



**VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

MEETING DATE: November 12, 2014

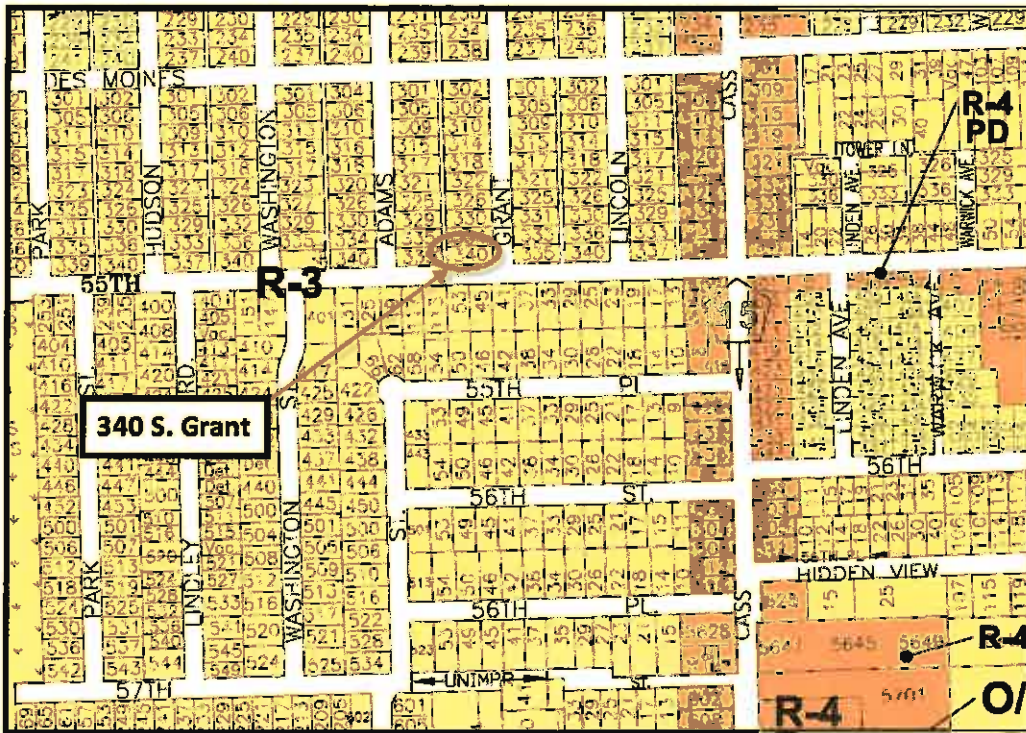
P/Z 14-033

TITLE: Laura and Gary Michicich regarding the property located at 340 South Grant Street, Westmont, IL 60559 for the following:

- (A) Zoning Code Variance Request to permit the construction of a 6' 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 Grant Street and 55th Street, west of South Cass Avenue. The applicants have a corner lot adjacent to 55th Street, and would like to install a privacy fence adjacent to 55th Street along their back yard. They currently have a 3' fence that meets code but has deteriorated over time, and they would like to replace it with a more durable fence to withstand salt during the winter from 55th Street.



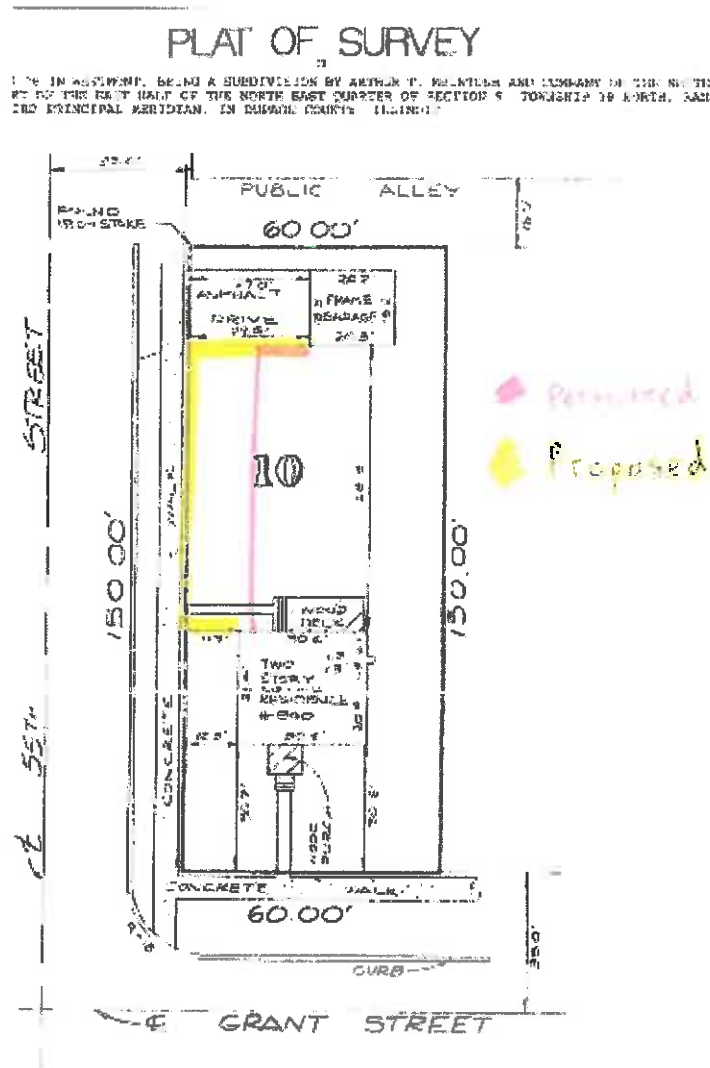
Zoning map - 340 South Grant Street

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. In this instance, the house is built at a 12' setback and the homeowners would need to meet the 15' setback by attaching the fence 3' further north than the setback of the house.



Existing fence

The homeowners would prefer to put the fence on the property line adjacent to 55th Street to use more of their back yard, have a sound and visual barrier, and have more security. Placing the fence along the property line would provide the applicants the ability to fence approximately 1,025 more square feet of their back yard (see diagram below, noting what is permitted vs what is proposed).



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 solid fences in the side yard adjoining a street to exceed 30" per Appendix A, Article IV, Section 4.05(E)(11).

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 homeowners feel they cannot fully enjoy their rear yard without additional screening along 55th Street, and they prefer to install a more durable white vinyl fence at a standard 4' or 6' height to withstand salt from 55th Street during the winter. The applicants have researched solid vinyl fences in other heights, and those would be a special order and therefore more expensive. Other nearby properties that are not corner lots or not adjacent to 55th Street would not have similar applicable conditions, and the fence installation should not be detrimental to the neighborhood; in fact other lots have similar privacy fences.

SUMMARY

The applicants request a variance to permit a 6' 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 shrubbery near the garage may need to be trimmed back to further increase the sight line at the alley. While the applicants prefer a 6' fence, they would also be amenable to a 4' height approval.



View from alley to the west

DOCUMENTS ATTACHED:

1. Publication notice appearing in the October 29, 2014 Westmont Progress.
2. Application materials dated October 20, 2014, and associated attachments.
 - a. Plat of Survey indicating fence location dated November 21, 1998, prepared by Nekola & Associates.
 - b. Home Depot fence specifications.
 - c. Photos provided by applicant, undated.

**LEGAL NOTICE / PUBLIC NOTICE
VILLAGE OF WESTMONT
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLICATION**

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled before the Westmont Planning and Zoning Commission to be held on Wednesday, November 12, 2014 at 7:00 P.M. in the Westmont Village Hall, 31 W. Quincy St., Westmont, Illinois 60559.

The purpose of the hearing is to consider a request from Laura and Gary Michicich regarding the property located at 340 South Grant Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance Request to permit the construction of a 6' solid wood fence in the side yard adjoining the street in the R-3 Single Family Residential District.

Legal Description:

LOT 10 IN BLOCK 26, BEING A SUBDIVISION BY ARTHUR T. MCINTOSH AND COMPANY OF THE SOUTH EAST QUARTER AND PART OF THE EAST HALF OF THE NORTH EAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 09-09-426-020

More Common Location: 340 South Grant Street, Westmont, IL 60559

Village Code(s) Applicable: Appendix "A", Section 4.05(E)(11)
Appendix "A", Section 13.07

Note: Any person who has a disability requiring a reasonable accommodation to participate in the meeting should contact the Village of Westmont, Illinois, 60559 between 9:00 A.M. to 5:00 P.M. Monday through Friday, or telephone (630) 981-6210 voice, or (630) 981-6300 TDD, within a reasonable time before the meeting.

All interested persons in attendance will be allowed to express their views.

WESTMONT PLANNING AND ZONING COMMISSION
Ed Richard Chairperson

Variance for Fence Height

Laura and Gary Michicich

340 South Grant, Westmont

We would like to have a 4' or 6' vinyl fence along 55th Street to replace our 3' wooden fence.

Why 4' or 6'?

- The standard height for a vinyl fence is 4'. The standard vinyl fence is available in 4' or 6' heights. In order to be in compliance with the Village Code we would need to have the vinyl fence custom made which is cost prohibitive.
- Provide a sound barrier so we can enjoy our backyard
- More privacy from the traffic on 55th Street
- Increased security for our belongings in our backyard

Why vinyl?

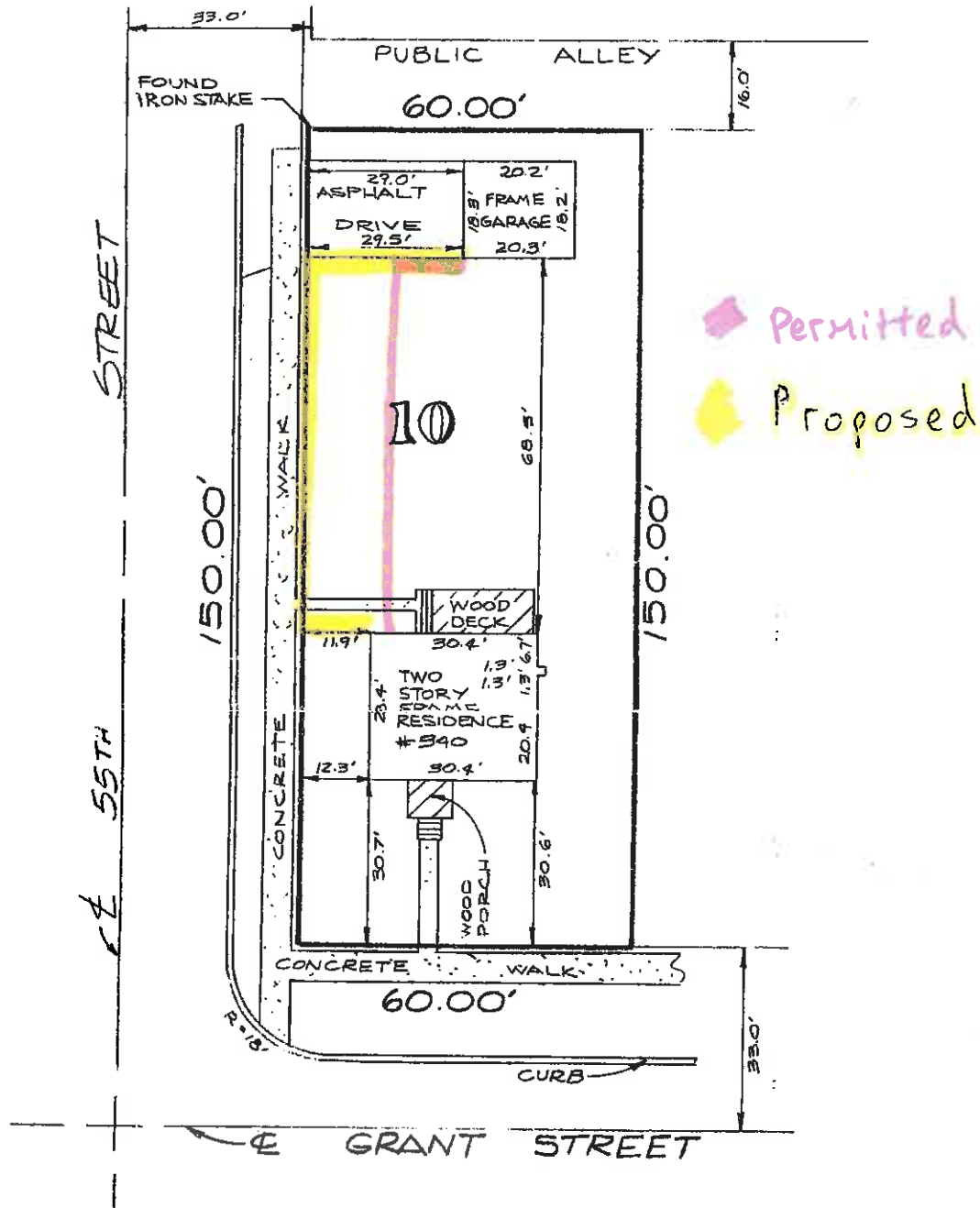
- 20 year warranty
- Will stand up to road salt and plowed snow
- Will not fade or need maintenance
- Will be in keeping with character of the neighborhood and our home

Thanks,

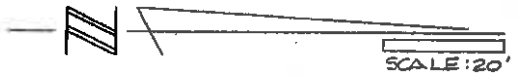
Laura & Gary

PLAT OF SURVEY

OF
 LOT 10 IN BLOCK 26 IN WESTMONT, BEING A SUBDIVISION BY ARTHUR T. McINTOSH AND COMPANY OF THE SOUTH EAST QUARTER AND PART OF THE EAST HALF OF THE NORTH EAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



PREPARED FOR: MARILYN D. WOEHREL (ATTORNEY AT LAW)
 JOB ADDRESS: 340 S. GRANT ST., WESTMONT, ILL.
 CLIENT: SKODA
 JOB NUMBER: 98-11-003



NEKOLA
 ASSOCIATES LTD.
 LAND SURVEYING - ENGINEERING

P.O. BOX 1549
 BOLINGBROOK, IL. 60440
 (830)759-0166 phone (830)759-0297 fax

(STATE OF ILLINOIS)
 (COUNTY OF WILL)

NEKOLA & ASSOCIATES, DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

DATED THIS 21ST DAY OF NOVEMBER 19 98

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

Wayne W. W...
 I.P.L.S. NO. 2925

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Veranda | Model # 141569 | Internet # 203179275

6 ft. x 8 ft. Vinyl Dover Privacy Fence Panel Kit

★★★★★ (3) | Write a Review | Questions & Answers (4)

\$79.97 / each

Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

OTHER STORES MAY HAVE THIS ITEM IN STOCK

[Check Nearby Stores](#)



MORE IN THIS COLLECTION FROM VERANDA (4)

YOUR CURRENT PRODUCT



\$79.97 /each

Veranda 6 ft. x 8 ft. Vinyl
Dover Privacy...

(3)

Item Selected



\$32.97 /each

Veranda 5 in. x 5 in. x 8 ft.
Vinyl Dover...

Select This Item



\$32.84 /each

Veranda 5 in. x 5 in. x 8 ft.
Vinyl Dover...

Select This Item



\$6.97 /each

Veranda Vinyl Decorative
Fence Post Hole Covers

Select This Item

1 of 2

1 Item(s) Selected

[ADD ITEMS TO CART](#)

ACCESSORIES (7)

PRODUCT OVERVIEW | Model # 141569 | Internet # 203179275

Discover the many benefits of Veranda pro series vinyl fencing. From innovative construction to a Lifetime Limited Warranty to a neighbor-friendly design, Veranda is the perfect solution for a fence project. Made of low-maintenance vinyl, Veranda fencing is built to last for years of enjoyment.

- Low-maintenance vinyl
- Hefty profile provides a stately appearance and excellent durability
- Never needs painting or staining
- 6 ft. Vinyl panels offer privacy with a neighbor friendly design
- 1-Complete panel in each box, this includes top and bottom rails and pickets, posts, post caps and hardware sold separately

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FIND A PRO

YES

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Veranda Model # 144730 : Internet # 203451062

Pro Series 4 ft. x 8 ft. Vinyl Woodbridge Privacy Fence Panel - Unassembled

★★★★★ (2) [Write a Review](#) [Questions & Answers \(5\)](#)

\$119.00 / each

Item cannot be shipped to the following state(s): AK,GU,HI,PR,VI

PRODUCT SOLD ONLINE ONLY



MORE IN THIS COLLECTION FROM VERANDA (4)

YOUR CURRENT PRODUCT		I	II
\$119.00 /each	\$26.97 /each	\$26.97 /each	\$26.97 /each
Veranda Pro Series 4 ft. x 8 ft. Vinyl...	Veranda Pro Series 5 in. x 5 ft. Vinyl...	Veranda Pro Series 6 ft. x 5 in. x 5 in....	Veranda Pro Series 5 in. x 5 in. x 72 in....
(2)	(1)	(1)	
Item Selected	Select This Item	Select This Item	Select This Item

1 Item(s) Selected

[ADD ITEMS TO CART](#)

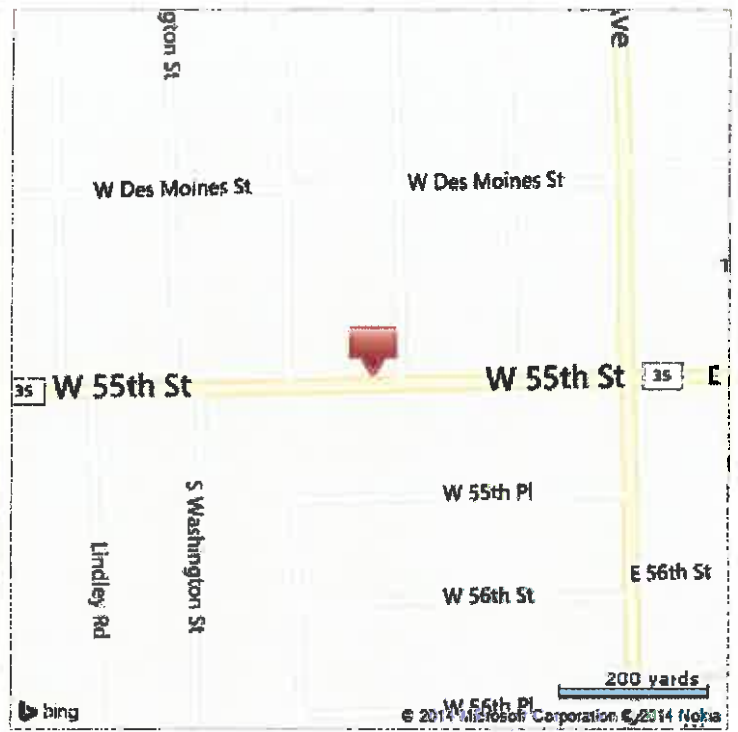
ACCESSORIES (7)

PRODUCT OVERVIEW Model # 144730 Internet # 203451062

Discover the many benefits of Veranda pro series vinyl fencing. From innovative design to durable construction to a neighbor-friendly appearance, Veranda is the perfect solution for a fence project. Made of low-maintenance vinyl, Veranda fencing is built to last for years of enjoyment.

- Low-maintenance vinyl
- Hefty profile provides a stately appearance and excellent durability
- Never needs painting or staining
- 4 ft. vinyl panels offer privacy with a neighbor friendly design
- There is one complete panel in each box. This includes top and bottom rails and pickets. Posts, post caps and hardware sold separately

Property Map



*Lot Dimensions are Estimated

Courtesy of Laura Michicich, Midwest Real Estate Data, LLC

The data within this report is compiled by CoreLogic from public and private sources. If desired, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 10/14/2014

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