



Legislation Details (With Text)

**File #:** 19-376B      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 4/18/2019      **In control:** City Council

**On agenda:** 5/7/2019      **Final action:**

**Title:** Pass the ordinance granting 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1214 Needham Rd - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat, 4. Exhibit C - Findings of Fact, 5. Petition, 6. Fence Image, 7. Letter of Support, 8. Letter of Support\_2, 9. Location Map, 10. 4.17.19 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting 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:**

The Planning and Zoning Commission considered this matter on April 17, 2019 and voted to recommend approval of the request (approved, 9-0). Staff concurs

**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 City Council.

***Planning and Zoning Commission Action***

The Planning and Zoning Commission opened the public hearing to consider PZC 19-1-036 on April 17, 2019. Robert DeAngeles spoke as the petitioner. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 19-1-036 (approved, 9-0). Staff concurs with the Planning and Zoning Commission's recommendation.

***Key Takeaways***

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

**FISCAL IMPACT:**

N/A