

ORDINANCE NO. O-24-20

**AN ORDINANCE GRANTING CERTAIN VARIATIONS FOR
THE PROPERTY AT
2 HAWTHORNE PLACE, PROSPECT HEIGHTS, ILLINOIS**

WHEREAS, the provisions of the Prospect Heights Zoning Ordinance applicable to the property legally described in Exhibit A attached hereto (hereinafter "Property") and commonly known as 2 Hawthorne Place prescribe that a fence is prohibited within the required 20" corner side yard setback; and

WHEREAS, the owner of the Property has submitted an application for a variation to encroach 20' into the 20' corner side yard for the placement of a 4' decorative metal fence; and

WHEREAS, the Plan/Zoning Board of Appeals held a public hearing on September 25, 2024 regarding said application; and

WHEREAS, the Plan/Zoning Board of Appeals has recommended the Requested Variation be approved with the condition that the fence be restricted to 4' in height and be decorative metal style and has made the necessary findings; and

WHEREAS, the Mayor and City Council have reviewed the recommendation of the Plan/Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

Section 1. The City Council hereby finds and determines that the facts set forth in the preamble hereto are true and correct and hereby incorporates them as part of this Ordinance.

Section 2. The Requested Variation is hereby granted as recommended.

Section 3. That this variation is conditioned upon applicant's construction of the fence in accordance with the approved conditions, plans and documents submitted at the public hearing on this matter and with applicable codes.

Section 4. That this Ordinance and all exhibits attached hereto shall be recorded at the Cook County Recorder's Office at the expense of the Owners.

Section 5. The City Clerk is directed to publish this ordinance in pamphlet form and this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED AND APPROVED this 26th day of October 2024.



Patrick Ludvigsen, Mayor

ATTEST:



City Clerk

AYES: Cameron, Anderson, Morgan-Adams, Dolick

NAYS: None

ABSENT: Dash



Published in pamphlet form: October _____, 2024



City of Prospect Heights

Department of Building & Zoning
 8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
 Office: 847/398-6070 x 211-FAX: 847/590-1854
www.prospect-heights.il.us

MEMORANDUM

Date: September 27, 2024

To: Mayor Ludvigsen and City Council

Cc: Joe Wade, City Administrator

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. #23-12 V – Fence in Required Corner Side Yard – 2 Hawthorne Place

ISSUE: Consideration of a variation request to Section 5-3-4 H1f(2) to allow a reduction in the required corner side yard for placement of a 4' decorative metal fence in an R-1 Single Family Residential District at 2 Hawthorne Place.

BACKGROUND: The PZBA held a public hearing on September 25, 2024, to hear ZBA Case #24-12V an application for a variation request. Ms. Teodora Varcheva, property owner, testified that she was requesting the variation to reduce the required reverse corner side yard from 20' to 0' to install a 4' chain link fence to match her neighbor's fence. Ms. Varcheva testified that the current set back would create a situation that would not be aesthetically pleasing. She stated it would deprive her of use of her property similar to her neighbor. She presented as evidence letter of no objection from the immediate neighbors.

The fence at 112 S. Maple was installed with proper permit prior in 1988, prior to the ordinance change to the current requirements in 1991.

No other residents provided testimony.

After all testimony, the Commissioners deliberated and voted 5-1 to approve the variance request with the condition that the maximum height of the fence be restricted to 4' and the style be decorative metal.

RECOMMENDATION: First reading of Ordinance #O-24-20 Granting Certain Variations for the property at 2 Hawthorne Place. **(No action requested)**



City of Prospect Heights

Department of Building & Zoning
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
Office: 847/398-6070 x 211-FAX: 847/590-1854
www.prospect-heights.il.us

MEMORANDUM

Date: September 9, 2024

To: Chairman Kempa & Planning/Zoning Board of Appeals

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. 24-12 V – Variation to Reduce Corner Side Yard Setback for the installation of a decorative metal fence at 2 Hawthorne Place

Please be advised that Teodora Varcheva, owner, of the subject property, is seeking a variation to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner yard setback from 20' to 0' for the construction of a 4' decorative metal fence.

The applicant is seeking to match the corner side yard fence installed by her neighbor at 112 S. Maple Lane. The issue is that the fence at 112 S. Maple Lane is a legal fence and was constructed by a permit #114-88 in 1988, prior to the adoption of the current regulations in 1991. The current fence was approved to be constructed on the property line.

Please contact me should you have any questions regarding this application.

Thank you.

Memorandum

To: Prospect Heights Mayor and City Council

From: Maciej Kempa – Chairman
Plan / Zoning Board of Appeals

Date: September 30, 2024

Subject: Recommendation
Case No. ZBA -24-12 - Variation
Applicant: Teodora Varcheva
Property Address: 2 Hawthorne Place
Hearing Date: September 25, 2024

I. Purpose

Conduct a public hearing regarding and application for a Variation to Section 5-3-4 H1f(2) to allow a reduction in the required side yard for placement of a 4' in height decorative metal fence in an R-1 Single Family Residential District at 2 Hawthorne Place.

II. Comments and Testimonies

Ms. Varcheva, property owner, testified that she was requesting the variation to reduce the setback from the 20' side yard building line and place the fence at the south side yard property line. The fenced area of her yard will match the fence of the adjacent property at 112 S Maple. Ms. Varcheva submitted as evidence letters of support from the property owners at 112 S Maple, 200 S. Maple and 1 Hawthorne Place.

No public testimony was presented at the hearing.

III. Board and Staff Comments

Director Peterson provided explained that the fence at 112 S Maple was permitted and constructed in 1988 when fences could be placed at the corner side yard lot line. Ordinance #O-91-22 was presented as evidence to establish the current set back requirements for fences. The neighbors at 200 S Maple and 1 Hawthorn Place both have fences that were permitted after 1991 and are compliant with the current zoning code.

Commissioner Saewert asked the applicant to testify to the hardship standard. Ms. Varcheva stated the placement location was an aesthetic consideration and provide more usable yard. The location would not be detrimental to the community.

Commissioners DeGraf and Patel both commented that the fence would look out of place at the 20' building line and agreed with the aesthetics of the block. Commissioner Patel stated that the placement, height and material presented should be the maximum granted.

Chairman Kempa added, “there is already a considerable number of trees and shrubs at the 0' building line where the proposed fence would be built. Some trees and shrubs might even end up in front of the fence.

IV. Decisions and Findings

Commissioner Saewert stated that the applicant did not meet the hardship standard to support a variation.

Chairman Kempa asked to receive into the public record the application, testimony and exhibits, including applicant exhibit #9, letters of support from neighbors, Motion Commissioner Patel. Second Commissioner Simmons. The vote was 5-1 to accept.

A motion was made by Commissioner Simmons, seconded by Commissioner Mishevski, to recommend approval of a variation to reduce the corner side yard from 20' to 0' with the condition that the fence not exceed 4' in height, be an open decorative metal fence and not to encroach past the rear line of the house in the required side yard for the applicants at 2 Hawthorne Place, Prospect Heights, IL

The motion was 5-1 to recommend approval of the variation request and forward to the City Council.

Aye: Kempa, DeGraf, Simmons, Patel, Mishevski

Nays: Saewert

Absent: Rygiel

Respectfully Submitted



FOR OFFICE USE ONLY
 FEE PAID
 DATE 8/29/24
 REC'D BY gml
 CASE # 24-11V
 MEETING DATE 9/25/24

PLAN/ZONING BOARD OF APPEALS
 APPLICATION

Special use (\$400)
 Variation (\$150) ✓
 Text Amendment (\$300)

Map Amendment (Refer to Ord. 0-03-18)
 Subdivision/PUD (Refer to Ord. 0-03-18)
 Lot Consolidation (Refer to Ord. 0-03-18)
 Appearance Review

In addition to the application fee a refundable deposit not < \$500 nor > \$5,000 shall be required for all zoning applications to offset the direct costs of the application incurred by the City. If costs exceed the available escrow balance applicant will be required to replenish account. If balance remains the money will be refunded or applied to any building permit cost. (Refer to Ord. 0-18-06; 5-10-7(D))

APPLICANT: Teodora Varcheva
 ADDRESS: 2 Hawthorne Pl
Prospect Hghts, IL 60090
 PHONE: 773-780-4185
 E-MAIL: tvarcheva@yahoo.com

ADDRESS OF SUBJECT PROPERTY: 2 Hawthorne Pl, Prospect Heights

PROPERTY IS LOCATED IN THE R-1 ZONING DISTRICT.

APPLICABLE SECTION OF ORDINANCE: 5-3-4 (H) 2

DESCRIPTION OF REQUEST: 20' Relief to place fence @ P.L.

Are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. placed on the property and now of record: YES _____ NO X
 If yes, please describe: _____

Has the property been the subject of previous or pending administrative legislative or court action:
 YES _____ NO X If yes, give details: _____

The follow items MUST be submitted at time of filing:

1. Application (12 copies)
2. Plat of Survey (12 copies) - must be drawn to scale and indicate the location of the proposed addition or construction and must contain the legal description of the property, along with additional information to support the application. (12 copies) *Note - please include one copy for file no longer than 11x17.
3. Proof of Ownership (1 copy)
4. Letter indicating Hardship (for variations only 12 copies)
5. Application Fee (cash or check made payable to: City of Prospect Heights)
6. Notice to Property Owners (1 copy) - will be supplied to you by the City of Prospect Heights.
7. List of Property Owners (1 copy) for Notice to Property Owners mailing - will be supplied to you by the City of Prospect Heights.

08/19/24
 Date:

[Signature]
 Signature of Applicant

Tepdora Varcheva

2 Hawthorne Pl, Prospect Heights, IL

August 19, 2024



City of Prospect Heights
Department of Building and Development
8 North Elmhurst Ard, Prospect Heights, IL 60070

RE: 2 Hawthorne Pl, Prospect Hgths, IL 60070

Letter of Hardship

To Whom it May Concern,

Point 1: Special conditions and circumstances exist which are peculiar to the land, structure of the building involved and which are not applicable to other lands, structures, or buildings in the same district.

My property is located adjacent to a main road, which presents unique safety and privacy concerns that other properties in the district do not face. The current building code limits fence construction to the point where the house ends, but due to the specific layout of my land and its proximity to the road, it is crucial that the fence extend to the edge of the yard to provide adequate protection and security. Additionally, the neighboring property to the left already has a non-conforming fence, highlighting the unique circumstances of properties in this area.

Point 2: Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

If the building code is applied strictly, I would be unable to extend the fence to the edge of my yard, which is necessary for ensuring the safety and privacy of my property. Our imminent neighbor residing at 112 S Maple Ln as well as the one across the street from us at 1 Hawthorne Pl are enjoy their natural boundaries and increased distance from public areas, allowing them greater privacy and security. The inability to extend the fence would deprive me of similar protections.

Point 3: The alleged hardship has not been directly created by any person presently, or a predecessor in interest, having a proprietary interest in the premises.

The hardship stems from the property's inherent layout and proximity to a main road, not from any actions taken by myself or previous owners. The building code's restriction on fence placement was not created in response to my property's specific needs, and the need for a variance arises from these pre-existing conditions.

Point 4: The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Teodora Varcheva

2 Hawthorne Pl, Prospect Heights, IL

The extension of the fence to the edge of the yard will be done in a manner that is aesthetically pleasing and consistent with the neighborhood's character. It will not obstruct views, damage neighboring properties, or hinder public access. Instead, it will enhance the overall safety and security of the area by providing a clear boundary between the property and the main road.

Point 5: The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger public safety.

Extending the fence to the yard's edge will not block sunlight or restrict airflow to adjacent properties. The fence's design will ensure that it does not contribute to congestion, pose a fire hazard, or endanger public safety in any way. In fact, by clearly delineating the property boundary, the fence will help maintain public safety by preventing any unintended encroachments onto the main road.

Point 6: The proposed variation will not alter the essential character of the locality.

The fence extension will be constructed using materials and designs that match the existing character of the neighborhood. The extension is intended to blend seamlessly with the existing environment, preserving the neighborhood's aesthetic while addressing the specific safety and privacy needs of the property.

Point 7: The proposed variation is in harmony with the spirit and intent of this Ordinance.

The requested variance is consistent with the ordinance's goals of promoting safety, welfare, and visual harmony within the community. By allowing the fence to extend to the edge of the yard, the variance will address the unique challenges posed by the property's location, aligning with the ordinance's intent to ensure that all properties can be safely and effectively used by their owners.

Point 8: Granting the variation requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

The request to extend the fence is not a request for special privilege but rather a necessary adaptation to the specific conditions of the property. Other properties in the district that are not located near a main road do not require such adaptations, as they naturally enjoy greater privacy and security. The variance would simply allow my property to achieve a similar level of safety.

Point 9: No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts, shall be considered grounds for issuance of a variation.

The basis for this request is the specific need for safety and privacy due to the property's unique location, rather than the presence of non-conforming uses in neighboring properties. The extension of the fence is necessary to ensure the reasonable use of the property under the conditions it faces, independent of any non-conforming structures nearby.

• Teodora Varcheva

2 Hawthorne Pl, Prospect Heights, IL

Point 10: The Plan/Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of land, building, or structure.

The requested extension of the fence represents the minimum adjustment needed to ensure the property's safety and privacy. Limiting the fence to where the house ends would not provide adequate protection given the property's proximity to the main road. The extension to the edge of the yard is the least intrusive means of achieving the necessary security and usability of the property.

Sincerely,

Teodora Varcheva

Ph: 773-780-4185

Email: tvarcheva@yahoo.com

E = EAST
 F.I.P. = FOUND IRON PIPE
 S = SOUTH
 S.I.P. = SET IRON PIPE
 FT. = FEET/FOOT
 L = ARC LENGTH
 M = MEASURED
 N = NORTH
 NE = NORTHEAST
 W = WEST

CHAIN LINK FENCE
 WOOD FENCE
 VINYL FENCE
 EASEMENT LINE
 SETBACK LINE
 INTERIOR LOT LINE

LOT 7 IN BLOCK 6 OF PROSPECTS HEIGHTS MANOR UNIT NUMBER 2, A SUBDIVISION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 42 NORTH, RANGE 11 (EXCEPT THE NORTH 1/2 OF THE NORTHWEST 1/4 THEREOF) EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

AREA OF SURVEY:
 CONTAINING 20,000.0 SQ. FT. OR 0.46 ACRES MORE OR LESS

BASIS OF BEARING:
 EAST LINE OF ELMHURST ROAD AS FOUND
 MONUMENTED AND OCCUPIED PER RECORD
 SUBDIVISION,
 N 00°00'00" E (A)



HAWTHORNE PLACE
 (66 FT. R.O.W.)



STATE OF ILLINOIS
 COUNTY OF DUPAGE, ILLS
 I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY
 CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT
 ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT
 HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.
 DATED, THIS 10TH DAY OF JULY, A.D., 2017,
 AT LISIE, ILLINOIS.

Morris Engineering, Inc.
 515 Warrenville Road, Lisie, IL 60532
 Phone: (630) 271-0770
 Fax: (630) 271-0774
 WEBSITE: WWW.ECIVIL.COM

NOTE:
 1. ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
 2. CURB LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
 3. CORNER MARKERS AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES SURVEYOR AT ONCE.
 4. NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS
 2 HAWTHORNE PLACE
 PROSPECT HEIGHTS, ILLINOIS
 CLIENT
 DROST KIVLAHAN MCMAHON & O'CONNOR, LLC
 FIELDWORK DATE (CREW) 07/06/2017 (JP/TM)
 DRAWN BY: JB REVISED: JOB NO. 17-06-0462



Zoning Review



Date: September 9, 2024

Reviewer: Daniel A. Peterson, Director of Building & Development

Applicant: Teodora Varcheva

Subject Property: 2 Hawthorne Pl., Prospect Heights, IL

Application: Variation for Corner Side Yard Setback for Fences – Section 5-3-4 H1f(2)

Project: Construction of a 4' fence in the required yard in the R-1 District

Documents Reviewed: Completed Application. See list of exhibits in packet.

Applicable Zoning & Building Code Sections: Fences: 5-3-4 H1f(2) – Corner Side Yard Variation Standards 5-10-8

Current Zoning: R-1 Single Family Residential District
Current Use: Single Family Residential Permitted Use

Request: Teodora Varcheva, owner of the subject property, is seeking a variation to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner side yard setback from 20' to 0' for the construction of a 4' high decorative metal fence.

Standards for Variations:

5-10-8: VARIATIONS:

F. Standards For Variations: The plan/zoning board of appeals shall not recommend variation of the regulations of this title unless it shall make findings of fact based upon the evidence as presented that: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Response: 1. Review owner's hardship letter and variation request supporting documents packet. Safety and security are primary hardships listed. Additionally, a stated hardship is she does not have access to the full corner

side yard as her neighbor to the east, 112 S. Maple depriving her use like her neighbor. The fence at 112 S. Maple was constructed by permit 1998 prior to the change to the city code in 1991 that placed setback requirements on fences in corner side yards.

The property located at 1 E. Hawthorne Pl. and 200 S. Maple both constructed fences after 1991 with approved by permits.

* 1 E. Hawthorne Place – Permit #206-93 and #01-242 files destroyed in City Hall Fire in 2006. The corner side yard fence appears to be greater than 20' from the property line and would be conforming.

* 200 S. Maple – Permit #00-70 and #03-360 both for rear yard 6' fence. The City has no record of a fence permit being issued for a fence in the corner side yard. However, the fence appears to be in line with the side yard building line and conforming.

2. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

Response: 1. Review the hardship letter.

3. The alleged hardship has not been directly created by any person presently, or a predecessor in interest, having a proprietary interest in the premises.

Response: 1. Review hardship letter.

4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Response: Standard met. The variation will not have a negative impact to the neighborhood.

5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Response: Standard met.

6. The proposed variation will not alter the essential character of the locality.

Response: The overall project will not alter the essential character of the locality. Neighboring compliant fences in the area are placed at the property line.

7. The proposed variation is in harmony with the spirit and intent of this title.

Response: Standard met.

8. Granting the variation requested will not confer the applicant any special privilege that is denied by this title to owners of other lands, structures, or buildings in the same district.

Response: It appears that the neighbors on the south side of the street are in compliance with the current zoning ordinance.

9. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variation. (Ord. 0-77-27, 7-18-1977)

Response: The abutting property fence is compliant and should not be grounds for issuance of the variation.

10. The plan/zoning board of appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

Response: No additional conditions are necessary.

The board may impose such conditions and restrictions upon the location, construction, design and use of property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

Conclusion

The applicant can meet the literal intent of the ordinance and place the fence at the 20' setback line. The question is does the other hardship meets the requirement for a variation.



ORDINANCE NO. 0-91-22

AN ORDINANCE AMENDING SECTION 4.04(H)(1)(F) OF THE CITY OF PROSPECT HEIGHTS ZONING ORDINANCE PERTAINING TO FENCES

WHEREAS, a petition for an amendment to Section 4.04(H)(1)(f) to the Zoning Ordinance of the City of Prospect Heights pertaining to residential fences has been filed by the City of Prospect Heights; and

WHEREAS, the question of granting the amendment described in Section 2 hereof was referred to the Plan Commission/Zoning Board of Appeals of the City of Prospect Heights; and

WHEREAS, the Plan Commission/Zoning Board of Appeals has held a public hearing on said question pursuant to due and proper notice, all as required by law;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Prospect Heights, Cook County, Illinois as follows:

Section 1. The City Council of the City of Prospect Heights hereby finds and determines that the facts stated in the preamble to this Ordinance are true and correct and are hereby adopts the same as part of this Ordinance.

Section 2. Section 4.04(H)(1)(f) of the Zoning Ordinance of the City of Prospect Heights is hereby amended to read as follows:

Constructed fences may be located anywhere on residential property, subject to the following exceptions: (1) that they shall not be located in front of the front building line, or in front of such line as it extends in either direction to the side lot lines, or (2) that they shall not be located beyond the corner side yard building line, or beyond such line as it extends in either direction to the front and rear lot lines. On reverse corner lots, said fence shall not extend beyond the required front setback line of the first lot to the rear of said reverse lot for a distance equal to the rear yard of the reverse corner lot. The restrictions set forth in subsections (1) and (2) hereof shall not apply to any fence which is at least 80% open and not of metal construction.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law.

PASSED this 17th day of June, 1991

APPROVED this 18th day of June, 1991

Edward P. Rothfeld
MAYOR

ATTEST:

Karen A. Pedersen
CITY CLERK

AYES: Jendreas, Lutzow, Merle, Morris, Richartz, Shipanik, Shirley and Sunde

NAYS: none

ABSENT: none

PUBLISHED IN PAMPHLET FORM: June 20, 1991



0-77-27

THE ZONING ORDINANCE
OF THE
CITY OF PROSPECT HEIGHTS
Cook County, Illinois
1977

Mayor: Richard E. Wolf

Aldermen: Edward Bryant
Christina Carlson
John Fedyski
Frederick Gilman
William Masloske
Thomas Merle
Shirley Moore
Fredric Olds

City Clerk: Nancy Lambert

City Treasurer: Harriett Nilsson

Zoning Commission: Kenneth Black
Fred Darmstadt
John Gilligan
Fred Kelly
George Slawik

Consulting Planner: Allen Kracower and Associates

City Attorney: Donald Kreger

Published in pamphlet form by
authority of the City Council.

July 27, 1977

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- 24. Tennis courts, private. R
- 25. Terraces, patios, and outdoor fireplaces. R
- 26. Trees, shrubs and flowers, including fruit trees, berry bushes and landscaping. F S R C
- 27. Water retention and detention areas. S R
- 28. Wireless towers, including antenna element and support structures, but not to exceed seventy-five(75) feet above grade. R

H. Fences. Fences are permitted accessory uses in all districts. In no district shall a hedge, shrubbery or constructed fence or wall be erected or grown to a height exceeding three(3) feet above the street grade nearest thereto, within thirty-five(35) feet of the intersection of any street lines. The following regulations shall govern the type, location and construction of all fences.

or.

1. Residential Districts. Fences may be erected in all residential districts subject to the following:

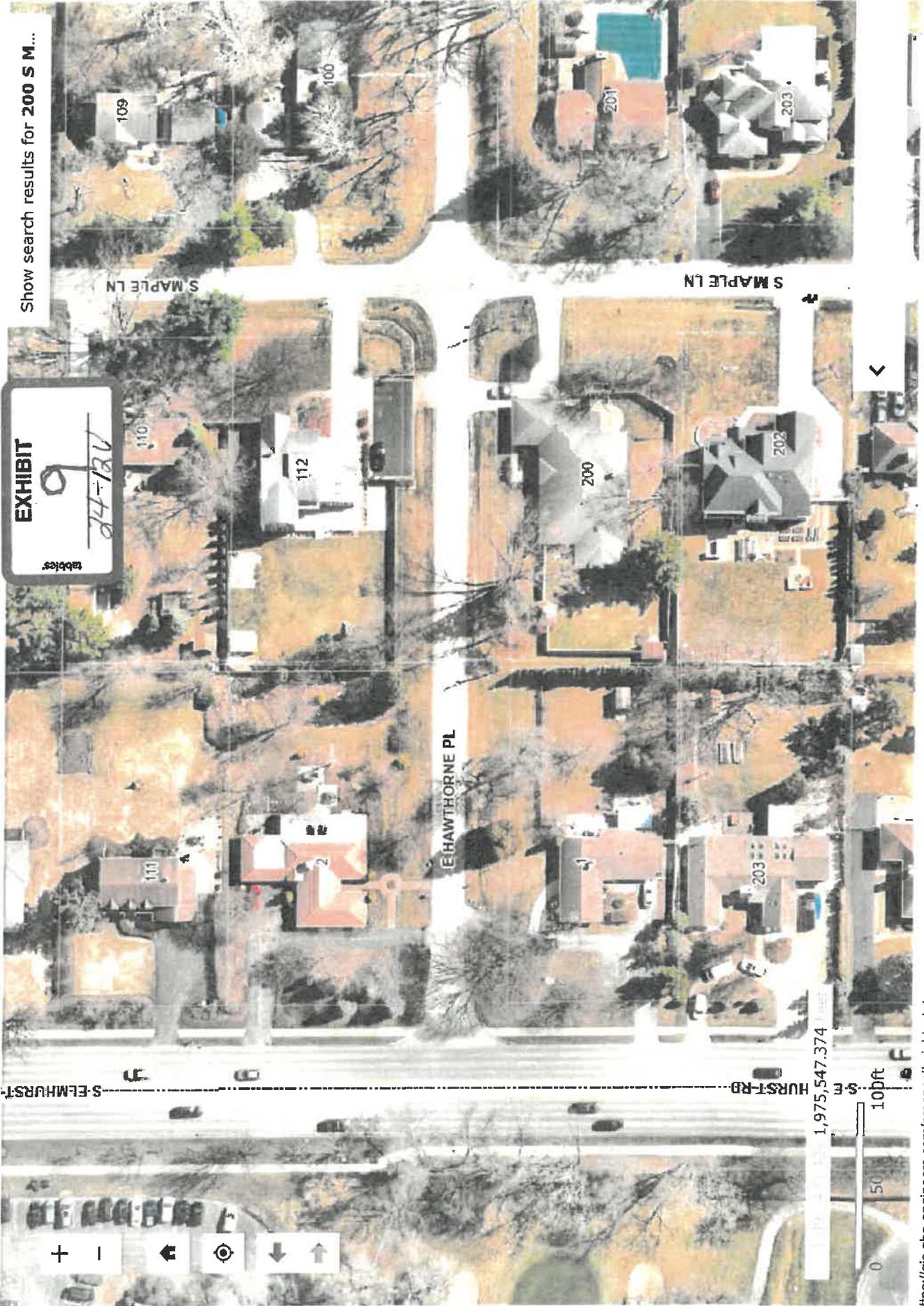
- a. A constructed fence or wall may be erected, placed, or maintained anywhere on residential zoned property to a height not exceeding six(6) feet above the ground level; except that when such residential zoned property abuts property zoned for non-residential use or a parking area such a fence or wall, constructed within ten(10) feet of the abutting lot line, may be erected, placed or maintained to a height of eight(8) feet.
- b. A hedge or shrubbery fence may be grown and maintained to its natural height.
- c. No hedge or shrubbery or constructed fence which is located in a required front or corner side yard shall exceed a height of three(3) feet within fifteen(15) feet of the intersection of a driveway and a street or sidewalk.
- d. A fence which is constructed to screen a patio, swimming pool or dog run, shall be permitted to a height of eight(8) feet.
- e. In multi-family residence districts, a six(6) foot high solid fence shall be erected to enclose and screen all refuse collection areas or facilities.

2. Business Districts. Fences erected in all business districts shall be subject to the following:

- a. When a business use adjoins a residential district, a solid fence to a height of eight(8) feet above existing grade shall be erected along any lot line that adjoins the residential district.
- b. A six(6) foot high solid fence shall be erected to enclose and screen all refuse collection areas or facilities.
- c. An open fence may be erected in the interior side yard or rear yard of any business district to a height of six(6) feet above existing grade.

Prospect Heights GIS Web Application

Developed by Gewalt Hamilton Associates, Inc. S Maple Ln, Prospect Heights, IL, 60071 X



Teodora Varcheva
2 Hawthorne Pl, Prospect Heights, IL

Group Exhibit
10

Date: September 23, 2024

Subject: ZBA Case No. 24-12 V – Variation to Reduce Corner Side Yard Setback for the installation of a decorative metal fence at 2 Hawthorne Place

Please be advised that Teodora Varcheva, owner, of the subject property, is seeking a variation to Section 5-3-4 H1f(2) of the City of Prospect Heights Zoning Code to allow the reduction of the required corner yard setback from 20' to 0' for the construction of a 4' decorative metal fence. The applicant is seeking to match the corner side yard fence installed by her neighbor at 112 S. Maple Lane. The issue is that the fence at 112 S. Maple Lane is a legal fence and was constructed by a permit #114-88 in 1988, prior to the adoption of the current regulations in 1991. The current fence was approved to be constructed on the property line.

I agree with the above mentioned variation

I disagree with the above mentioned variation



residing at **200 S. Maple Lane, Prospect Heights, IL 60070**

Teodora Varcheva

2 Hawthorne Pl, Prospect Heights, IL

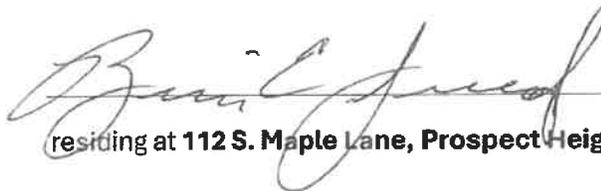
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residing at 112 S. Maple Lane, Prospect Heights, IL 60070

Teodora Varcheva

2 Hawthorne Pl, Prospect Heights, IL

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residing at 1 Hawthorne Pl, Prospect Heights, IL 60070