

ORDINANCE NO. 1982-21

**AN ORDINANCE PARTIALLY APPROVING FENCE VARIANCES AT
615 EAST NORTH STREET (TEUBEL)**

WHEREAS, Neil and Jenny Tuebel (hereinafter referred to as “Petitioners”) filed a Petition requesting certain variances from § 4.20(9)(a)(1) and § 4.06(8) of the Itasca Zoning Ordinance to allow a privacy fence with a height of 5 feet and a shed with a building separation of 3 feet at 615 East North Street in the Village of Itasca (hereinafter “Subject Property”); and

WHEREAS, Petitioners submitted a petition, attached hereto as Exhibit A, for these variances; and

WHEREAS, a public hearing was held by the Itasca Plan Commission on May 19, 2021, pursuant to public notice as required by law, with respect to Petitioners’ petition; and

WHEREAS, the Plan Commission made the following findings of facts with respect to the Petitioners’ request for variances:

1. 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.
2. The plight of the owner is due to unique circumstances.
3. The variation, if granted, will not alter the essential character of the locality.

WHEREAS, the Plan Commission recommended to the Village Board of Trustees that all variance requests be approved subject to the following conditions:

1. Permit documents must be in substantial compliance with the Plan Commission and Village Board submittals.
2. The proposed fence and shed must comply with all Village Ordinances and Building Codes in place at the time of permit application.
3. The proposed fence and shed shall be installed within one (1) year from the date of Village Board approval.

WHEREAS, the Village Board accepted the findings of fact and recommendation of the Itasca Plan Commission that the Petitioners’ petition for variance from § 4.06(8) of the Itasca Zoning Ordinance to allow a shed with a building separation of 3 feet on the Subject Property, Exhibit A, be granted with the conditions listed above, in Ordinance No. 1981-21 on June 15, 2021; and

WHEREAS, the Village Board deferred discussion of the fence variation request for a later meeting.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities accept the findings of fact and recommendation of the Itasca Plan Commission on the Petitioners' petition for variance from §4.20(9)(a)(1) of the Itasca Zoning Ordinance to allow a privacy fence with a height of 5 feet on 72-feet of the north side of the Subject Property and the 31-feet on the east side of the Subject Property and grant this portion of the petition for variance.

SECTION TWO: The corporate authorities reject the findings of fact and recommendation of the Itasca Plan Commission on the Petitioners' petition for variance from §4.20(9)(a)(1) of the Itasca Zoning Ordinance to allow a privacy fence with a height of 5 feet on 100-feet on the west side of the Subject Property and the 16 ½ feet on the south side of the Subject Property and deny this portion of the petition for variance.

SECTION THREE: All other aspects of the Subject Property are to be in compliance with all Village ordinances, including but not limited to the Itasca Zoning Ordinance, unless otherwise modified by ordinance.

SECTION FOUR: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.


SECTION FIVE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


	Trustee Aiani	Trustee Gavanes	Trustee Leahy	Trustee Linsner	Trustee Madaras	Trustee Powers	Mayor Pruyn
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 6th day of July, 2021.

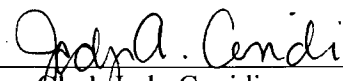
APPROVED:



Village President Jeffrey J. Pruyn



ATTEST:


 Village Clerk Jody Conidi

PETITION FOR VARIANCE

Village of Itasca Plan Commission
c/o Community Development Department
550 W. Irving Park Rd.
Itasca, IL 60143
(Ph): 630-773-5568 (F): 630-773-0852
comdev@itasca.com

Date Submitted: 4/28/2021

ALL ITEMS MUST BE COMPLETE TO PROCESS APPLICATION

Address(es) of Property: 615 E North St

Owner(s) of Property: Neil and Jenny Teubel

Petitioner(s) (if other than owners): _____

Existing Use: residential Zoning: _____

P.I.N. #(s): 0308201012 Lot Size (sq. ft.): 0.29 Acres

Please answer the following questions (you may attached additional sheets if needed):

1.) Specifically state the variance(s) which is sought including the relevant section(s) of the Zoning Ordinance and how and/or the amount(s) by which the ordinance is sought to be varied.
We are looking to do a privacy fence that is 5 ft tall. The code reads you can do 4ft fence and then top 1 ft needs to be 50% open.

2.) Generally state the purpose and reasons for which the variance(s) is/are sought.
We will be doing a horizontal fence and there is going to be a small space between boards ~0.25 inches so there will be some transparency built in. We are putting the fence at back property line where there is currently the side of a house that sits very high so a higher privacy wall than 4 ft would be great. Also on the side where it is currently an open lot with mainly just overgrown trees. The fence will also be against our driveway and by patio but there will be no impact to neighbors in those positions. Really just looking to have fence cover up to eye level, not 6 ft, just 5.

3.) Explain how the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance.
This is outlined above - want a little more privacy. Also we have been advised if we do a smaller 1.5 inch crossplank with a 1.5 inch gap between on top foot to meet code, structurally that is not advisable. Will warp and easy to break if our kids hit ball against or anything comes in contact. Need thicker board to ensure horizontal integrity of the top of the fence.

4.) State and explain the particular factors of the property (e.g., physical surroundings, shape or topographical conditions, etc.) that bring a hardship to the owner under the strict letter of the Zoning Ordinance.
I think this is stated above. I have included the plat as well as several pictures of where the fence will be which will not have any impact on neighbors and their view.

5.) Explain how the plight of the owner is due to unique circumstances and not generally applicable to other properties in the neighborhood.
Other neighbors do not have a house that sits as high in their back yard very close to the property line as well as a lot next to them that has overgrown trees and plants that are not as well kept and encroach on view and property line to our back yard.

6.) State the effects of the proposed variation(s) upon the character of the neighborhood, the property values, traffic conditions, public utilities, storm water detention, and other matters pertaining to the public health, safety, morals, and general welfare of the community. Explain how the variation will not alter the essential character of the locality.
We have done a significant renovation to our property and worked to maintain the character and charm that I think only adds to neighborhood, property values, and village as a whole. The fence blends a more modern look with character of our home that adds to this aesthetic.

Thank you for your consideration!
Jen and Neil Teubel

Owner's Name(s): Neil Teubel

Address: 615 E North St Phone: 

Itasca, IL 60143 Email: 

Petitioner's Name(s): Neil Teubel

Address(es): Same as above Phone: Same as above

Email: Same as above

Agent or Attorney (if applicable)	Site Planner or Engineer (if applicable)
Name: _____	Name: _____
Firm: _____	Firm: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Email: _____	Email: _____

Please attach the following:

- Legal description of property (from title policy or plat of survey) – required for all variances.
- Current plat of survey (showing all site improvements/structures and easements).
- Architectural renderings of new or altered structures (if applicable).
- Site Plan (drawn to scale showing buildings, parking spaces, storm water detention and all other significant data with all pertinent dimensions fully noted).

N/A If held in trust, letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to the petition request. The letter must be signed by all beneficiaries of the trust.

THE LEGAL TITLEHOLDER MUST SIGN THE PETITION. Where the property is held in trust, the trust officer must sign the petition and include a letter naming all beneficiaries of the trust and authorizing the below signed person to act on the matters related to this petition request. The undersigned acknowledges and agrees that this application and all documentation submitted becomes public record and may be viewed by the public.

I/WE Neil Teubel DO HEREBY CERTIFY OR AFFIRM THAT I/WE ARE THE OWNER(S) OF RECORD OF THE AFORESAID DESCRIBED PROPERTY AND HEREBY MADE APPLICATION AS SUCH.

Signature: [Redacted] Date: 4/28/21

SUBSCRIBED AND SWORN TO

BEFORE ME THIS 28th DAY OF April, 2021

[Redacted Signature]

NOTARY PUBLIC

