



## Legislation Details (With Text)

**File #:** 21-1537      **Version:** 1

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

**File created:** 11/17/2021      **In control:** Planning and Zoning Commission

**On agenda:** 12/1/2021      **Final action:** 12/1/2021

**Title:** Conduct the public hearing to consider a variance to Section 6-2-12:1 to permit a 6-foot-tall fence in the corner side yard setback at 5 South River Road - PZC 21-1-123

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Responses to Variance Standards, 3. 5 South River Road Plat of Survey and Site Plan, 4. Existing Fence Photo 1 of 2, 5. Existing Fence Photo 2 of 2, 6. Proposed Fence Photo, 7. Fence Contract, 8. Fence Permit Application, 9. Legal Description, 10. Location Map

Date	Ver.	Action By	Action	Result
12/1/2021	1	Planning and Zoning Commission	approved	Pass

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance to Section 6-2-12:1 to permit a 6-foot-tall fence in the corner side yard setback at 5 South River Road - PZC 21-1-123

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, AICP

#### **ENTITLEMENTS REQUESTED:**

A variance to [Section 6-2-12:1 \(Fences: Residence District\)](#)  
<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?)  
has been requested to:

- Permit a 6-foot-tall fence in the corner side yard setback.

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

Official notice of the public hearing for PZC 21-1-123 was published in the Daily Herald on November 15, 2021.

#### **BACKGROUND:**

The subject property is located at 5 South River Road, and consists of an approximately 11,792 square foot parcel. The property is currently improved with a single-family residence, and is zoned R1A (Low Density Single-Family Residence District).

#### **DISCUSSION:**

The Petitioner, Man Yee Wong, seeks to replace an existing 6' fence in the corner side yard setback

at 5 South River Road. In order to permit a 6' fence in the corner side yard setback, the Municipal Code requires the corner side yard of the subject property to align with another residential property's corner or rear yard. The subject property's corner side yard along River Road, does not align with another corner or rear yard, thus a 6' fence is not permitted within the 30' corner side yard setback. The Petitioner requests approval of a variance in order for a fence to be constructed approximately 12' from the corner property line along River Road, rather than complying with the 30' required setback. The intent of the code requirements for corner lot fences is to maintain sightlines for vehicles.

Currently a 6' fence exists in the same location as the proposed fence. Per the Petitioner, they have not received any complaints concerning the fence and it is in need of replacement, as shown on the submitted photos. The Petitioner would like to replace the fence to continue to provide screening and privacy for the existing pool and residence. Since no concerns have been raised concerning the current fence, staff is in support of the proposed variance.

#### *Findings of Fact*

The Petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Staff is in general agreement with the Petitioner's responses and recommends approval of the variance request.

#### **Key Takeaways**

- The Petitioner requests approval of a variance to Section 6-2-12:1 (Fences: Residence District) of the Naperville Municipal Code to permit a 6-foot-tall fence in the corner side yard setback at 5 South River Road. Staff is in support of the request.