

# MEMORANDUM



**Date:** June 9, 2022

**To:** Members of the Planning and Zoning Commission

**From:** Angela M. Mesaros, Director of Economic and Community Development

**Re:** Case 22-15 – Administrative Variance, 1549 183<sup>rd</sup> Street, Fence Height

**Cc:**

**APPLICANT INFORMATION:**

**APPLICANT:**

Amos D. Cook

**REQUESTED ACTION:**

Variance from Municipal Code Section 22-95(e)

**LOCATION:**

1549 183<sup>rd</sup> Street

**CURRENT ZONING/LAND USE:**

R-2, Single-family Residential

**SURROUNDING ZONING/USE:**

**N/S/E/W:** R-2, SF Residential

**LEGAL NOTICE:**

Legal notice published in *Daily Southtown* on 5/19/2022; letters sent to property occupants within 250'

**DOCUMENTS FOR REVIEW:**

Petitioner's application dated 5/06/22; plat of survey, dated 12/15/2021 with fence location.

**BACKGROUND:**

Section 22-95(e) of the Homewood Municipal Code regulating fences states, "*in single and multiple family residential zones no fence may exceed 4' in height above ground level in front of the front line of the residential structure.*"

The Municipal Code states that the Planning and Zoning Commission may grant a variance from fence height restrictions. The property owner, Amos D. Cook, has applied for a zoning variance from height to construct a new six-foot-tall fence in front of the front line of the house, facing 183<sup>rd</sup> Street.



**DISCUSSION:**

The subject property is an interior lot with one front yard on 183<sup>rd</sup> Street, a major arterial with high traffic volumes. The petitioner wishes to construct a new six (6) feet tall wooden fence. The proposed fence extends in front of the front line of the house along the front property line on 183<sup>rd</sup> Street. Therefore, an administrative variance is required.

# MEMORANDUM

Construction of the fence was begun without a building permit. On May 5, village code enforcement official stopped construction of the project. According to the petitioner, the fence is necessary to provide security and privacy. However, the fence could be moved back in line with the front of the house in order to meet the allowable setback, and would still provide security and privacy for the petitioner's property.

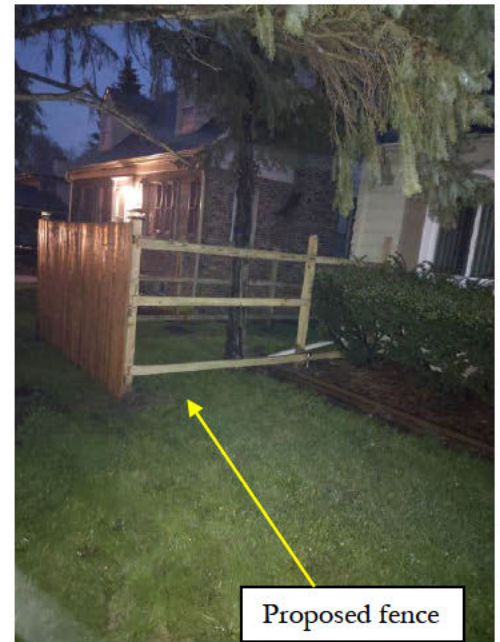


Subject property viewed from 183<sup>rd</sup> Street

## **VARIANCE STANDARDS:**

No zoning variance shall be granted unless findings based upon the evidence presented in each specific case establish that the following standards have been met. Standards 1-3 must all be met; the remaining standards are provided for further consideration:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. *The proposed fence is located in the front yard and extends into the required front yard along 183<sup>rd</sup> Street which is a major traffic route through Homewood. The fence could be moved back in line with the house to meet the code.*
2. That the plight of the owner is due to unique circumstances. *The house is situated on an interior lot and six-foot tall fences cannot extend into the front yard in any residential district.*
3. That the variation, if granted, will not alter essential character of the locality. *The six-foot-tall fence is new. The property currently has no fence. The fence as proposed is not consistent with the character of the village.*



The following Standards are provided for your consideration in making a decision regarding the requested variance.

4. Existing conditions pose a particular hardship. *The property is located within a residential neighborhood.*
5. Conditions of petition not generally applicable. *The property is an interior lot with one front yard. The property is located on 183<sup>rd</sup> Street, a major arterial street.*
6. Hardship not created by property owner. *The property has one front yard. The petitioner began construction of the fence prior to applying for a building permit. The fence can be moved back in line with the house and would provide the same security around the property.*
7. Variation is not detrimental or injurious to the neighborhood. *The requested fence is for the front yard.*
8. Impairment of light and air supply, increased risk of fire or endangerment to public safety or diminished property values. *The fence would not obstruct sightlines.*

**FINDINGS OF FACT:**

Staff has prepared the following *Draft* 'Findings of Fact' in accordance with the standards set forth in Section 2.17E for Board consideration. After consideration of public testimony, the following standards (as proposed or amended) will be entered into the record.

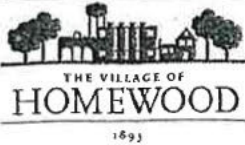
1. The subject property is located at 1549 183<sup>rd</sup> Street and is owned by the petitioner, Amos D. Cook;
2. The subject property is located in the R-2 Single-family Residential District;
3. The subject property is an interior lot with one front yard;
4. The Homewood Municipal Code prohibits fences that exceed 4 feet in height in front of the front line of the house in residential districts; and
5. The petitioner seeks a variance from the Homewood Municipal Code Section 22-95(e) to permit a fence six feet in height to extend into the front yard facing 183<sup>rd</sup> Street.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request for a variance to allow the six foot fence in the front yard of the subject property. The Planning and Zoning Commission may wish to consider the following motion:

**Case 22-15 for a variance from Table 8.1 of the Homewood Municipal Code Section 22-95(e) to allow a fence 6 feet in height in the front yard at the property located at 1549 183<sup>rd</sup> Street and incorporating the Findings of Fact into the record.**





VILLAGE OF  
HOMEWOOD  
2020 Chestnut Road,  
Homewood, IL 60430  
(708) 206-3385

## APPLICATION FOR ZONING ACTION

SUBJECT PROPERTY ADDRESS: 1549 183rd Street

### APPLICANT INFORMATION:

Name: Amos D. Cook

Email: [REDACTED]

Phone: [REDACTED]

Address: 1549 183rd St. Homewood IL 60430

Fax: N/A

### PROPERTY OWNER INFORMATION (if different than applicant):

Email:

Name:

Phone (daytime):

Address:

Fax:

Requested zoning action; please be specific: Privacy Fencing to Add to the Security of the property

Has the present owner applied for zoning action for this property within the last 12 months: ☐ Yes ☒ No

### REQUIRED SUBMISSIONS:

- ☒ Completed application
- ☒ Site plan drawn to scale indicating the proposed improvement to the subject property
- ☒ Statement which addresses Conditions for Variances (see attached instruction sheet)
- ☒ Proof of ownership or interest of ownership
- ☒ Plat of survey with legal description

### \* IMPORTANT \*

A plat of survey is required to accurately evaluate your request. The measurements shown on the plat will be used during the hearing. If you intend to present evidence other than what is shown on your plat, you will need to provide a current plat of survey.

### SUPPLEMENTAL EVIDENCE (OPTIONAL):

- ☒ Photographs of the property seeking a variation
- ☐ Petition of neighboring property owners stating that they do not object to the proposed variation

### Office Use Only

Zoning of Property: ☐ R1 ☒ R2 ☐ R3 ☐ R4 ☐ B1 ☐ B2 ☐ B3 ☐ B4 ☐ DO ☐ M ☐ PL

Requested Action: ☐ Zoning Variance ☒ Administrative Variance ☐ Minor Variance

Current Use: ☒ Conforming ☒ Nonconforming ☐ PUD Variance Request - HZO Section No.: 22-95(e)

Date Application Received: 5-6-2022 Case No.: 22-15

Application Fee Paid:	Zoning Variance	Administrative Variance	Minor Variance
Residential	<input checked="" type="checkbox"/> \$150.00	<input checked="" type="checkbox"/> \$150.00	<input type="checkbox"/> \$100.00
Commercial	<input type="checkbox"/> \$250.00	<input type="checkbox"/> \$250.00	<input type="checkbox"/> \$100.00

I hereby certify that the statements and facts given on this application are true and complete to the best of my knowledge. I agree that if granted the variation requested, the resultant land use will at all times comply with applicable resolutions, ordinances and standards of the Village of Homewood.

Amos D. Cook  
Signature of Applicant

5-6-22  
Date



herbivorous flycatchers (*Agelaius*).

# PLAT OF SURVEY

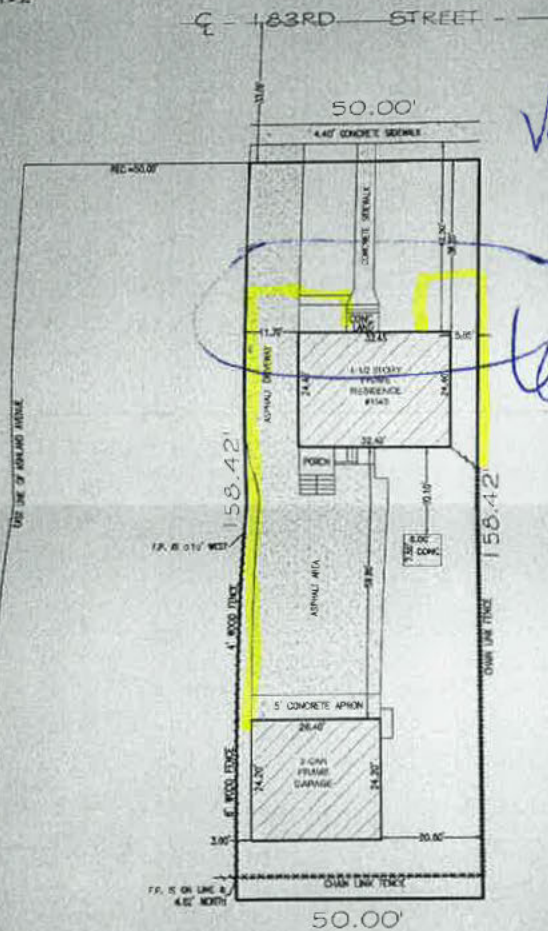
# FLAT OF SURVEY'S ATLAND'S CONDOMINIUMS LAND DEVELOPMENT

THE EAST 50 FEET OF THE WEST 100 FEET OF THE NORTH 151.42 FEET OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY ADDRESS: 1549 153RD ST., HOMERWOOD, ILLINOIS.



NOTE:  $1^{\circ} = 30'$



## Variance

60+

LAND DEVELOPMENT CONSULTANTS  
CIVIL, MINING, ENVIRONMENTAL, FORENSIC  
AND UTILITY ENGINEERING, LAND SURVEYING  
REAL ESTATE AND CORPORATION AGENTS

COMPARE ALL POINTS BEFORE BUILDING. NO IMPROVEMENTS SHOULD BE MADE  
ON THE BASIS OF THIS PLAT ALONE.  
CRITICAL FIELD MONUMENTATION SHOULD BE ESTABLISHED PRIOR TO THE  
COMMENCEMENT OF ANY AND ALL CONSTRUCTION.  
PLEASE REFER TO DEED, TITLE POLICY AND/OR LOCAL ORDINANCES FOR  
BUILDING LINE RESTRICTIONS AND/OR EASEMENTS NOT SHOWN HEREON.  
PLEASE CHECK LEGAL DESCRIPTION WITH DEED AND IMMEDIATELY REPORT ANY  
DISCREPANCY TO THE SURVEYOR FOR EXPLANATION AND CORRECTION.  
DIMENSIONS AND MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL  
PARTS THEREOF, AND ARE CORRECTED TO A TEMPERATURE OF 62 DEGREES  
FAHRENHEIT.

JOB # 1549 183RD STREET

DATE OF COMPLETION IN THE FIELD: DECEMBER 12, 2021

PREPARED FOR: MW BRADY LAW FIRM PC

P.I.N. # 32-05-100-017-0000 COOK COUNTY, ILLINOIS

COMMONLY KNOWN AS: 1549 183RD ST., HOMEWOOD, ILLINOIS



STATE OF ILLINOIS }  
COUNTY OF COOK } S.S.

1" = 20'  
SCALE

This is to certify that HORIZON SURVEY, LLC, by it's managing agent George E. Sturion, P.E., Professional Land Surveyor #2008, whose license expires November 30, 2012, hereby certifies that the property described on the plat has been surveyed and that the results of the survey are shown on the attached drawing. The U.S. Survey System and Deedbook thereof, as explained herein, shall be assumed correct. This Professional Service conforms to the current Rhode Island standards for a boundary survey.

DATED THIS 15th DAY OF DECEMBER, 2021

George E. Stoltz  
GEORGE E. STOLTZ PLS No. 2058  
LICENSE EXPIRATION DATE: NOVEMBER 30, 2022