



## Legislation Text

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**File #:** 19-817B, **Version:** 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance from Section 6-2-12:1.1 and a variance from Section 6-2-12:1.2 in order to permit a 4' 6" tall steel open fence with 5' 6" tall brick piers within the required front and corner side yard setback at the subject property located at 1227 Olesen Drive, Naperville - PZC 19-1-073

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

The Planning and Zoning Commission considered PZC 19-1-073 on August 21, 2019; no members of the public provided testimony on this case. The PZC voted to recommend approval of the case (Approved, 8-0). Staff concurs.

#### **BACKGROUND:**

The subject property is zoned R1A (Low Density Single Family Residence District) and is located at the northwest corner of Hobson Road and Olesen Drive. The R1A zoning district has a front and corner side yard setback of 30'. The 1.3 acre property is currently improved with a single-family residence.

The subject property is bounded by Hobson Road to the south and Olesen Drive to the east. By code, Hobson Road has additional fence regulations that limit the permitted fencing materials along Hobson Road to aluminum, wrought iron, PVC, split rail, and three-board fencing. The proposal calls for installation of a steel fence. Staff finds the proposed steel fence material to be of a similar, but higher quality, than aluminum and therefore finds that the proposed fence material is permitted at the subject property.

#### **DISCUSSION:**

The owners and petitioners, Scott Mitchell and Christine Stauffer, request approval of a variance to allow for construction of a 4' 6" tall steel open fence with 16 brick piers that are 5' 6" tall, 2' wide and are spaced every 30' to be located along the property lines within the required front and corner side yard. The petitioner requests the variance for the purpose of installing a fence that is both aesthetically pleasing and provides additional height given the topography of the lot.

Per Section 6-2-12:1.2 (Fences: Residence District), an open, or picket style, fence 4' tall or less is permitted in the required front and corner side yard. An open fence is defined in Section 6-1-6 (Zoning Title, Purpose, Definitions: Definitions) as a fence which has at least 30% of the surface area in open spaces which afford direct views through the fence (note: as proposed, the steel fence

complies with the definition of an open fence). Per Section 6-2-12:1.1 (Fences: Residence District), for fences which do not qualify as open fences, the maximum permitted height in the front and corner side yard is 3'. Due to the proposed design, height and location of the fencing and piers, the following variances are required:

1. Variance to increase the permitted height of an open fence located in the required front and corner side yard from 4' to 4'6"; and
2. Variance to increase the permitted height and to install brick piers, which do not qualify as open fencing, from 3' to 5' 6" located in the required front and corner side yard.

As noted above, 4' tall open (picket style) fences or 3' privacy fences are permitted in the required front and corner side yard. The purpose of these regulations is to preserve sight lines and the open nature of the front and corner side yard. Given that the 4' 6" tall steel fence complies with the definition of an open fence and that the proposed brick piers are spaced every 30' and are decorative in nature, staff has no concerns with the requested variances and does not find that sight visibility from the adjacent roadway will be adversely effected.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

***Key Takeaways***

- The petitioner requests a variance from Section 6-2-12:1.1 and Section 6-2-12:1.2 in order to install a 4' 6" tall steel open fence with 5' 6" tall brick piers located at every 30' along the front and corner side yard property lines.
- Staff supports the requested variances given the proposed fencing provides open views raising no concern with site visibility adjacent to the roadway.
- The Planning and Zoning Commission recommended approval of the variance request (Approved, 8-0). Staff concurs.

**FISCAL IMPACT:**

N/A