



Legislation Details (With Text)

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

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 6/10/2024      **In control:** Planning and Zoning Commission

**On agenda:** 6/19/2024      **Final action:** 6/19/2024

**Title:** Conduct the public hearing to consider a variance to Section 6-2-12 (Fences) for the property located at 804 S Wright St - PZC 23-1-128

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Response to Standards, 3. Plat of Survey, 4. Legal Description, 5. Site Plan, 6. Removable Panels Location, 7. Supporting Visuals

Date	Ver.	Action By	Action	Result
6/19/2024	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

**ACTION REQUESTED:**

..title  
 Conduct the public hearing to consider a variance to Section 6-2-12 (Fences) for the property located at 804 S Wright St - PZC 23-1-128  
 ..body

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: John Scopelliti, Assistant Planner

**ENTITLEMENTS REQUESTED:**

A variance from Section 6-2-12 (Fences) of the Naperville Municipal Code to allow a 6-foot fence to be located in the corner side yard setback.

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 23-1-128 was published in the Naperville Sun on Sunday, June 2, 2024.

**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 4 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 6-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 the homeowners 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, staff is in general agreement with the variance findings and recommends adoption by the Planning and Zoning Commission.

#### Key Takeaways

\* The petitioner requests a variance from Naperville Municipal Code Section 6-2-12 (Fences). Staff does not have concerns with the requested variance.