



Legislation Details (With Text)

File #: 19-1100B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/7/2019 **In control:** City Council

On agenda: 11/19/2019 **Final action:** 11/19/2019

Title: Pass the ordinance approving variances from Section 6-2-12:1.1 and Section 6-2-12:1.2 in order to permit a 4’ 6” tall steel open fence with 5’ 6” tall brick piers within the required front yard setback at the subject property located at 1219 Olesen Drive, Naperville - PZC 19-1-107

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A- Legal Description, 3. Exhibit B - Plot Plan, 4. Exhibit C - Site Plan, 5. Exhibit D- Standards, 6. Application, 7. Disclosure of Beneficiaries, 8. Location Map, 9. Image of Proposed Piers

Date	Ver.	Action By	Action	Result
11/19/2019	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving variances from Section 6-2-12:1.1 and Section 6-2-12:1.2 in order to permit a 4’ 6” tall steel open fence with 5’ 6” tall brick piers within the required front yard setback at the subject property located at 1219 Olesen Drive, Naperville - PZC 19-1-107

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 19-1-107 on November 6th, 2019; no members of the public provided testimony on this case. The PZC voted to recommend approval of the request (Approved 6,0). Staff concurs.

BACKGROUND:

The subject property is zoned R1A (Low Density Single Family Residence District) and has a front yard setback of 30’. The 1.5 acre property is currently improved with a single-family residence and is located on the west side of Olesen Drive just north of Hobson Road.

DISCUSSION:

The owners and petitioners, Marvin Fagel and Shelley Fagel, request approval of two variances to allow for installation of a 4’ 6” tall steel open fence with 5 brick piers that are 5’ 6” tall located along the property line within the required front yard. Recently, a request for a variance of an identical fence with brick piers was submitted by the neighboring property owner at 1227 Olesen Drive (south of the subject property) and approved by the City Council on September 3, 2019. The owners and

petitioners at 1219 Olesen intend to construct the proposed fence within the required front yard and connect to the neighbor's fence at 1227 Olesen Drive.

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 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 (note: as proposed, the steel fence complies with the definition of an open fence). For fences which do not meet the open fence definition, the maximum permitted height when located within the required front yard is 3'.

Due to the proposed design and location of the fence, the following variances are required:

1. Variance to increase the permitted height of an open fence located in the required front yard from 4' to 4'6";
2. Variance to increase the height of the brick piers (which do not qualify as open-fencing) from 3' to 5' 6".

As noted above, only 4' tall open (picket style) fences are permitted in the required front yard. The purpose of this regulation is to preserve sight lines and the open nature of the front yard. Given that the 4' 6" tall steel fence complies with the definition of an open fence and that there are a limited number of brick piers that are found to be decorative in nature, staff has no concerns with the requested variances.

Planning and Zoning Commission

The Planning and Zoning Commission considered PZC 19-1-107 on November 6th, 2019; no members of the public provided testimony. The PZC approved the request (Approved 6,0). The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Staff and the Planning and Zoning Commission are in general agreement with the petitioner's Findings and recommend adoption by the City Council.

Key Takeaways

- The petitioner requests a variance from Section 6-2-12:1.2 and a variance from Section 6-2-12:1.1 in order to install a 4' 6" tall steel open fence with 5' 6" tall brick piers located along the front property line. Staff has no concerns with the proposal and recommends approval of the request.
- The Planning and Zoning Commission recommended approval of the variance request (Approved, 6-0). Staff concurs.

FISCAL IMPACT:

N/A