

## Legislation Details (With Text)

<b>File #:</b>	19-376	<b>Version:</b>	1
<b>Type:</b>	Public Hearing	<b>Status:</b>	Agenda Ready
<b>File created:</b>	4/10/2019	<b>In control:</b>	Planning and Zoning Commission
<b>On agenda:</b>	4/17/2019	<b>Final action:</b>	
<b>Title:</b>	Conduct 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 1214 Needham Road - PZC 19-1-036		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Petition, 2. Legal Description, 3. Findings of Fact, 4. Plat of Survey, 5. Fence Image, 6. Location Map, 7. Letter of Support, 8. Letter of Support_2		

Date	Ver.	Action By	Action	Result
4/17/2019	1	Planning and Zoning Commission	accept	Pass

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct 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 1214 Needham Road - PZC 19-1-036

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

Official notice for the public hearing for PZC 19-1-036 was published in the Daily Herald on April 1, 2019.

#### **BACKGROUND:**

The subject property is zoned R1B (Medium Density Single-Family Residence District) and is improved with a single-family residence. Located southwest of the intersection of Needham Road and Spring Hill Circle, the subject property has a common address of 1214 Needham Road. The 11,826 square foot lot is a corner lot with the front property line along Needham Road and the corner side property line along Spring Hill Circle. The petitioners, Robert and Kristin DeAngeles, are requesting a variance to construct a 6' tall privacy fence in the required corner side yard along Spring Hill Circle.

#### **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 petitioners propose to replace the existing 4' tall open fence with a 6' tall vinyl privacy fence that will extend diagonally off the rear of the home. At its greatest extent, the proposed fence will encroach 13.5' into the required 30' corner side yard. A variance is required for the height and style of the proposed 6' tall privacy fence.

The subject property has a significantly wider front yard than rear yard resulting in a unique lot shape. Per the petitioners, the proposed fence is necessary in order to increase provide a barrier for their dogs, as well as to increase useable backyard space. The petitioners' responses to the standards for granting a variance are attached. Upon review, staff agrees with the petitioners' findings and recommends their adoption by the Planning and Zoning Commission.

### **Key Takeaways**

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