



Legislation Details (With Text)

**File #:** 24-0742B      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 6/20/2024      **In control:** City Council

**On agenda:** 7/16/2024      **Final action:**

**Title:** Pass the ordinance approving a fence variance for the property located at 804 S Wright St - PZC 23-1-128

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal, 3. Exhibit B - Subject Property, 4. Exhibit C - Fence Design, 5. Exhibit D - Site Plan, 6. Exhibit E - Standards for Variances, 7. Petition, 8. 6-19-2024 DRAFT PZC Minutes

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

**ACTION REQUESTED:**

Pass the ordinance approving a fence variance for the property located at 804 S Wright St - PZC 23-1-128

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** John Scopelliti, Assistant Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 23-1-128 on June 19, 2024, and recommended approval of the request (approved 6-0). Staff concurs.

**BACKGROUND:**

The subject property is zoned R1B (Medium Density Single-Family Residence District) and is located at 804 S Wright Street. The approximately 8,914 square foot lot currently has a single-family home located on the property. The R1B zoning district has a required corner side yard setback of 15 feet. Section 6-2-12 (Fences) of the Naperville Municipal Code only permits open fences measuring four feet in height or less to be constructed and maintained at the front or corner side yard lot line. The petitioners/property owners, Travis and Maura Lumley, are seeking approval of a variance to allow a six-foot fence to be located in the corner side yard setback.

**DISCUSSION:**

The property has an existing four-foot, open-style fence located within the property's corner side yard, and along the rear and interior side yard property lines (as shown on the site plan included in the attachments). Per Section 6-2-12 of the Naperville Municipal Code, only open fences not exceeding four (4) feet in height may be constructed and maintained at the front or corner side yard

lot line.

The petitioner is proposing a six-foot privacy fence to replace the four-foot open-style fence in its existing location. The proposed six-foot fence is a traditional board on board cedar. The proposal prompts a variance from Section 6-2-12:1.3 of the Naperville Municipal Code, which restricts fences measuring six feet in height to areas behind the corner side yard line, provided they also do not extend forward of the wall of the principal building facing the front yard.

The petitioner states that traffic on Woodlawn Avenue has a direct sightline into the subject property's backyard and interior living areas due to the angle of the roadway. As a result, headlights from passing vehicles shine directly into their living areas as well. While the subject property has existing trees and other landscaping along the corner side yard, the petitioner does not feel this greenery provides adequate privacy from both pedestrian and vehicular traffic looking into the subject property. The proposed privacy fence is anticipated to provide privacy from both pedestrian and vehicular traffic. The petitioner further notes that the proposed fence design, layout, and color will be consistent with other fences within the East Highlands subdivision.

Upon review, staff agrees with the petitioner that the angle of Woodlawn Avenue as it approaches the rear of the home is unique and that headlights from westbound traffic on Woodlawn may shine onto the subject property. Staff also notes that nearby properties have landscaping installed in their side yards that achieves a similar privacy screen to the proposed fence. Staff is not aware of any neighborhood complaints regarding these improvements and notes that site lines will be maintained at the intersection of Woodlawn Avenue and Wright Street with the installation of a 6-foot privacy fence in the subject property's corner side yard. As such, staff does not have concern with the proposed variance.

The Department of Public Utilities - Electric reviewed the proposed fence prior to variance submission and asked the petitioner to provide removable panels of the fence for the utilities to gain access to the utility pole in the southeast corner of the subject property. Utility poles require a minimum of five (5) foot radius clearance with accessibility to a ten (10) radius clearance for Department of Public Utilities - Electric staff. The petitioner is agreeable to this request and has modified their plans to reflect the removable panels.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agree with the variance findings and recommend their adoption by the City Council.

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

The Planning and Zoning Commission conducted the public hearing to consider PZC 23-1-128 on June 19, 2024. No public comments were voiced during the public hearing.

Commissioner Van Someren asked the petitioner if the proposed fence will enclose the entire backyard. The petitioner confirmed that the proposed fence will enclose the backyard. Commissioner Bansal asked the petitioner how they managed the headlights shining onto their home for many years and why are they now requesting the fence variance. The petitioner responded that they are new homeowners. Commissioner Bansal asked the petitioner if they have received any complaints from their neighbors due to the fence variance request. The petitioner stated that they have not received any complaints from any of their neighbors.

After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's request as presented (approved 6-0). Staff concurs with the Planning and Zoning Commissioner's recommendation.