



## Legislation Text

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File #: 18-898B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance to permit a 6' tall solid style fence in the required corner side yard and front yard at the subject property located at 2703 Wolf River Court, Naperville - PZC 18-1-084

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 18-1-084 on October 17, 2018; no members of the public provided testimony on this case. The PZC voted to recommend approval of the case finding the request met the standards for granting a variance (Approved, 5-0). Staff concurs.

#### **BACKGROUND:**

The subject property is zoned R1A (Low Density Single Family Residence District) and is located west of Wolf River Court just south of Fox River Lane. The 13,680 square foot property is currently improved with a single-family residence. The owner and petitioner, Jeffrey Stacey, requests approval of a variance in order to replace an existing 6' tall solid style fence in the required 30' corner side yard and the required 30' front yard (site plan showing the location of the fence is included in the attachments).

#### **DISCUSSION:**

Per Section 6-2-12:1 (General Zoning Provisions: Fences), an open, or picket style, fence 4' tall or less is permitted in the required corner side yard and 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. Due to the proposed location of the fence in the required 30' corner side yard and 30' required front yard, the solid style of the fence, and the proposed 6' height, a variance is required.

As noted above, only 4' tall open (picket style) fences are permitted in the required corner side and front yard. The purpose of this regulation is to preserve sight lines and the open nature of the corner side yard. However, the proposed variance is for a replacement fence as a fence already exists in the proposed location. Staff conducted a review of the existing fence and found that the encroachment of the fence in its existing location is limited in nature and has minimal impact on sight visibility on the adjacent roadways. In addition, there is substantial landscaping at the existing residence that has a larger impact on the intersection sight distance. Given this information, staff is in support of the variance.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. 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 to permit a 6' tall, solid style wooden fence that encroaches into the required corner side and front yard.
- Staff supports the requested variance finding the existing fence location to have minimal impact on the intersection sight distance. Staff recommends approval of the variance request.

**FISCAL IMPACT:**

N/A