



## Legislation Text

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File #: 18-402B, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance to permit a 6' tall solid fence in the required corner side yard at the subject property located at 2609 Springdale Circle, Naperville - PZC 18-1-034

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

The Planning and Zoning Commission considered PZC 18-1-034 on May 16, 2018; no members of the public provided testimony on this case. The PZC voted to recommend approval of the case finding the lot to have a clear hardship (Approved, 8-0). Staff concurs.

#### **BACKGROUND:**

The subject property is zoned R1A (Low Density Single Family Residence District) and is located west of Springdale Circle just south of Morning Start Court. The 10,875 square foot property is currently improved with a single-family residence. The property is bounded by Springdale Circle to the east, and Grasmere Road to the south.

The subject property is located in Brook Crossings Unit 1A subdivision. Upon review of the subdivision plat, staff noted that the road adjacent to the subject property, Grasmere Road, is dedicated City Right of Way (ROW). However, only a section of the road is dedicated, approximately 125'. The rest of the drive leading to the Middle School is not dedicated and serves as a private drive for the adjacent Gregory Middle School. Given that Grasmere Road is dedicated City ROW, the subject property is considered to be a corner lot, with Springdale Circle as the front property line and Grasmere Road as the corner side property line.

The owner and petitioner, Paul O'Neill, requests approval of a variance to allow for construction of a 6' tall solid style fence in the required 30' corner side yard. The proposed fence will be constructed along the western property line starting from the 30' building line moving south and will wrap around the southern property line (adjacent to Grasmere) moving east for approximately 60'.

#### **DISCUSSION:**

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 corner side 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, 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 yard. The purpose of this regulation is to preserve sight lines and the open nature of the corner side yard. However, the subject property is unique from other properties within the subdivision given the nature of the adjacent roadway. The adjacent roadway is used for the purpose of ingress/egress for the Gregory Middle School and functions as more of a private driveway. The entrance is designed as a right-in/right-out driveway and the Gregory Middle School has designed the drive to only allow cars to enter through Grasmere Road and exit at the south entrance for the purpose of school drop-off and pick-up.

Given the nature of Grasmere Road being used as an entrance to Gregory Middle School, staff has no concerns with sight visibility adjacent to the roadway. The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

**Key Takeaways**

- The petitioner requests a variance to permit a 6' tall, solid style wooden fence along the corner side property line.
- Staff supports the requested variance given the hardship caused by a section of the road abutting the subject property as dedicated right of way. Staff recommends approval of the variance request.

**FISCAL IMPACT:**

N/A