



VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
AGENDA ITEM

MEETING DATE: July 13, 2016

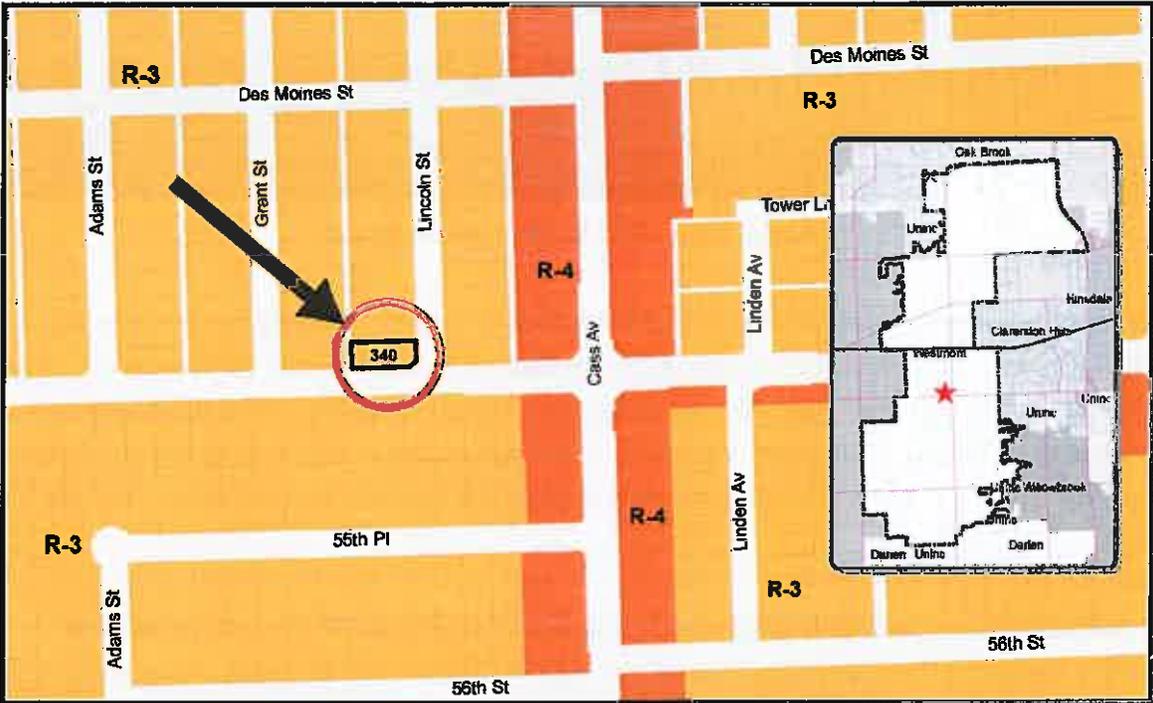
P/Z 16-014

TITLE: Jean Skuble regarding the property located at 340 South Lincoln Street , Westmont, IL 60559 for the following:

- (A) Zoning Code Variance Request to permit the construction of a 5' solid fence in the side yard adjoining the street in the R-3 Single Family Residential District.

BACKGROUND OF ITEM

The subject lot is located on the northwest corner of South Lincoln Street and 55th Street, west of South Cass Avenue. Also known as a portion of Lot 10 in Block 27 in the Westmont subdivision, the lot is approximately 60' x 150' and is approximately 8,892 square feet or 0.20 acres.



Zoning map - 340 South Lincoln Street

The applicant has a corner lot abutting 55th Street, and would like to install a 5' cedar privacy fence adjacent to 55th Street along a portion of the back yard. No fence currently exists on the property, and the proposed installation would encroach into the required setback.

A text amendment was approved in 2012 which provided more flexibility to homeowners with corner lots who wanted to install privacy fences. Previously the code required a 35' setback on corner side lots, and the code was amended to allow a minimum of 15', as long as the fence was located behind the house.



Aerial Map - 340 South Lincoln Street

In this instance, the house is built at a 19.75' setback, therefore allowing the fence to be at 19.75' by code. The home does not have a back door to access the rear yard, and was alternately designed with a side door on the south side of the house with a small shielded patio and steps to the yard. With these conditions, a fence installed at the required setback would not permit unobstructed safe access without moving the fence to accommodate the side door access.

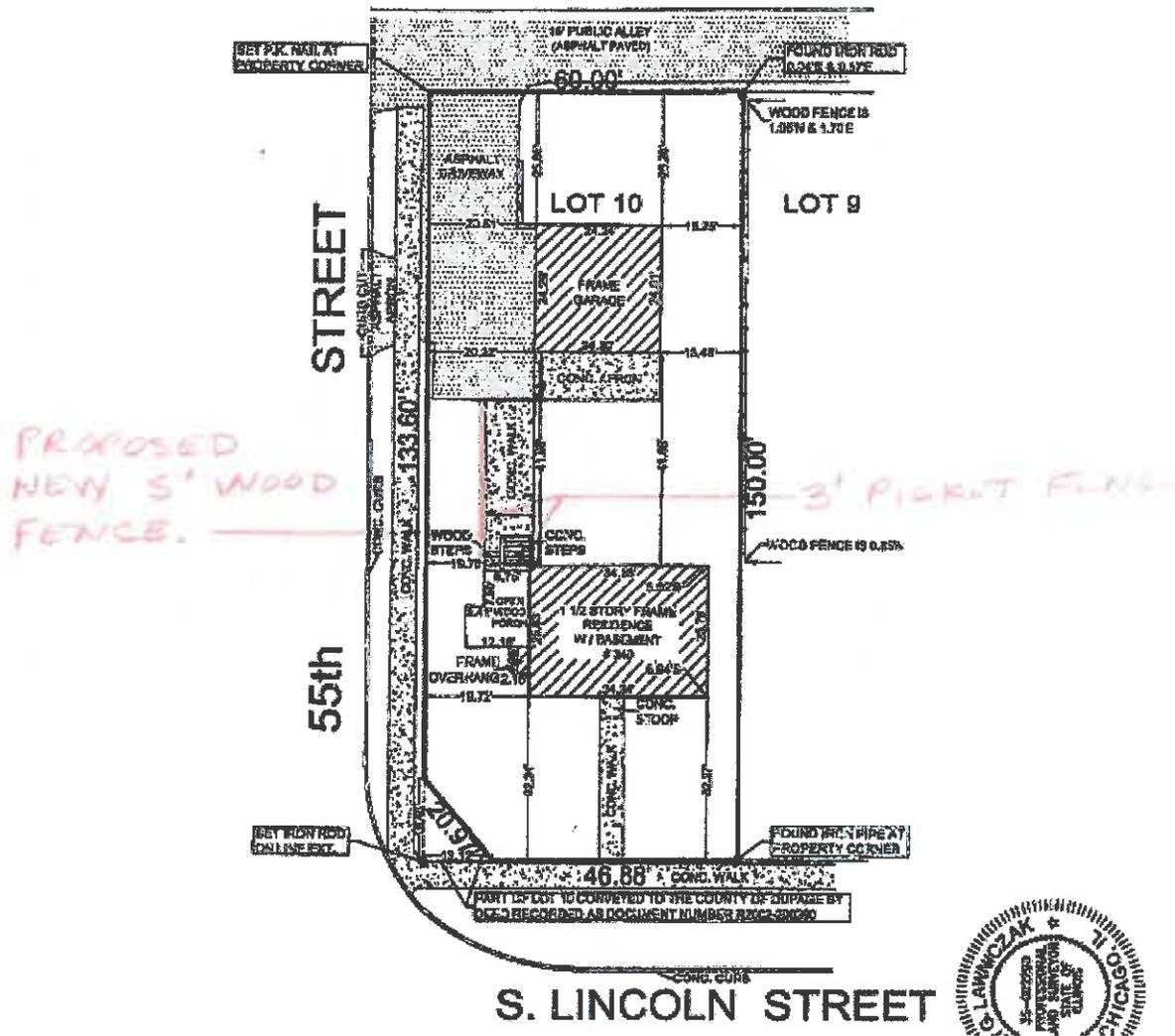
The homeowner would prefer to put the fence on the south side of the existing private sidewalk, between the sidewalk and existing trees. A fence in this location would allow access from the side/back door to the back yard and provide security as well as privacy. Staff notes that the applicant is not requesting the tallest fence possible, and would locate the fence 11' inside the property line. The most recent variance in proximity to this property was one block to the west, which as approved to be built at the property line and 6' in height.



Existing deck with surround conceals the side/rear door to the house.



Fence is proposed between existing pine trees and edge of private sidewalk.



ZONING ANALYSIS

The subject property is located in the R-3 Single Family Residence District, and properties on all sides are similarly zoned. The Zoning Ordinance does not allow 60" solid fences in the side yard adjoining a street to be within 15' of the property line and must be behind the house per Appendix A, Article IV, Section 4.05(E)(11). Similarly, code does permit fences up to the property line but limit the height to 30".

The applicants provided photos of other corner lots which have solid fences along the street property line (attached).

Standards for variations

(1) The Planning and Zoning Commission shall not recommend a variation unless it shall have made findings of fact based upon the evidence presented to it in each specific case that:

- (a)** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- (b)** The plight of the owner is due to unique circumstances; and
- (c)** The variation, if granted, will not alter the essential character of the locality.

(2) For the purpose of implementing the above rules, the Planning and Zoning Commission shall also, in making its recommendations whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- (a)** The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (b)** The conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.
- (c)** The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- (d)** The alleged difficulty or hardship has not been created by the owner of the property.
- (e)** The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (f)** The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.

In this proposal, the applicant states they cannot fully enjoy their rear yard without safe access. Other nearby properties that are not corner lots and not adjacent to 55th Street would not have similar applicable conditions. The fence installation should not be detrimental to the neighborhood and would be similar to other fences along 55th Street.

SUMMARY

The applicants request a variance to permit a 5' tall solid fence to encroach into the required side yard adjoining the street along 55th Street. The fence would be set far enough back

from the corner to avoid any line of sight issues from the intersection, and from the alley to the west. The fence is proposed 11' behind the public sidewalk, and would be partially concealed by existing trees.

DOCUMENTS ATTACHED:

1. Publication notice appearing in the June 29, 2016 Westmont Progress.
2. Application materials dated June 03, 2016, and associated attachments.
 - a. Plat of Survey indicating fence location, prepared by United Survey Service, LLC, dated February 17, 2016, .
 - b. Home Depot fence specifications.
 - c. Photos provided by applicant, undated.

SUBMITTED BY:

Jean Skuble

340 S Lincoln Street

Westmont, Il. 60559

REQUESTING VARIANCE FOR INSTALLATION OF 5' WOOD PRIVACY FENCE

Finding of facts for variance:

- A) I purchased this home knowing it was a busy corner. My intent from the beginning was to put up a fence for the safety of my grandchildren. My neighbors have a 5' privacy fence, I just figured I would install the same type fence. The value of my home is less because of being on a busy corner and not having a fence for safety.
- B) I care for my grandchildren at least twice a week. I have 7 grandchildren and 3 of them are 2 years old and run all over, as they should at that age. It is physically impossible for me on my own to watch them in the backyard, so we are confined to the house. I know I could get a 4-foot chain link, but I know my 2-year-old grandson would try climbing it.
- C) I have attached a picture of the fence I would like to have installed. It is a 5' wood privacy fence, called a tradition Fence, very nice looking fence. I feel it will add esthetic value to my home and the surrounding area.

I am respectfully asking the commission to grant the variance mainly because of the safety issue of my family. I also have dogs that will be kept safe. The other reasons, like privacy and sound barrier are 2nd by far to safety.

Attached:

1. Completed Application
2. Legal description forwarded to staff
3. Facts of findings (above)
4. Proof of ownership
5. Plat of survey
6. Pictures of home from different angles and photos of two homes with privacy fences at corner of Grant St. and 55th St.



UNITED SURVEY SERVICE, LLC

CONSTRUCTION AND LAND SURVEYORS

2100 N. 15th AVENUE, SUITE C, MELROSE PARK, IL 60160

TEL.: (847) 299 - 1010 FAX: (847) 299 - 5887 FAX: (224) 833 - 5048

E-MAIL: USURVEY@USANDCS.COM

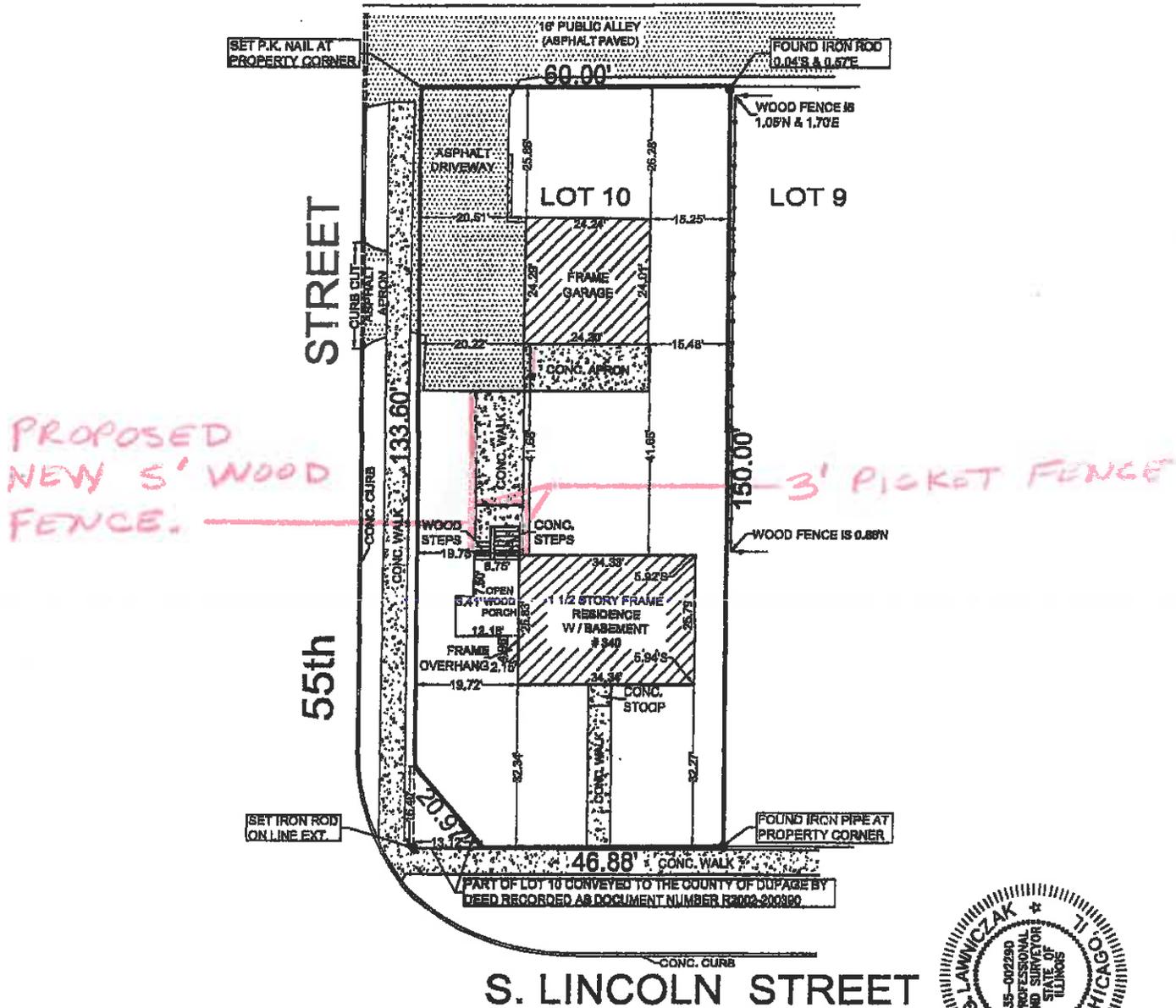
PLAT OF SURVEY

OF

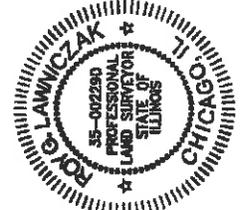
THAT PART OF LOT 10 (EXCEPT THAT PART CONVEYED TO THE COUNTY OF DUPAGE BY DEED RECORDED AS DOCUMENT NUMBER R2002-200390) IN BLOCK 27 IN WESTMONT, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 AND PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 1921 AS DOCUMENT NO. 148502, IN DUPAGE COUNTY, ILLINOIS.

KNOWN AS: 340 S. LINCOLN STREET, WESTMONT, ILLINOIS

PERMANENT INDEX NUMBER: 09 - 09 - 427 - 021 - 0000



PROPOSED NEW 5' WOOD FENCE.



NOTE: SURFACE DETAILS OBSCURED BY SNOW.

CHECK IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.

ORDERED BY:	REDA & DES JARDINS, LLC
DATE:	FEBRUARY 17, 2016
SCALE:	1" = 20'
ORDER No.:	2016 - 23028

BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS OTHERWISE REFER TO YOUR DEED OR ABSTRACT. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

STATE OF ILLINOIS }
COUNTY OF COOK } 88

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE LOCATED THE BUILDING ON THE ABOVE PROPERTY.

Roy G. Lawniczak
ROY G. LAWNICZAK, REG. LL. LAND SURVEYOR NO. 36 - 2280

STATE OF ILLINOIS }
COUNTY OF COOK } 88

I, ROY G. LAWNICZAK, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS AND ARE CORRECTED TO A TEMPERATURE OF 88° FAHRENHEIT. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEY.

Roy G. Lawniczak
ROY G. LAWNICZAK, REG. LL. LAND SURVEYOR NO. 36 - 2280
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004876

In Addition to privacy I would like to put a picket fence to keep my grandchildren from playing around cement stairwell that leads to basement. Fun for them to play on but dangerous. I wasn't sure if I needed a variance for that.



This is a view of my home from the corner of Lincoln St and 55th looking west.

1st picture the proposed fence would not be visibly.

2nd picture is after you would turn the corner the fence would become visible



This is a view of the northeast corner of Grant St. and 55th St. an existing wood privacy fence.



This is a view of the northwest corner of Grant St. and 55th St. with an existing vinyl privacy fence.



This is a side view of my back yard and also a view from the alley side. Fence would be placed as illustrated. Would be placed 12' in from public sidewalk.





This is a picture of proposed fence.