



## Legislation Text

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File #: 19-989, Version: 1

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### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance from Section 6-2-12:1.4 in order to permit a 7' and 8' tall privacy fence along the rear property lines at the subject property located at 5615 Rosinweed Lane, Naperville - PZC 19-1-101

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

Official notice for the public hearing for PZC 19-1-101 was published in the Daily Herald on September 30, 2019.

#### **BACKGROUND:**

The subject property is zoned R1A (Low Density Single Family Residence District) and is located west of Hawkweed Drive and south of Rosinweed Lane. The 25,975 square foot property is currently improved with a single-family residence.

In March 2019, a fence permit was issued by the City to allow for the installation of a 6' tall privacy fence on the subject property. Since approval of the application was granted, the 6' privacy fence was installed. The homeowner has indicated that after the 6' fence was installed, portions of the fence in the rear yard were removed and replaced with 7' and 8' tall privacy fencing. The installation of these portions of the fence were done without a permit. The homeowner requests a variance to allow the 7' and 8' tall privacy fencing to remain on the subject property. If the current request for a variance is granted, the homeowner will be required to submit a fence permit application. At that time, permit fees would be assessed and doubled (minimum \$500) based upon the fences installation without a permit.

#### **DISCUSSION:**

The owner and petitioner, Anthony Ducato, is requesting approval of a variance to allow the existing 7' tall privacy fence along the southern rear property line, as well an approximately 12'-14' long span of 8' tall privacy fence along the western rear property line to remain on the subject property. Section 6-2-12:1.4 (General Zoning Provisions: Fences) of the Municipal Code restricts residential fences to a maximum permitted height of 6' in the rear or interior side yard. The existing fencing is 7' and 8' tall in height, exceeding the maximum allowance, therefore requiring a variance from the Municipal Code.

In most residential settings, a 6' tall privacy fence provides sufficient screening between residential uses. In this instance, the subject property backs up to a patch of trees to the south. The petitioner

has raised concern with the nearby wildlife entering the subject property. Accordingly, the petitioner has indicated that the taller fence along the rear property lines mitigates any potential issues.

Staff has conducted a review of the proposal and raises no concern with the fencing given its location along the rear property line and the minimal impact the taller fence has given the slope of the property. To date, staff has not received any complaints about the fence since its installation. 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 6-2-12:1.4 to allow for the 7' and 8' tall privacy fence located along the rear property line to remain on the subject property at 5615 Rosinweed Lane.
- Staff supports the requested variance given the proposed fencing has no adverse impact on any neighboring property owners given its location in the rear yard. Therefore, staff recommends approval of the variance request.