



Legislation Details (With Text)

**File #:** 19-126C      **Version:** 1

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

**File created:** 2/22/2019      **In control:** City Council

**On agenda:** 3/5/2019      **Final action:** 3/5/2019

**Title:** Pass the ordinance granting a variance to permit a 6' tall privacy fence in the required corner side yard at the subject property located at 11 Maple Lane - PZC 19-1-003

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 11 Maple Lane - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Standards, 5. Fence Example, 6. Application, 7. 2.20.19 PZC Minutes DRAFT, 8. Location Map

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to permit a 6' tall privacy fence in the required corner side yard at the subject property located at 11 Maple Lane - PZC 19-1-003

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on February 20, 2019 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

**BACKGROUND:**

The subject property is zoned R1A (Low Density Single-Family Residence District) and is improved with a single-family residence. Located at the northwest corner of Maple Lane and Melody Lane, the subject property has a common address of 11 Maple Lane. The 23,224 square foot lot is a corner lot with the front property line along Maple Lane and the corner side property line along Melody Lane. The petitioner, Chad Stoecker, is requesting a variance to construct a 6' tall privacy fence in the required corner side yard along Melody Lane.

**DISCUSSION:**

Per Section 6-2-12:1.2 (General Zoning Provisions: Fences), open style fences 4' tall in height or less are permitted in the required corner side yard. 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. The petitioner proposes to install a 6' tall, solid style, wooden fence in the corner side yard along the Melody Lane property line. A variance is required for the height and style of the proposed 6' tall privacy fence.

Currently a 6' tall privacy fence is located along the interior and rear yards of the subject property. The proposed fence will continue the existing fence, enclosing the yard and providing additional screening for the property. Locating the proposed fence at the property line, as opposed to at the required 30' setback, will afford the petitioner with additional useable backyard space. In order to accommodate visibility concerns for the neighbor to the north, the proposed fence jogs northwest as it travels along the corner side property line to connect to the existing fence along the rear property line.

A substantial portion of the petitioner's property is located within mapped floodplain. Therefore, a general certification from DuPage County is required in order to locate a fence on the property. The petitioner has already begun the certification process by meeting with County and City staff. Staff has added a condition in the approval ordinance requiring the petitioner to obtain the general certification from the County prior to the issuance of the fence permit.

The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the City Council.

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

The Planning and Zoning Commission opened the public hearing to consider PZC 19-1-003 on February 20, 2019. Chad Stoecker spoke as the petitioner. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 19-1-003 (approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests a variance to permit a 6' tall privacy fence in the required corner side yard. Staff supports the request conditioned upon the petitioner obtaining a general certification from DuPage County prior to issuance of a building permit for the fence.

### **FISCAL IMPACT:**

N/A