



Legislation Details (With Text)

File #: 21-1537B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 12/2/2021 **In control:** City Council

On agenda: 12/21/2021 **Final action:** 12/21/2021

Title: Pass the ordinance granting a variance to permit the construction 6-foot tall fence in the corner side yard setback for 5 South River Road - PZC 21-1-123

Sponsors:

Indexes:

Code sections:

Attachments: 1. 5 S River Rd Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Responses to Variance Standards, 5. PZC Meeting Minutes 12-1-2021 DRAFT, 6. Application, 7. Existing Fence Photo 1 of 2, 8. Existing Fence Photo 2 of 2, 9. Proposed Fence Photo, 10. Fence Contract, 11. Fence Permit Application, 12. Location Map

Date	Ver.	Action By	Action	Result
12/21/2021	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a variance to permit the construction 6-foot tall fence in the corner side yard setback for 5 South River Road - PZC 21-1-123

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, AICP

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered this matter on December 1, 2021, and voted to recommend approval of the request (approved 9-0). Staff concurs.

BACKGROUND:

The subject property is located at 5 South River Road, and consists of an approximately 11,792 square foot parcel. The property is currently improved with a single-family residence, and is zoned R1A (Low Density Single-Family Residence District).

DISCUSSION:

The Petitioner, Man Yee Wong, seeks to replace an existing 6’ fence in the corner side yard setback at 5 South River Road. In order to permit a 6’ fence in the corner side yard setback, the Municipal Code requires the corner side yard of the subject property to align with another residential property’s corner or rear yard. The subject property’s corner side yard along River Road, does not align with another corner or rear yard, thus a 6’ fence is not permitted within the 30’ corner side yard setback. The Petitioner requests approval of a variance in order for a fence to be constructed approximately

12' from the corner property line along River Road, rather than complying with the 30' required setback. The intent of the code requirements for corner lot fences is to maintain sightlines for vehicles.

Currently a 6' fence exists in the same location as the proposed fence. Per the Petitioner, they have not received any complaints concerning the fence and it is in need of replacement, as shown on the submitted photos. The Petitioner would like to replace the fence to continue to provide screening and privacy for the existing pool and residence. Since no concerns have been raised concerning the current fence, staff is in support of the proposed variance.

Findings of Fact

The Petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Staff is in general agreement with the Petitioner's responses and recommends adoption by the City Council.

Planning and Zoning Commission

The PZC considered the variance request on December 1, 2021. Man Yee Wong, presented the request. No members of the public provided testimony. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 21-1-123 (approved 9-0). Staff concurs.

Key Takeaways

- The Petitioner requests approval of a variance to Section 6-2-12:1 (Fences: Residence Districts) of the Naperville Municipal Code to permit a 6-foot fence in the corner side yard setback at 5 South River Road.
- The PZC supported the requested variance (vote: 9 in favor; 0 opposed). Staff recommends approval.

FISCAL IMPACT:

N/A