The owners and petitioners, Robert J. and Andrea R. Siracusano, request approval to install a fence which exceeds 4' in height. Most of the proposed fence is 6' in height and runs the along the west, north (Hobson), and east (Oxford) property lines with a significant notch around a transformer located

at the northwest corner of the property. A smaller, approximately 25' long, 5' tall section is shown just north of the Oxford Lane circular driveway.

Per Section 6-2-12:1.2 (General Zoning Provisions: Fences), an open, or picket style, fence 4' tall or less is permitted in the required front and corner yards. An open fence is defined in Section 6-1-6 (Zoning Title, Purpose, Definitions: Definitions) as a fence which has at least 30% of the surface area in open spaces which afford direct views through the fence (note: as proposed, the aluminum or wrought iron fence complies with the definition of an open fence; however, the proposed height exceeds the maximum allowable 4').

The purpose of this regulation is to preserve sight lines and the open nature of front and corner side yards. The proposed fence complies with the definition of an open fence and maintains intersection visibility relative to a corner lot. The fence also meets the Hobson Road fence type requirement and does not infringe upon its rural character. While the proposed height exceeds the maximum 4' allowed by code, staff finds that the fence is complimentary to existing fencing associated with larger estate lots.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by City Council.

### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on May 6, 2020. No member of the public spoke about the petition. Commissioner Bansal asked the petitioner about the underlying hardship. Len Monson, on behalf of the petitioner, clarified that the proposal creates secure, usable space. The Commission moved to adopt the findings of fact as presented by the Petitioner and pass PZC 19-1-143. The motion passed (approved 9:0).

### ***Key Takeaways***

- The petitioner requests a variance from Section 6-2-12:1.2 in order to construct a 6' tall open fence. Staff recommends approval of the variance request.
- The PZC did support the requested variance, (vote: 9 in favor; 0 opposed).

### **FISCAL IMPACT:**

N/A