



Date: March 24, 2022

To: Members of the Planning and Zoning Commission

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

Re: Case 22-10 – Administrative Variance, 1319 Elder, Fence Height

Cc:

APPLICANT INFORMATION:

APPLICANT:

Donnell Johnson

REQUESTED ACTION:

Variance from Municipal Code Section 22-95(e)

LOCATION:

1319 Elder Road

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 03/06/2022; letters sent to property occupants within 250'

DOCUMENTS FOR REVIEW:

Petitioner's application dated 2/22/22; plat of survey, dated 12/17/2021.

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, Donnell Johnson, has applied for a zoning variance from height to construct a new six-foot-tall fence along the corner front yard of the house, facing Elder Road.



DISCUSSION:

The subject property is a corner lot with two front yards on Elder Road and Hood Avenue, both local residential neighborhood streets. The petitioner wishes to construct a new six (6) feet tall white vinyl fence along the corner lot. The proposed fence extends in front of the front line of the house along the rear property line on Elder Road. Therefore, an administrative variance is required.

MEMORANDUM



The requested fence is around the backyard, between the rear yard facing Elder Road, and therefore, will not obstruct the corner view on Hood Avenue.

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 corner side yard and extends into the required front yard along Hood Road which is a local street, not a major traffic route through Homewood.*
2. That the plight of the owner is due to unique circumstances. *The house is situated on a corner lot and therefore has two front yards.*
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 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. It abuts two streets.*
5. Conditions of petition not generally applicable. *The property is a corner lot with two front yards. The property is located within a block of 183rd Street, a major arterial street and the second house in from the street end and a religious institution.*
6. Hardship not created by property owner. *The property has two front yards.*
7. Variation is not detrimental or injurious to the neighborhood. *A variety of fencing and screening types exist on lots in this neighborhood. The requested fence is for the backyard which is facing Elder Road. The requested 6 ft. fence would not obstruct the corner view on Hood Avenue.*
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 1319 Elder Road and is owned by the petitioner, Donnell Johnson;
2. The subject property is located in the R-2 Single-family Residential District;
3. The subject property is a corner lot with two front yards;
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 corner front yard facing Elder Road.

STAFF RECOMMENDATION:

The Planning and Zoning Commission may wish to consider the following motion, written in the affirmative:

Approval of Case 22-10 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 1319 Elder Road and incorporating the Findings of Fact into the record with a minimum 3-foot setback on the Elder Road side with landscaping to be approved by the Village's arborist.