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DEPARTMENT OF COMMUNITY
PRESERVATION AND DEVELOPMENT

Date: February 21, 2013
To: Zoning Board of Appeals
From: Ed Cage , Zoning Coordinator
Subject: 5 N. Wisner Street
Case Number: V-13-01 (Minor Variance)

Introduction

Agata Zgiet, applicant and owner, is requesting a variance to allow the construction of a 6-foot high fence in the corner side yard of their property, clearly prohibited by Section 11.4.E.2.b. of the Zoning Ordinance.

The property is currently occupied by a single family residence and is zoned R-2 Single Family Residential. Single family residences are located adjacent to the property to the north, east and west, the property to the south across Touhy Avenue is zoned B-1 Retail and Office District and O-Office District.

This is a continued case from the January 24, 2013 Zoning Board of Appeals agenda. Staff recently met on-site with the applicant and recommended the removal of the proposed gate section that would potentially cross the existing driveway.

Staff Analysis

The variance would allow a 6-foot fence to be constructed in the corner side yard of a regular corner lot. Section 11.4.E.2.b allows the maximum height of a fence on a corner lot at 5-foot in height. Section 11.4.E.2.b.ii does allow a 6-foot fence as follows: Where a residential lot backs up to a major thoroughfare, a fence may be erected to a height of six (6) foot along the rear lot line.

The subject property is a corner lot with the narrowest portion of the property (front yard) being along Wisner Street with the corner side yard being Touhy Avenue. The proposed location of the 6-foot high fence is along the corner side yard requires a variance, not the rear lot line which is allowed by the Zoning Ordinance.

Board Action

If the Board decides to act favorably on the variance, the proposed motion would be as follows:

To approve a variance to allow a fence 6-foot in height to be installed in the corner side yard, instead of the maximum height of 5-foot required by Section 11.4.E.2.b, at 5 N. Wisner Street, Case Number V-13-01.