

DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-12 Patrick and Michele Morris Fence Building Height Variance

INTRODUCTION

The Petitioners own 7251 Joyce Court (Lots 35, 36 and 37 in Grove Estates), which they merged into one (1) parcel in 2020. They wish to construct an open air iron fence in the front yard of the property at a maximum height of five feet ten inches (5'10").

The Petitioner's neighbor at 7301 Joyce Court, 7324 Roberts Court, and 7310 Roberts Court (Lot 32, 33, and 34 in Grove Estates) has the same request (see Petition 21-13).

The application materials are included as Attachment 1. The plat of survey showing the proposed location of the fence is included as Attachment 2. The fence description is included as Attachment 3. The aerial of the property is included as Attachment 4.

SITE INFORMATION

PETITIONER Patrick and Michele Morris

ADDRESSES 7251 Joyce Court, Oswego

LOCATION Lots 35, 36, and 37 in Grove Estates

TOWNSHIP Na-Au-Say

PARCEL #S 06-08-151-027

LOT SIZE 2.1 +/- Acres

EXITING LAND Single Family Residential (Grove Estates Subdivision)

USE

ZONING RPD-2 Residential Planned Development-Two

LRMP

Current	Single Family Residential
Land Use	
Future	Rural Residential (0.65 DU/Acre Max)
Land Use	
Roads	Joyce Court is a Local Road Maintained by Na-Au-Say Township
Trails	None
Floodplain/ Wetlands	None

REQUESTED Variance to allow installation of a fence at five feet ten inches (5'10") in height ACTION instead of the maximum four feet (4') in the front yard.

APPLICABLE § 4:14.A.2 – Fences

§13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single-Family	RPD-2	Rural Residential	RPD-2
	Residential		(0.65 DU/Acre Max)	
South	Single-Family Single	RPD-2	Rural Residential	A-1 and RPD-2
East	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2
West	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2

GENERAL INFORMATION

The County previously granted similar fence height variances at 7109 Roberts Court (Lot 23 of Grove Estates), 7126 Roberts Court (Lot 25 of Grove Estates), 4779 Lees Court (Lot 5 of Grove Estates), 7387 Roberts Drive (Lot 6 of Grove Estates), 7292 Fitkins Drive (Lot 10 of Grove Estates), and 4843 Lees Court (Lot 4 of Grove Estates).

The proposed fence would be placed inside an easement. While this is lawful, the Petitioner has been advised that the fence could be removed or damaged as part of work inside the easement.

Also as noted in the Attachment 2, the Petitioner would like to install two (2) double gates, one (1) at each driveway entrance. According to the information in Attachment 3, the gates would be a maximum thirty-two feet (32') wide.

As can be viewed on the aerial (See Attachment 4), many of the nearby lots are vacant. Similar variances could be submitted for these properties at some point in the future.

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed this proposal on March 26, 2021.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed this proposal on March 26, 2021.

FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is a variation that has been requested and could be requested in the future for other properties inside Grove Estates.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship, but would like to install the fence as requested.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Adding the proposed fence will not impair any of the above items and will not impact the roadway.

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

- 1. The maximum height of the fence shall be five feet ten inches (5' 10").
- 2. The fence shall be installed at substantially the locations shown in Attachment 2.
- 3. The fence shall be of the similar style as shown in the fence description provided in Attachment 3.
- 4. The Petitioner and future owners of the subject property acknowledge that the subject fence will be constructed inside an easement and that work inside the easement could cause damage or removal of the fence.
- 5. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

- 1. Application (Including Petitioner's Findings of Fact)
- 2. Plat of Survey
- 3. Fence Diagram
- 4. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

APPLICATION

Ca. 1841	PROJECT NAME		FILE #:		
LLINOIS			,		
NAME OF APPLICANT					
	1 100.1.1.0.0	^1			
CURRENT LANDOWNER/NAI	und Michele R.)	Vorris			
2.1649	7251 Joyce C		0/ 00 10/ 007		
SITE INFORMATION	SITE ADDRESS OR LOCATION	1, Ostreas	06-08-101-027		
ACRES			ASSESSOR'S ID NUMBER (PIN)		
Single tam Kesi	dential RPD2	Lural	Residential		
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIF	ICATION ON LRMP		
REQUESTED ACTION (Check	All That Apply):				
SPECIAL USE	MAP AMENDMENT (Re	zone to)	X VARIANCE		
ADMINISTRATIVE VARIA	ANCE A-1 CONDITIONAL USE	for:	SITE PLAN REVIEW		
TEXT AMENDMENT PRELIMINARY PLAT	RPD (Concept; Pr	reliminary; Final) _	_ ADMINISTRATIVE APPEAL		
etc.)	IAL USE (Major; Minor)		OTHER PLAT (Vacation, Dedication,		
PRIMARY CONTACT	PRIMARY CONTACT MAIL	LING ADDRESS	PRIMARY CONTACT EMAIL		
Michele Mor			THE PARTY OF THE P		
PRIMARY CONTACT PHONE					
			PRIMARY CONTACT OTHER #(Cell, etc.)		
ENGINEER CONTACT	ENCINEED WALLING ADD				
	ENGINEER MAILING ADD	RESS	ENGINEED EMAIL		
David J. Zien					
ENGINEER PHONE # OFFI	in anomic contracts of		ENGINEER OTHER # (Cell, etc.)		
COLUMN CONTRACTOR	TOIGINING THIS TOKIN, THAT	THE PROPERTY IN	QUESTION MAY BE VISITED BY		
THE PRIMARY CONTACT	RD/ COMMISSION MEMBERS T T LISTED ABOVE WILL BE SUB	HPOLICHOLIT THE	DETITION DECORROR AND THE		
THE COUNTY.					
I CERTIFY THAT THE IN	ORMATION AND EXHIBITS SU	JBMITTED ARE TRI	JE AND CORRECT TO THE		
ABOVE SIGNATURES.	GE AND THAT I AM TO FILE TH	IIS APPLICATION A	ND ACT ON BEHALF OF THE		
SIGNATURE OF APPLIC			7/2/2 2/		
SIGNATURE OF APPLIC	ANI		DATE 3/20/2021		
	FEE PAID:\$				

CHECK #:

Last Revised: 11.16.20

¹Primary Contact will receive all correspondence from County ²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Matt Asselmeier

From:

Michele Morris

Sent:

Saturday, March 20, 2021 4:34 PM

To:

Matt Asselmeier

Subject:

[External]Application for variance

Attachments:

doc00043720210320151558.pdf

Hi Matt,

Attached is my application for the variance for the 5'10" fence. We are asking for the variance for safety from wild animals such as coyotes and vandals.

I have included the public notice but did not have the petition #.

I sent in prior email the survey and legal description in pdf form as required.

Please advise if all is in order and acceptable.

I will bring in my fee and 12 copies of survey.

Thank you.

Michele Morris

Michele Morris Realty



Begin forwarded message:



Exhibit A

Legal Description

Property Address: 7251 Joyce Court, Oswego Illinois 60543

P.I.N: 06-08-101-027

Lots 35,36 and 37 in Grove Estates being a subdivision in part of the west half of section 8, township 36 north, range 8 east of the third principal meridian, according to the plat thereof recorded October 12, 2006 as document number 200632893 in Kendall County, Illinois.

TRUSTEE'S DEED JOINT TENANCY

This indenture made this 28th day of June, 2019, between CHICAGO TITLE LAND TRUST COMPANY, a corporation of Illinois, as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 12th day of November, 2010 and known as Trust Number 8002356103 party of the first part, and Patrick J. Morris and Michele R. Morris, husband and wife, whose address is: 17609 S. Richmond Road, Plainfield, Illinois 60586, parties of the second part.

B COPY!

Reserved For Recorder's Office

part in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE considerations in hand paid, does hereby CONVEY AND QUITCLAIM unto said parties of the second part, not as tenants in common, but as joint tenants, the following described real estate, situated in Kendall County, Illinois, to wit:

LOT 35 IN GROVE ESTATES BEING A SUBDIVISION IN PART OF THE WEST ¼ OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT NO. 200632893 IN KENDALL COUNTY, ILLINOIS.

Property Address: Vacant Lot 35, Oswego, Illinois

Permanent Tax Number: 06-08-101-021

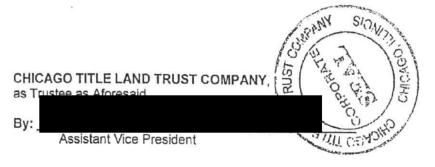
together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part forever, not in tenancy in common, but in joint tenancy.

This Deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by its Assistant Vice President, the day and year first above written.

1



State of Illinois County of DuPage

SS.

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the above named Assistant Vice President of CHICAGO TITLE LAND TRUST COMPANY, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act and as the free and voluntary act of the Company; and the said Assistant Vice President then and there caused the corporate seal of said Company to be affixed to said instrument as her own free and voluntary act and as the free and voluntary act of the Company.

Given under my hand and Notarial Seal this 28th day of June, 2019

"OFFICIAL SEAL"
PHYLLIS THOMKA
Notary Public, State of Illinois
My commission expires 04/19/23

This instrument was prepared by:
MAUREEN PAIGE
CHICAGO TITLE LAND TRUST COMPANY
2441 Warrenville Road, Suite 100
Lisle, IL 60532

AFTER RECORDING, PLEASE MAIL TO:

NAME Michele R. Morris

ADDRESS

CITY, STA

SEND TAX BILLS TO:

NAME Patrict J. Morris

ADDRESS

CITY, STA

F. 324 R. 1/95

WARRANTY DEED

STATUTORY (ILLINOIS) CORPORATION TO INDIVIDUAL

THE GRANTOR, Grove Venture LLC., a corporation created and existing under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State of Illinois, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable Considerations in hand paid, and pursuant

To authority given by the Board of Directors of said corporation, CONVEYS AND WARRANTS to Patrick J. Morris and Michele R. Morris, not as Tenants in Common or as Joint Tenants, but as Tenants by the Entirety, 17609 S.Richmond Rd, Plainfield, Illinois, to wit:

Lots 36 and 37 in Grove Estates, being a subdivision in part of the west half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian according to the plat thereof recorded as document no. 2006-32893, in Kendall County, Illinois

SUBJECT TO: General real estate taxes for 2020 and subsequent years: to zoning ordinances, building lines, easements, covenants, conditions and restrictions of record, feeders, laterals and drainage tiles.

Permanent Index No.: Lot 36 06-08-101-022

Lot 37 06-08-101-023

Commonly Known as: Lot 36 7251 Joyce Ct, Oswego, IL Lot 37

7229 Joyce Ct, Oswego, IL

Grove Venture, LLC.

aci J. Steck, Managing Member

STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Michael J. Steck, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and official seal, this 30 day of July 2020

Notary Public

OFFICIAL SEAL
KAREN MAXAM (Seal)

NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/01/21

This instrument prepared by:

Win Wehrli

104 S. Parkway Dr. Naperville, IL 60540

Send Subsequent Tax bills to Patrick and Michale Marris

Record and Mail to:

Potnick and Middle Morris

Page 2 of 2

Exhibit B

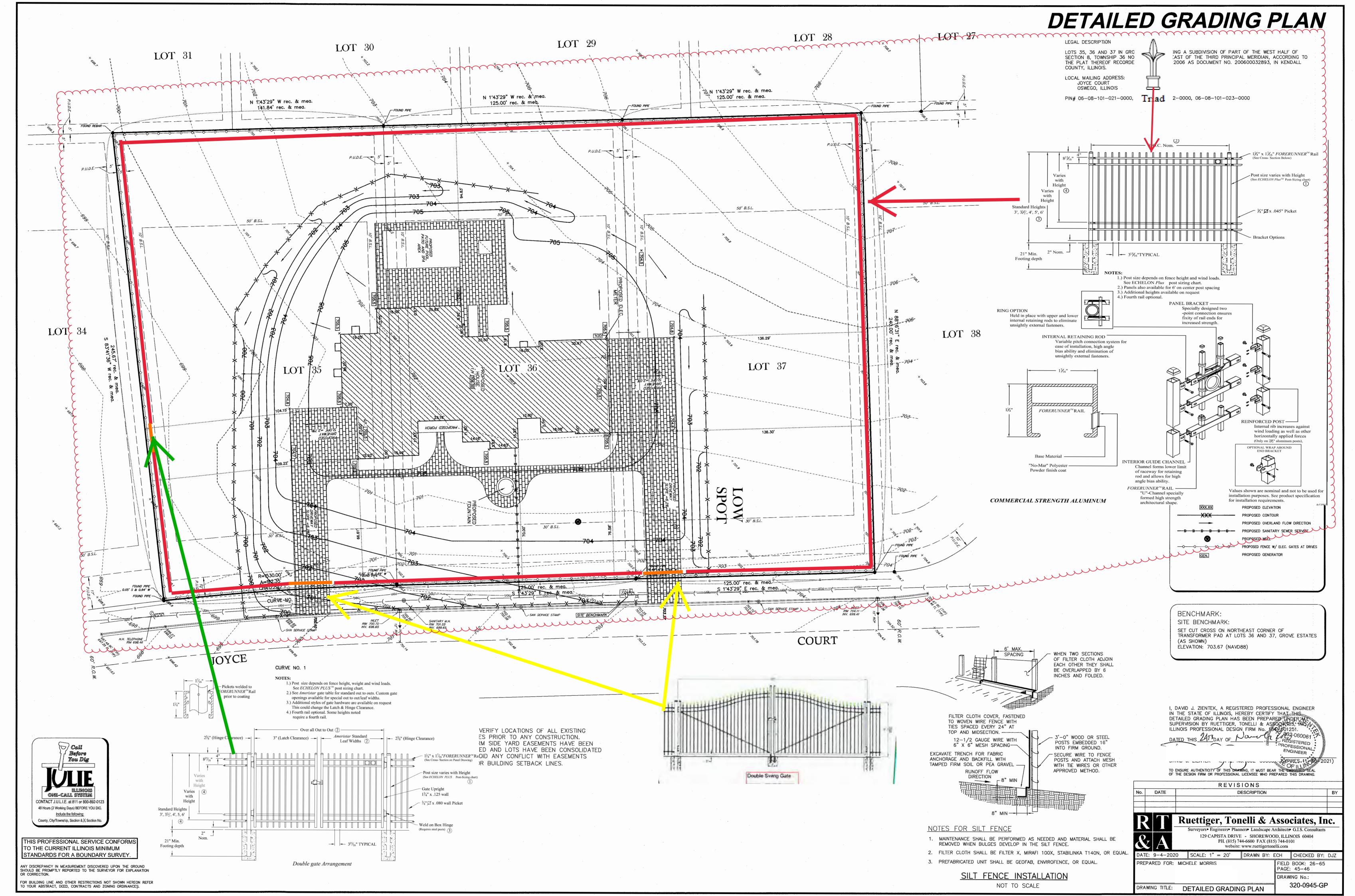
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.

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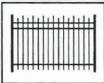
HUNDRED SERIES





Model 0131 - 3 Rail - with Spears Heights: 36", 42", 48" & 60" • Length: 6' Sections

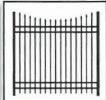




Model 0132 - 3 Rail - w/Alt. Spears Heights: 36", 42", 48" & 60" • Length: 6' Sections









Model 0141 - 4 Rail - with Spears Height: 72" • Length: 6' Sections

RESIDENTIAL ALUMINUM FENCE

 Verified AAMA 2604-10 Compliant Powder Coated Aluminum Fence.

> Posts: 6063 - T5 Rails: 6063 - T6 Pickets: 6063 - T52

· No Screws -

Patented Hidden E-Clip (Patent #US 7,152,849 B2) Patented Rail Locks (Patent #US 7,134,647 B2)

- · Gates All Rails and Pickets are Welded.
- · Lifetime Warranty§.
- Standard Sections... Rack 24" in 6'.
- Assembled Sections for Quick Installation.
- Eliminate Freight Damage with Company Owned Trucks and Securely Packaged Loads.

§ 30-Year for Government, Municipalities and Corporations

SPECIFICATIONS

Fence Heights	0131 36", 42", 48", 60"	0132 36", 42", 48", 60"	0141 72"	0142 72"	0220 48**
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .060" wall w/6' centers
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.060) w/Inserts
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional			
Rails	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall 11/8" Width x .065" Wa
Pickets	⁵ /8" x ⁵ /8" x .045" Wall	⁵ /8" x ⁵ /8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Picke
Finial Option	Triad, Quad	Triad, Quad	Triad, Quad	Triad, Quad	POSTORIONE (ACTIONIC PRESTOR Management
Fence Heights	0230 36", 42", 48", 55"*, 60"	0233 36", 42", 48", 55"*, 60"	0240 72"	0243	
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional				
Rails	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall x 11/e" Width x .065" Wall	1" Height x .085" Wall x 11/8" Width x .065" Wall	1" Height x .085" Wall x 1'/s" Width x .065" Wall	
Pickets	⁵ /8" x ⁵ /8" x .045" Wall	⁵ /8" × ⁵ /8" × .045" Wall	5/8" x 5/8" x .045" Wall	⁵ /8" x ⁵ /8" x .045" Wall	
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	
Finial Option		Triad, Quad		Triad, Quad	

Meets National Pool Code Requirements for Height and Spacing. Check Local Pool Code Requirements.

Strong Well Single & Double Gates

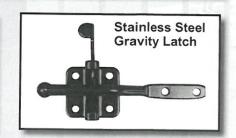


- · CourtYard® Gates use Non-corrosive Hardware.
- · Single Gates up to 16' Wide.
- Double Gates up to 32' Wide.



1131 - Single 36" Wide







CourtYard® Gates -All rails and Pickets are welded.



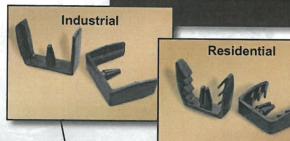
Locking Latch



Self-Closing Hinge

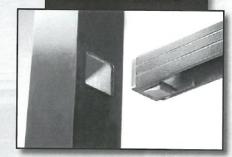
Features and

No Unsightly Screws!



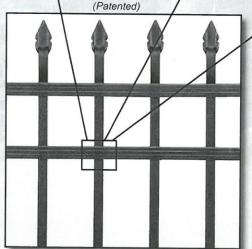
Commercial

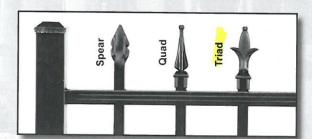
ELIMINATE SCRATCHES



Hidden Rail Locks (Patented)







Finials
Spear • Quad • Triad

- · Aluminum Alloy
 - Posts: 6063 T6
 - Rails: 6063 T6
- Pickets: 6063



CERTIFIED.

STANDARD COLORS

Touch Up Cans and Pens



Satin Black DSI 101



Sandy Shore DSI 122



Gloss White DSI 102



White Fine Texture DSI 123



Gloss Beige DSI 104



Chocolate DSI 124



Black Fine Texture DSI 106



Silver* DSI 125



Bronze Fine Texture DSI 107



Clay DSI 128



Speckled Walnut DSI 121



Ninety Bronze DSI 131



DSI 110 (Optional) Gold Accent Fine Texture

Colors shown are a close representation of the true color. Please consult actual samples for accurate powder coating colors.

* 15% upcharge applies to Silver with minimum order

Special Options



Standard Residential Section - Racks 20" in a 6' Section Residential Section w/Rings - Racks 10" in a 6' Section **Double Punching Increases Racking Angle**



Short Picket Option (Flat Rail Option Shown)

- Per Foot Sections... Available from 3' to 6'
 Per Inch Sections... Available from 36" to 72"

(Even spacing between verticals) (Ring models do not apply)

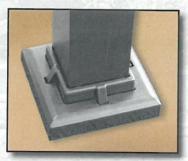


Flat

Ball



Gold Options



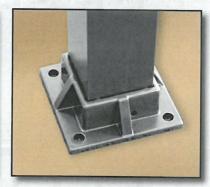
2-1/2" Post Mount Flair



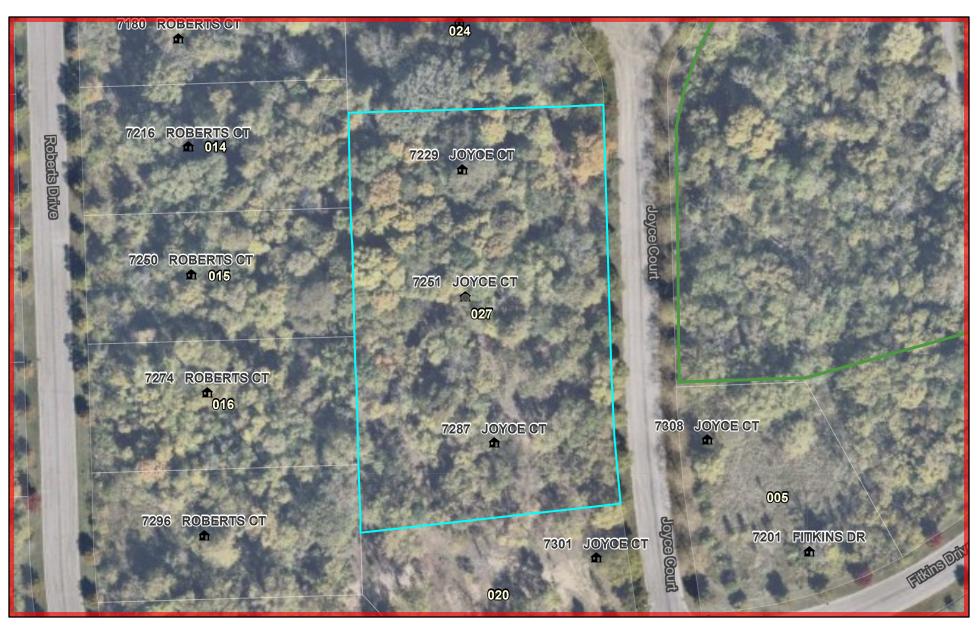
Industrial Residential **Wall Mount**



Residential Industrial **Swivel Mount**



2-1/2" Post Mount



March 22, 2021

★ Kendall County Address Points Parcels

Ownership Parcel

