



## Legislation Details (With Text)

**File #:** 19-126B **Version:** 1

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

**File created:** 2/7/2019 **In control:** Planning and Zoning Commission

**On agenda:** 2/20/2019 **Final action:**

**Title:** Open and resume the public hearing to consider a variance to permit a 6' tall privacy fence in the required corner side yard at the subject property located at 11 Maple Lane - PZC 19-1-003

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Legal Description, 3. Findings of Fact, 4. Plat, 5. Fence Example, 6. Location Map

Date	Ver.	Action By	Action	Result
2/20/2019	1	Planning and Zoning Commission	accept	Pass

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Open and resume the public hearing to consider a variance to permit a 6' tall privacy fence in the required corner side yard at the subject property located at 11 Maple Lane - PZC 19-1-003

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

Official notice for the public hearing for PZC 19-1-003 was published in the Naperville Sun on January 20, 2019. The case was continued at the February 6, 2019 PZC meeting to the February 20, 2019 PZC meeting at the request of the petitioner.

#### **BACKGROUND:**

The subject property is zoned R1A (Low Density Single-Family Residence District) and is improved with a single-family residence. Located at the northwest corner of Maple Lane and Melody Lane, the subject property has a common address of 11 Maple Lane. The 23,224 square foot lot is a corner lot with the front property line along Maple Lane and the corner side property line along Melody Lane. The petitioner, Chad Stoecker, is requesting a variance to construct a 6' tall privacy fence in the required corner side yard along Melody Lane.

#### **DISCUSSION:**

Per [Section 6-2-12:1.2 \(General Zoning Provisions: Fences\)](#)  
<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-12FE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE)>, open style fences 4' tall in height or less are permitted in the required corner side yard. An open fence is defined in [Section 6-1-6 \(Zoning Title, Purpose, Definitions: Definitions\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH1ZOTIPUDE\\_6-1-6DE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE)

as a fence which has at least 30% of the surface area in open spaces which afford direct views through the fence. The petitioner proposes to install a 6' tall, solid style, wooden fence in the corner side yard along the Melody Lane property line. A variance is required for the height and style of the proposed 6' tall privacy fence.

Currently a 6' tall privacy fence is located along the interior and rear yards of the subject property. The proposed fence will continue the existing fence, enclosing the yard and providing additional screening for the property. Locating the proposed fence at the property line, as opposed to at the required 30' setback, will afford the petitioner with additional useable backyard space. In order to accommodate visibility concerns for the neighbor to the north, the proposed fence jogs northwest as it travels along the corner side property line to connect to the existing fence along the rear property line. The petitioner's responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

### ***Key Takeaway***

- The petitioner requests a variance to permit a 6' tall privacy fence in the required corner side yard. Staff supports the request.