



Legislation Text

File #: 19-421B, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting 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:

The Planning and Zoning Commission considered this matter on May 1, 2019 and voted to recommend approval of the request (approved with 7 ayes, 0 nays, 1 recusal). Staff concurs.

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?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE)

[nodeId=TIT6ZORE_CH2GEZOPR_6-2-12FE](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. A portion of the petitioner's property is located within mapped floodplain. Therefore, a general certification from DuPage County is required in order to locate a fence on the property. The certification is attached.

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 City Council subject to the following condition:

1. The fence cannot be replaced with a privacy (solid style) fence; the fence must remain decorative in style.
2. A key box shall be mounted on the gate for the Fire Department's use.
3. The gate should not be locked until the sprinkler system is installed. A lock box should also be installed on the building.
4. The fence must comply with all conditions of the DuPage County Stormwater Management Certification Application No. SM2019-0006.

Planning and Zoning Commission Action

The Planning and Zoning Commission opened the public hearing to consider PZC 18-1-144 on May 1, 2019. Pravanthy Russell spoke as the petitioner. No one from the public provided testimony. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 18-1-144 (approved with 7 ayes, 0 nays, 1 recusal). Staff concurs with the Planning and Zoning Commission's recommendation.

Key Takeaways

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

FISCAL IMPACT:

N/A