Legislation Details (With Text)

File #:	19-421 **Version:** 1		
Type:	Public Hearing	**Status:**	Agenda Ready
File created:	4/25/2019	**In control:**	Planning and Zoning Commission
On agenda:	5/1/2019	**Final action:**	
Title:	Conduct the public hearing to consider a variance to permit a 5' tall fence in the front yard at the subject property located at 1505 McDowell Rd (Iskcon Temple) - PZC 18-1-144		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Application, 2. Legal Description, 3. Findings of Fact, 4. Plat of Survey, 5. DuPage Co stormwater Cert		

Date	Ver.	Action By	Action	Result
5/1/2019	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 5' tall fence in the front yard at the subject property located at 1505 McDowell Rd (Iskcon Temple) - PZC 18-1-144

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:
Official notice for the public hearing for PZC 18-1-144 was published in the Daily Herald on April 15, 2019.

BACKGROUND:
The subject property was rezoned from R1A (Low Density Single-Family Residence District) to OCI (Office, Commercial and Institutional District) per Ordinance 16-096 in 2016. The petitioner is currently operating a religious institution on the subject property. Future plans for the property include an addition to the facility and an expansion of the parking lot. In conjunction with these improvements, the petitioner proposes to construct a 5' tall wrought iron fence with a gate in the required front yard.

The subject property is located north of McDowell Road and west of Wall Street, with a common address of 1505 McDowell. The Northwest Sector Plan identifies the future land use of the property as "Community Facilities". The current land use is consistent with this designation

DISCUSSION:
Per Section 6-2-12:2 (General Zoning Provisions: Fences) <https://library.municode.com/il/naperville/codes/code_of_ordinances?

nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE>, only fences up to 3’ tall in height may be constructed in the front yard. The petitioner requests to construct a 5’ tall wrought iron fence in the front yard. The proposed fence will be located approximately 3’ from the front property line and run parallel to McDowell Road. The fence also includes a gate that crosses the entrance drive. The gate will remain open during daytime hours.

The proposed fence will not interfere with any sight lines. The decorative style of the proposed fence will continue to preserve the open nature of the front yard. The petitioners’ 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 subject to the following condition:

1. The fence cannot be replaced with a privacy (solid style) fence; the fence must remain decorative in style.

The City’s Fire Department has reviewed and approve the proposed gate subject to the following conditions:

1. A key box shall be mounted on the gate for the Fire Department’s use.
2. The gate should not be locked until the sprinkler system is installed. A lock box should also be installed on the building.

These conditions will be included in any approval ordinance reviewed by City Council.

Key Takeaways

- The petitioner requests a variance to permit a 5’ tall fence in the front yard. Staff supports the request.