

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: July 14, 2022

To: Planning and Zoning Commission

From: Valerie Berstene, Village Planner

Topic: Case 22-19

APPLICATION INFORMATION

APPLICANT	Briana Gordon
ACTION REQUESTED	Administrative Variance from Section 44-301
ADDRESS	18657 Cowing Court
PIN	32-06-211-017-0000



ZONING & LAND USE

	ZONING	LAND USE
SUBJECT PROPERTY	R-2 Single Family Residences	Detached dwelling unit
SURROUNDING N:	R-2 Single Family Residences	Detached dwelling unit
E:	R-2 Single Family Residences	Detached dwelling unit
S:	R-2 Single Family Residences	Detached dwelling unit
W:	R-2 Single Family Residences	Place of worship

LEGAL NOTICE

Legal notice was published in *Daily Southtown* on June 29, 2022;
Letters were sent to property owners and residents within 250'.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application and Neighbor Statements	3	Briana Gordon	06/14/2022
Response to Variance Standards	2	Briana Gordon	06/23/2022
Plat/Site Plan	1	Briana Gordon	06/14/2022
Staff Exhibits	4	Valerie Berstene	07/14/2022

BACKGROUND

The applicant requests a variance to install a 6' tall privacy fence around a portion of the front yard on their corner lot.

HISTORY

In 1990 an administrative variance was granted to permit a 6' fence in a front yard on a corner lot. (Case 90-33).

In 2019, an administrative variance was granted to permit a 6' fence in a front yard on a corner lot for the approximately 35' fence along the eastern lot line extending into the front yard. (Case 19-41)

DISCUSSION

Section 44-301 of the Homewood Zoning Ordinance requires that all fences comply with the regulations set out in Section 10-133 of the Municipal Ordinance. Section 10-133(e) regulates that:

"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. In such zones, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting streets or highway rights-of-way, may not exceed 6' in height above ground level. The Planning and Zoning Commission may grant an administrative variance from the fence height restrictions set forth in this subsection (e)."

The Village is currently in the process of updating the zoning ordinance, with anticipated adoption in fall 2022. With the proposed revisions of the zoning ordinance, a corner lot such as the subject property will be permitted a 6' tall privacy fence around an "exterior side yard" subject to locating the fence a minimum of 3' from the property line and installing transition landscaping as approved by the Village arborist. These same conditions have been applied to recent similar variances for corner lot front yard privacy fences.

Standards for Variance

The responses to variance standards, completed by the applicant, are attached for review by the Planning and Zoning Commission.

DRAFT FINDINGS OF FACT

Staff has prepared the draft findings of fact in accordance with the standards set forth in Section 44-82 of the Zoning Ordinance. The findings of fact, as proposed or as amended, may be entered into the record.

1. The subject property is located at 18657 Cowing Court and owned by the applicant, Briana Gordon;
2. The subject property is located in the R-2 Single Family Residences District;
3. The subject property is a corner lot with two front yards along Cowing Court and 186th Place, with the front door facing Cowing Court;
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;
5. The applicant seeks a variance from Section 44-301 of the Homewood Zoning Ordinance to permit a 6' tall privacy fence around a portion of the corner front yard facing 186th Place; and
6. The proposed 6' tall fence shall be located a minimum of 3' from the property line and transition landscaping approved by the Village arborist shall be installed.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

If the Commission finds that the request meets the standards for a variance, the Planning and Zoning Commission may consider the following motion:

Incorporate the findings of fact into the record; and

Recommend approval of Case 22-19 to grant a variance from Section 44-301 of the Homewood Zoning Ordinance to permit a 6' tall privacy fence around a portion of the corner front yard facing 186th Place, subject to locating the fence a minimum 3' from the property line and installing transition landscaping as approved by the Village Arborist.