

**AGENDA**  
**PARK FOREST PLANNING AND ZONING COMMISSION**

Park Forest Village Hall  
**Board Room**

**7:00 P.M.**

TUESDAY  
**July 13, 2021**

1. Planning and Zoning Commission Call to Order
2. Review of Minutes
  - a. March 9, 2021, Regular Planning and Zoning Commission Meeting
3. Petitions - None
4. Audience to Visitors
5. New Business –
  - a. Public Hearing – Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) regarding the location of a fence at 133 Illinois Street
  - b. Public Hearing – Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) regarding the location of a fence at 201 Illinois Street
6. Old Business - None
7. Communications
  - a. Member Communications
  - b. Trustee Comments
  - c. Staff Communications
8. Adjournment

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Village Manager's Office at least 48 hours in advance of the scheduled meeting. The Village Manager's Office can be reached via telephone at (708) 283-5605 or via email at [athurston@vopf.com](mailto:athurston@vopf.com). Every effort will be made to allow for meeting participation.

**Park Forest  
Planning and Zoning Commission Meeting Minutes  
Via Zoom and Conference Call  
Tuesday, March 9, 2021**

**Present:** Vice Chair Marguerite Hutchins; Commissioners: Samuel Brooks, Cynthia Burton-Prete, Denise Poston, Doug Price

**Staff:** Hildy Kingma, Director of Economic Development and Planning

**Absent:** Chair Vernita Wickliffe-Lewis; Commissioners: Kyle Brodnick, Kim Elmore-Perkins, Judith Gonzalez

**Visitors:** None

**Call to Order:** Hutchins called the meeting called to order at 7:07 pm.

**Review of Minutes of February 9, 2021:** On page two the fourth paragraph under Kingma: “But we have a limited amount of money because it is available because there were so many programs we couldn’t do because of COVID.” This will change to “We have a limited amount of money available because there were so many programs we couldn’t do because of COVID.” Also on page two under Price where it says “One of the prime factor of the housing crisis was that the teaser loans and rates, so there were significant home owners....” Amend the minutes to take out the word “that.” Motion to approve the minutes with changes was made by Price, seconded by Burton-Prete, and all approved by roll call vote.

**Petitions:** None

**Audience to Visitors:** None

**New Business:**

- a. Public Hearing: Text Amendment to Table III-2-A. (Use Table) and Section III-3 (Use Standards of the Unified Development Ordinance to permit light manufacturing uses in the C-2 and C-3 zoning districts, with use standards

Kingma went over the text amendment to permit light manufacturing in the C-2 and C-3 zoning districts provided that the use standards are met. The use standards that the staff is proposing include 1) there must be a minimum of 500 feet of retail space and 2) the applicable design standards must be met. The idea is to both expand the potential for leasing space and help small businesses become more resilient against the big e-retailers and pandemics. Notice of the public hearing was published in the *Daily Southtown* Newspaper on February 21, 2021. At the request of the PZC all property owners within the C-2 and C-3 zoning districts, as well as those within 250 feet of those districts, received notification of the public hearing.

**Price:** Is the issue raised by the resident on Homan Street one that we can speak to as a requirement of this requested change?

**Kingma:** No, but I think she makes a really good point and it's something that we will keep in mind as we talk to potential developers of that land.

**Hutchins:** Can you explain the issue regarding loading spaces within 50 feet of any property in a residential district?

**Kingma:** For example, think of where the Dollar General and First Midwest Bank are located. Those properties, including the vacant land where the farmers market is held, back up to a residential zoning district. If that property were being developed and someone wanted to put a loading zone within 50 feet of that rear property line, they would have to screen it with a solid fence or wall with a minimum of 6 feet in height.

A motion was made to close the public hearing made by Poston, seconded by Burton-Prete. All voted in favor by roll call. The public hearing closed at 7:36 pm.

After reviewing the Standards for Zoning Amendments and determining that they were all met, a motion was made by Price to recommend approval of the text amendment to the Board, and seconded by Brooks. All in favor by roll call vote.

**Old Business:** None

**Communications:**

- a. **Member Communications:** None
- b. **Trustee Comments:** Trustee Hardy commended the Staff and the Commissioners for the work. If anyone wants to look at the financial update it was recorded and is available on the Village website. She talked about a resident survey that the Board is planning, and noted that there will be between 25 to 29 questions. When it is distributed, please share within your network so that we can get as many responses as possible.
- c. **Staff Communications:** Kingma asked what element of the comprehensive plan the Commissioners want to look at for the April agenda. Price requested that the Sustainability Plan be examined.

**Adjournment:** A motion was made by Price to adjourn the meeting, seconded by Burton-Prete. All approved by roll call vote. The meeting adjourned at 7:47 pm.

# PLANNING AND ZONING COMMISSION MEMO

TO: Planning and Zoning Commission

FROM: Hildy L. Kingma, AICP  
Director of Economic Development and Planning

DATE: June 21, 2021

RE: NEW BUSINESS – Planning & Zoning Commission Meeting July 13, 2021  
Public Hearing to consider a Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance regarding the location of a fence at 133 Illinois Street

## Overview

A request has been submitted by Dion Moore (as owner/applicant) for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) to permit a fence up to six (6) feet tall in the corner front yard of the property at 133 Illinois Street.

Major variations must be considered by the Planning and Zoning Commission and Board of Trustees. Minor variations can be considered and approved by the Zoning Administrator. Minor variations include small reductions in minimum lot area, lot width, setbacks, or required parking. Also included as minor variations are small increases in sign area or height. All other variations are considered major variations.

## Public Hearing Requirements

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on June 20, 2021. In addition, notice of the public hearing was sent to all property owners (52) within 250 feet of the subject property via United States Postal Service, and signs noting the date, time, and purpose of the public hearing were posted on the Illinois Street and Early Street frontages of the property. As of the date of this memo, only one inquiry has been received from a surrounding property owner. The caller had questions, but no opinion on the request at the time of the call. Any additional comments received prior to the Public Hearing will be reported on at the Planning and Zoning Commission meeting.

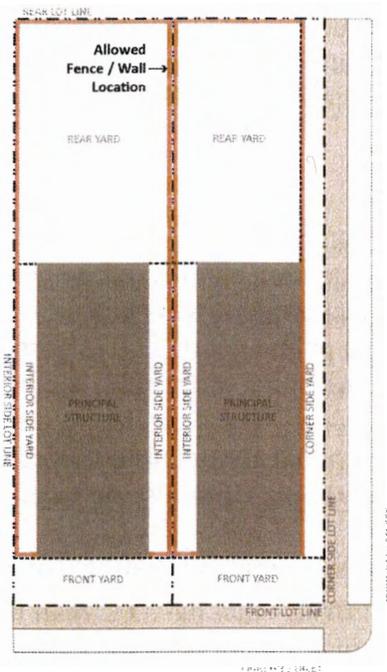
This request is being considered by the Planning and Zoning Commission (PZC) pursuant to Article VIII-3.D. of the UDO, which provides that the PZC shall hold public hearings on all requests for major variations and shall make its recommendations to the Board of Trustees. A major variation may be granted by the Board only after the PZC and the Village Board have evaluated the application and made specific written findings based on the Standards for Variations established by Article VIII-3.D.4. The required standards for variations are noted below, and a worksheet has been attached to assist the PZC in drafting its findings related to the requested variance.

- The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

- The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
- The proposed variation alleviates a particular hardship created by the literal enforcement of this Ordinance that would prevent the applicant from yielding a reasonable return from the subject property.
- The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.
- The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.
- The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
- The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Use Standards for Fences

Figure III-4.A. Fence or Wall



Article III-4.C.6 of the UDO establishes the following with regard to fences or walls (underlines added by Staff for the purposes of this memo):

Fence or Wall. The following requirements apply to fences and walls unless otherwise specifically established in this Ordinance. Refer to Figure III-4-A. Fence or Wall.

- a. Location. Fences and walls, including all posts, bases, and other structural parts, shall be located completely within the boundaries of the lot on which it is located.

- (1) Front Yard, Interior Side Yard, and Rear Yard. Fences and walls are allowed in the front yard, interior side yard, and rear yard.
  - (2) Corner Side Yard. Fences and walls are allowed in the corner side yard between the front façade of the principal structure and the rear lot line.
- b. Height. The maximum height of a fence or wall shall be three feet in the front and corner side yard, and eight feet in an interior side or rear yard. The maximum height of a fence or wall shall be measured from the ground at the base of the fence or wall.

The “yard” is defined as the area on a lot between the principal structure and the property line. The “front yard” extends from the façade of the building to the adjacent street right-of-way, and includes corner side yards. Therefore, this property has a 25-foot front yard on Illinois Street and a 30-foot corner front yard on Early Street (see Exhibit A). To be in compliance with the UDO, any fence installed within these front yards must be no taller than three feet.

The UDO also protects sight triangles at street intersections, and at the intersection of driveways with streets. These are areas where encroachments of a specified height are not permitted in order to ensure clear visibility for motorists, bicyclists, and pedestrians.

Article II-5.C. Visibility Obstruction. Nothing shall be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. No building, structure, sign, or landscape element shall be located between 2.5 feet and eight feet in height within the sight triangle area formed by 25 feet along the intersecting streets, measured along the curb line, or edge of pavement where no curbs are present.

Article V-9.D. Visibility. No building, structure, sign, or landscape element shall obstruct the area between 2.5 feet and eight feet in height within the sight triangle area on each side of any driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle shall be formed by measuring ten feet along the lot line in the opposite direction of the driveway and ten feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject property (refer to Figure V-9-A. Visibility at Driveways).

The requested fence in the Early Street setback will not encroach into these sight triangles.

#### Details of Requested Major Variation

The attached Exhibit is based on the plat of survey, and shows the location of the house and existing fence on the property, as well as the location of the proposed fence. As demonstrated on Exhibit A, this is a corner lot, located at the southeast corner of Illinois Street and Early Street. The house is setback from Illinois Street by 25 feet and from Early Street by 30 feet. The parcel is 9,350 square feet in size, and the applicant purchased the property in 2005.

In March 2021, the property owner received a permit to install the new fence that is shown on the attached pictures. This fence is six feet in height and located appropriately to conform to the UDO design standards for fences. However, the Applicant is requesting this variation in order to

move the six-foot fence to the property line on Early Street, starting either at the front façade of the house, or the rear façade of the house.

As noted in previous fence variation requests, the current fence standards were established in 1989, and were initially contained in the Municipal Code Section 18-352 (Buildings and Building Regulations, Fences Located on Residential Property). This section of the Municipal Code establishes the same fence design standards as those now contained in Article III-4.C.6 of the UDO. In 1989, Village Staff conducted a survey of all fences in the Village to identify where nonconformity would be created by the newly adopted standards. At that time, there were 25 fences in the East Lincolnwood neighborhood (east of Orchard Drive, north of Old Plank Trail) that became nonconforming as a result of the Ordinance change. Prior to writing this, Staff drove the neighborhood and found eight of the nonconforming fences have been removed. However, 17 fences remain on corner lots that encroach into corner side yards. On all but four of these properties, the fence is a four (4) foot tall chain link fence. Three properties have a six (6) foot tall wood fence that encroaches up to the corner side lot line (i.e., they fully encroach into the corner side setback), one of which is located across the street from the subject property (201 Illinois Street). The existing, nonconforming wood fence on the fourth property only encroaches approximately two to three feet into the corner side setback. All of the wood fences are in various stages of deterioration. As noted, all of these fences were built prior to the adoption of the current standards contained in the Municipal Code, and now also contained in the UDO. Since 1989, the Building Department has consistently monitored all properties in the Village that are not in conformance to require the nonconforming fence be removed when damaged or replaced.

The Applicant has submitted the attached letter to address the Standards for Variations.

#### Analysis of the Requested Major Variation

Among the key elements of the Standards for Variations that must be considered are concerns related to safety, compatibility, hardship, uniqueness of the property, reasonable use of the land, and compatibility with the comprehensive plan. Representatives of the Community Development, Public Works, Police, and Fire Departments were consulted for input on this request. Their comments are incorporated into the analysis below.

Health, Safety, Comfort, Convenience, and General Welfare of the Public. As noted above, the UDO protects the sight triangle at the intersection of streets and the intersection of driveways with streets. This is critical to protect motorists, bicyclists, and pedestrians. The location of the proposed fence will not encroach onto the street sight triangle, or the driveway sight triangle. This house is located on a collector road (Illinois Street) and across the street from an elementary school, which generates a fair amount of traffic during the school year.

Exhibit C attached shows blue flags on the property that identify the location of the water service line to this house. The buffalo box (containing the shut-off valve for the water service line) is also shown on the pictures. If a variation is approved to permit the fence to be constructed from the front façade of the house, the buffalo box will not be accessible to Village Staff. Therefore, the Department of Public Works recommends that it be approved, if at all, only from the rear corner of the house so this important public infrastructure is accessible.

Compatibility. One way of evaluating compatibility is to determine if there are any other properties in the vicinity with similar fences. In fact, there are a number of other fences in this neighborhood that do not conform to the prohibition against fences taller than three (3) feet in the front yard setback. These are nonconforming fences, and are described in the analysis above. The property directly across Early Street from the subject property has a nonconforming six-foot tall wood fence, and is the subject of another request for a major variation. Since the Ordinance that regulates fences was revised in 1989, eight (8) nonconforming fences have been removed.

Compatibility may also be related to the impact that the proposed fence will have on adjacent properties. The house most impacted by the proposed fence is 335 Early Street, which is built 24 feet from the front property line. Therefore, the proposed fence will extend beyond the front façade of 335 Early Street. The impact of this encroachment can be seen in the photos included in Exhibit B.

Hardship/Uniqueness/Reasonable Use of the Land. Because 133 Illinois Street is a corner lot, it has a 25-foot front yard setback on Illinois Street and a 30-foot corner front yard setback on Early Street. These setbacks, together with the five (5) foot wide easements on the interior side lot lines, limit the buildable area on the lot more than what occurs on interior lots. The lot, however, is 9,350 square feet in size, making it larger than the interior lots in the neighborhood, which tend to be 7,200 square feet in size.

Compatibility with the Comprehensive Plan. Nothing in the *Strategic Plan for Land Use and Economic Development* or the *Comprehensive Housing Plan* directly addresses development at this small scale. However, these plans, in addition to the *Sustainability Plan* and the *Bicycle and Pedestrian Plan* do support the goal of creating a walkable community. The requested fence, located at the front property line on Early Street, would not be consistent with this goal.

**Recommended Conditions:** If the Planning and Zoning Commission is supportive of a major variation for the requested fence in the corner front yard setback on Early Street, Staff recommends the following conditions:

- The fence must be located on or inside the property line on Early Street to ensure room for future sidewalk repairs to be made.
- The fence should be located at the rear façade of the house to ensure that the buffalo box is outside the fence and accessible to Village Staff.

Planning and Zoning Commission Action: After conducting the public hearing, the Planning and Zoning Commission is asked to consider this request for a Major Variation to permit a fence up to six (6) feet tall in the corner side yard (along Early Street) of the property at 133 Illinois Street, as shown on the attached Exhibit, and make a recommendation to the Board of Trustees on this request.

**MAJOR VARIATION  
FINDINGS OF FACT  
WORKSHEET**

The Unified Development Ordinance requires that a major variation to the Ordinance shall not be granted unless findings of fact have been made relative to the specific case. This worksheet is provided to assist the Planning and Zoning Commission with drafting the findings of fact that will be sent to the Board of Trustees with a recommendation on the requested variation. The required findings of fact are as follows:

1. *The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.*

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2. *The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.*

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3. *The proposed variation alleviates a particular hardship created by the literal enforcement of the Ordinance that would prevent the application from yielding a reasonable return from the subject property.*

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4. *The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.*

5. *The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.*

6. *The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.*

7. *The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.*



Exhibit B  
Photos of Fence Variation Request at 133 Illinois Street



Fence currently located in conformance with UDO.  
Requested to be located from front corner of house to property line  
adjacent to Early Street sidewalk.



Area proposed to be enclosed by fence.



Early Street corner front yard fence in conformance with UDO



Early Street corner front yard and rear yard fence

Exhibit C  
Water service line at 133 Illinois Street



The blue flags mark the location of the water service line.



The buffalo box  
is shown in the lower middle of both pictures above (small round metal cover marked in blue).

**APPLICANT STATEMENT OF  
STANDARDS FOR VARIATIONS**

Planning and Zoning Commission

Dion Moore

133 Illinois St., Park Forest Illinois

I am writing this letter

This fence and requesting well not in danger of the health and safety all the welfare of the general public. This fence is a standard 6 feet wooden fence it does not disturbed intersection from drivers turning on either street. This fence will be about 25 to 30 feet away from Illinois Street and about 10 to 15 feet from Early street.

This fence would be an exact replica of the property adjacent to me 201 Illinois St.

Also on 328 Todd st and a few others.

I am requesting this fence for a lot of different reasons such as Illinois Street is a main street and is very busy especially during school hours which is across the street from my property. This busy street comes with a lot of concerns for the safety of my kids and the cleanliness of my property. These are some of the Issues surrounding this busy street cars speeding by while my kids play on the side on the front of the house, kids getting on and off the school bus in the morning and afternoons I'm dropping garbage in my yard, also some dog owners walking their dogs Leaving dog poop behind on my property,also at night mostly drivers Throwing out liquor bottles and garbage on the sidewalks and in my yard.

My Property is located on a corner lot because of this I have more yard on the side of my property than I have in the back and I would love to use it for my family to enjoy safely instead of always cleaning from the Illinois traffic.

# PLANNING AND ZONING COMMISSION MEMO

TO: Planning and Zoning Commission

FROM: Hildy L. Kingma, AICP  
Director of Economic Development and Planning

DATE: June 30, 2021

RE: NEW BUSINESS – Planning & Zoning Commission Meeting July 13, 2021  
Public Hearing to consider a Request for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance regarding the location of a fence at 201 Illinois Street

## Overview

A request has been submitted by Phoebe DeLoach Alexander and Ronald Alexander (as owners/applicants) for a Major Variation to Article III-4.C.6 of the Unified Development Ordinance (UDO) to permit a fence up to six (6) feet tall in the corner front yard of the property at 201 Illinois Street.

Major variations must be considered by the Planning and Zoning Commission and Board of Trustees. Minor variations can be considered and approved by the Zoning Administrator. Minor variations include small reductions in minimum lot area, lot width, setbacks, or required parking. Also included as minor variations are small increases in sign area or height. All other variations are considered major variations.

## Public Hearing Requirements

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on June 20, 2021. In addition, notice of the public hearing was sent to all property owners (52) within 250 feet of the subject property via United States Postal Service, and signs noting the date, time, and purpose of the public hearing were posted on the Illinois Street and Early Street frontages of the property. As of the date of this memo, only one inquiry has been received from a surrounding property owner. The caller had questions, but no opinion on the request at the time of the call. Any additional comments received prior to the Public Hearing will be reported on at the Planning and Zoning Commission meeting.

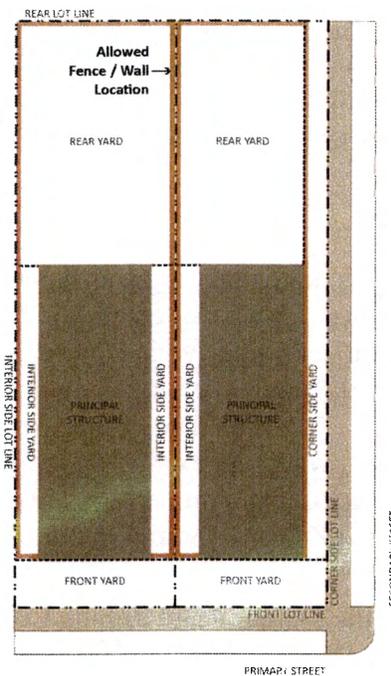
This request is being considered by the Planning and Zoning Commission (PZC) pursuant to Article VIII-3.D. of the UDO, which provides that the PZC shall hold public hearings on all requests for major variations and shall make its recommendations to the Board of Trustees. A major variation may be granted by the Board only after the PZC and the Village Board have evaluated the application and made specific written findings based on the Standards for Variations established by Article VIII-3.D.4. The required standards for variations are noted below, and a worksheet has been attached to assist the PZC in drafting its findings related to the requested variance.

- The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

- The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
- The proposed variation alleviates a particular hardship created by the literal enforcement of this Ordinance that would prevent the applicant from yielding a reasonable return from the subject property.
- The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.
- The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.
- The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
- The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Use Standards for Fences

Figure III-4.A. Fence or Wall



Article III-4.C.6 of the UDO establishes the following with regard to fences or walls (underlines added by Staff for the purposes of this memo):

- Fence or Wall. The following requirements apply to fences and walls unless otherwise specifically established in this Ordinance. Refer to Figure III-4-A. Fence or Wall.
- a. Location. Fences and walls, including all posts, bases, and other structural parts, shall be located completely within the boundaries of the lot on which it is located.

- (1) Front Yard, Interior Side Yard, and Rear Yard. Fences and walls are allowed in the front yard, interior side yard, and rear yard.
  - (2) Corner Side Yard. Fences and walls are allowed in the corner side yard between the front façade of the principal structure and the rear lot line.
- b. Height. The maximum height of a fence or wall shall be three feet in the front and corner side yard, and eight feet in an interior side or rear yard. The maximum height of a fence or wall shall be measured from the ground at the base of the fence or wall.

The “yard” is defined as the area on a lot between the principal structure and the property line. The “front yard” extends from the façade of the building to the adjacent street right-of-way, and includes corner side yards. Therefore, this property has 25-foot front yards on Illinois Street and on Early Street (see Exhibit A). To be in compliance with the UDO, any fence installed within these front yards must be no taller than three feet.

The UDO also protects sight triangles at street intersections, and at the intersection of driveways with streets. These are areas where encroachments of a specified height are not permitted in order to ensure clear visibility for motorists, bicyclists, and pedestrians.

Article II-5.C. Visibility Obstruction. Nothing shall be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. No building, structure, sign, or landscape element shall be located between 2.5 feet and eight feet in height within the sight triangle area formed by 25 feet along the intersecting streets, measured along the curb line, or edge of pavement where no curbs are present.

Article V-9.D. Visibility. No building, structure, sign, or landscape element shall obstruct the area between 2.5 feet and eight feet in height within the sight triangle area on each side of any driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle shall be formed by measuring ten feet along the lot line in the opposite direction of the driveway and ten feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject property (refer to Figure V-9-A. Visibility at Driveways).

The requested fence in the Early Street setback will not encroach into these sight triangles.

#### Details of Requested Major Variation

The attached Exhibit A is based on the plat of survey, and shows the location of the house and fence on the property. Because of the age of the survey, the garage and driveway are not shown, but they are located on the west side of the house (see photograph included in Exhibit B) and do not impact the location of the requested fence. As demonstrated on Exhibit A, this is a corner lot, located at the southwest corner of Illinois Street and Early Street. The house is setback from both streets by 25 feet. The parcel is 8,500 square feet in size, and the applicants purchased the property in 2004.

The fence that is the subject of this variation request is located on the east side of the house. For the most part, this is an existing, nonconforming fence as it is six feet in height and located on

the property line along Early Street (within the corner front yard setback). The property owner was in the process of replacing the existing, deteriorating fence when the work was stopped in May 2021 due to no permit having been issued. At that time, the property owner was also informed that the nonconforming sections of the fence would have to be made to conform to Village standards, or a variation application submitted. The nonconforming sections of the fence include all fence sections over three feet in height located east of the house (see Exhibits A and B). All other sections of the fence, located west of the east façade of the house, are in conformance with the ordinance and were permitted to be replaced. Note that one portion of nonconforming fence was replaced before the work was stopped. This is the portion that runs parallel to Illinois Street, and a small portion that runs parallel to Early Street (see photos included in Exhibit B).

As noted in previous fence variation requests, the current fence standards were established in 1989, and were initially contained in the Municipal Code Section 18-352 (Buildings and Building Regulations, Fences Located on Residential Property). This section of the Municipal Code establishes the same fence design standards as those now contained in Article III-4.C.6 of the UDO. In 1989, Village Staff conducted a survey of all fences in the Village to identify where nonconformity would be created by the newly adopted standards. At that time, there were 25 fences in the East Lincolnwood neighborhood (east of Orchard Drive, north of Old Plank Trail) that became nonconforming as a result of the Ordinance change. Prior to writing this report, Staff drove the neighborhood and found eight of the nonconforming fences have been removed. However, 17 fences remain on corner lots that encroach into corner front yards. On all but four of these properties, the fence is a four (4) foot tall chain link fence. Three properties, including the subject property (201 Illinois Street), have a six (6) foot tall wood fence that encroaches up to the corner side lot line (i.e., they fully encroach into the corner side setback). The existing, nonconforming wood fence on the fourth property only encroaches approximately two to three feet into the corner side setback. All of the wood fences are in various stages of deterioration. As noted, all of the nonconforming fences were built prior to the adoption of the current standards contained in the Municipal Code, and now also contained in the UDO. Since 1989, the Building Department has consistently monitored all properties in the Village that are not in conformance to require the nonconforming fence be removed when damaged or replaced. Therefore, when the fence installation at 201 Illinois Street was stopped in May 2021 for lack of a permit, the Applicant was notified that the portion of fence east of the house should be reduced to three feet in height in order to comply with the Village's standards, unless a Major Variation is granted.

The Applicant proposes to replace the existing six-foot fence along Early Street with a new six-foot tall fence constructed of treated wood, similar to the portions of the fence already installed. The Applicants have submitted their responses to the Standards for Variations, as well as additional comments. These comments are all included in Exhibit D.

#### Analysis of the Requested Major Variation

Among the key elements of the Standards for Variations that must be considered are concerns related to safety, compatibility, hardship, uniqueness of the property, reasonable use of the land, and compatibility with the comprehensive plan. Representatives of the Community Development, Public Works, Police, and Fire Departments were consulted for input on this

request. Community Development has noted that the fence should be brought into conformance with Village design standards. Comments from the Department of Public Works are incorporated into the analysis below.

Health, Safety, Comfort, Convenience, and General Welfare of the Public. As noted above, the UDO protects the sight triangle at the intersection of streets and the intersection of driveways with streets. This is critical to protect motorists, bicyclists, and pedestrians. The location of the proposed fence will not encroach onto the street sight triangle, or the driveway sight triangle. This house is located on a collector road (Illinois Street) and across the street from an elementary school, which generates a fair amount of traffic during the school year.

Exhibit C attached shows blue flags in the right-of-way that identify the location of the water service line to this house. The buffalo box (containing the shut-off valve for the water service line) is located inside the fence, and therefore is not easily accessible to the Village. If the variation is approved, the Department of Public Works recommends that it be approved only from the rear corner of the house so this important public infrastructure is accessible.

Compatibility. One way of evaluating compatibility is to determine if there are any other properties in the vicinity with similar fences. In fact, there are a number of other fences in this neighborhood that do not conform to the prohibition against fences taller than three (3) feet in the front yard setback. These are nonconforming fences, and are described in the analysis above. Since the Ordinance that regulates fences was revised in 1989, eight (8) nonconforming fences have been removed.

Compatibility may also be related to the impact that the proposed fence will have on adjacent properties. The house most impacted by the proposed fence is 335 Early Street, which is built 25 feet from the front property line. Therefore, the existing and proposed fence extend beyond the front façade of 336 Early Street.

The Director of Public Works Director has indicated that the property line is typically one (1) foot from the edge of the sidewalk on the private property side (i.e., there is typically one foot of right-of-way between the sidewalk and the private property). This is deliberate in order to allow for room on public property for the concrete forms needed for sidewalk replacement. If this variation is approved, the property owner will have to document that the fence is actually constructed at the property line, as it appears to be located directly on the edge of the sidewalk, thereby potentially encroaching into public property. Locating the fence on the property line, will leave a one (1) foot strip of grass between the fence and the sidewalk. The property owner will be required to maintain this small strip of grass or plantings in a manner consistent with Village Codes.

Hardship/Uniqueness/Reasonable Use of the Land. Because 201 Illinois Street is a corner lot, it has a 25 foot front yard setback on both Illinois Street and Early Street. These setbacks, together with the five (5) foot wide easements on the interior side lot lines, limit the buildable area on the lot more than what occurs on interior lots. The lot, however, is 8,500 square feet in size, making it larger than the interior lots in the neighborhood, which tend to be 7,200 square feet in size.

Compatibility with the Comprehensive Plan. Nothing in the *Strategic Plan for Land Use and Economic Development* or the *Comprehensive Housing Plan* directly addresses development at this small scale. However, these plans, in addition to the *Sustainability Plan* and the *Bicycle and Pedestrian Plan* do support the goal of creating a walkable community. The requested fence, located at the front property line on Early Street, would not be consistent with this goal.

Recommended Conditions:

If the Planning and Zoning Commission is supportive of a major variation for the requested fence in the corner front setback on Early Street, Staff recommends the following conditions:

- The Applicant must document that the fence will be located on or inside the Early Street property line to ensure room for sidewalk repairs when needed.
- The fence should be located behind the front façade of the house to ensure that the buffalo box is outside the fence and accessible to Village Staff.

Planning and Zoning Commission Action: After conducting the public hearing, the Planning and Zoning Commission is asked to consider this request for a Major Variation to permit a fence up to six (6) feet tall in the corner side yard (along Early Street) of the property at 201 Illinois Street, as shown on the attached Exhibit A, and make a recommendation to the Board of Trustees on this request.

**MAJOR VARIATION  
FINDINGS OF FACT  
WORKSHEET**

The Unified Development Ordinance requires that a major variation to the Ordinance shall not be granted unless findings of fact have been made relative to the specific case. This worksheet is provided to assist the Planning and Zoning Commission with drafting the findings of fact that will be sent to the Board of Trustees with a recommendation on the requested variation. The required findings of fact are as follows:

1. *The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.*

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2. *The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.*

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3. *The proposed variation alleviates a particular hardship created by the literal enforcement of the Ordinance that would prevent the application from yielding a reasonable return from the subject property.*

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4. *The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.*

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5. *The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.*

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6. *The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.*

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7. *The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.*

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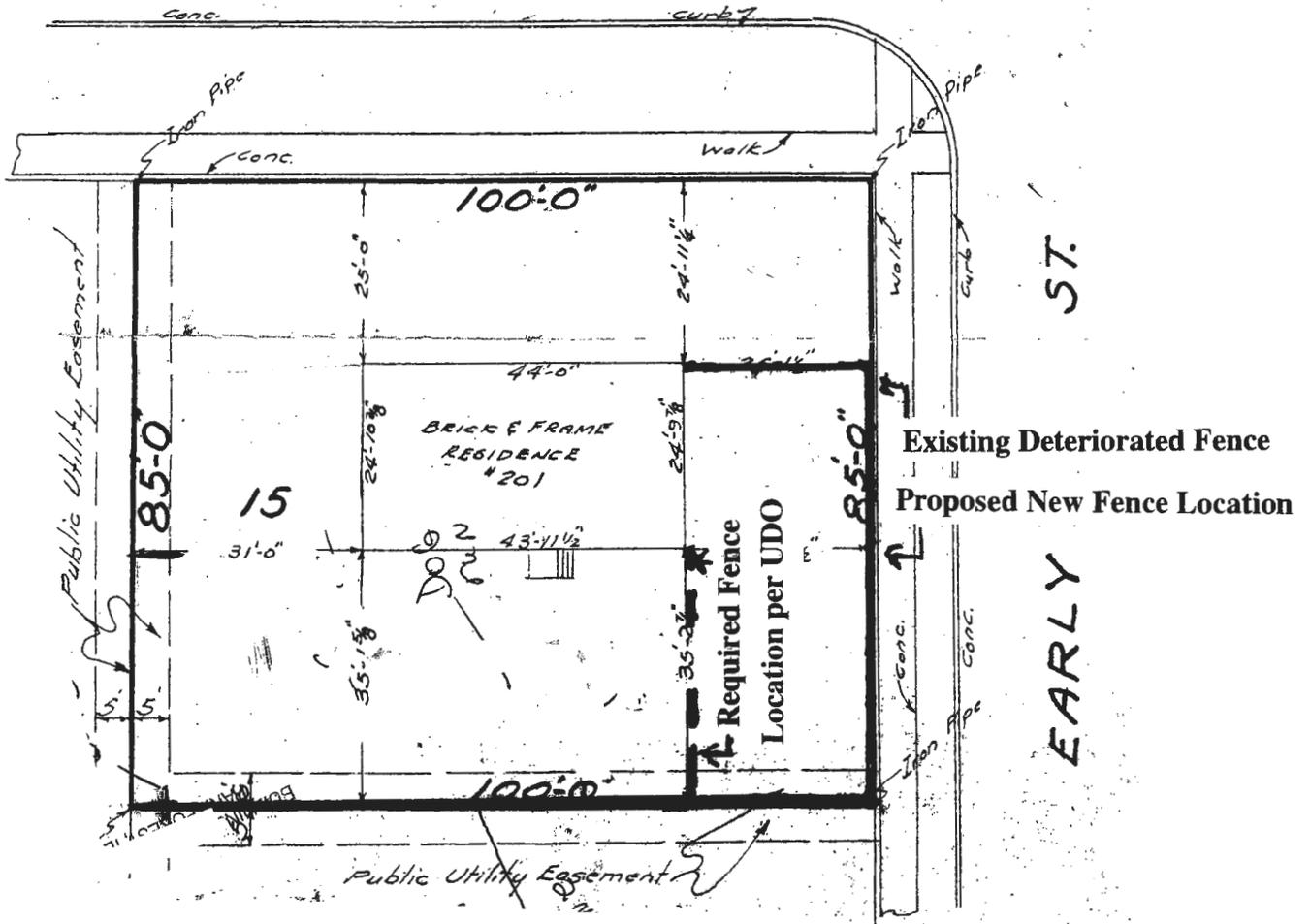
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**EXHIBIT A**  
**201 Illinois Street**  
**Major Variation Request**

**ILLINOIS ST.**



**EXHIBIT B**  
Photos of Fence at 201 Illinois Street



Front of house, new (replacement) six-foot fence installed. Does not comply with UDO.



Front/Corner Front of house, new (replacement) and existing grandfathered six-foot fence. Does not comply with UDO.



Corner Front Yard of house, new (replacement) and existing grandfathered six-foot fence.  
Does not comply with UDO.



Corner Front Yard/Rear of house, new (replacement) and existing grandfathered six-foot fence.  
Does not comply with UDO.



Corner Front Yard/Rear of house,  
Existing grandfathered six-foot fence in rear yard does not comply with UDO.  
New six-foot fence in rear yard DOES comply with UDO.



West front of house – included to show that driveway is not impacted by proposed fence.

EXHIBIT C

Water Service Line at 201 Illinois Street



The blue flags mark the location of the water service line.



No buffalo box is visible outside the fence.

# APPLICANT STATEMENT OF STANDARDS FOR VARIATIONS

## B. FILING FEE - \$100.00

Amount Received: \_\_\_\_\_

Date Received: \_\_\_\_\_

C. **VARIATION(S) REQUESTED** List the provisions of the Unified Development Ordinance from which a variation is requested, and provide as much information as possible about the proposed use of the property and why a variation is requested. Attach additional pages and information as needed.

As homeowners we wanted to replace the fence on porch that were damaged, in doing so this will insure the safety of our family and home.

D. **STANDARDS FOR VARIATIONS** The Planning and Zoning Commission is authorized to grant or recommend relief only when it has received adequate evidence to establish a practical difficulty or particular hardship. The evidence must support each of the following conditions:

- ✓ a. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.
- ✓ b. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
- ✓ c. The proposed variation alleviates a particular hardship created by the literal enforcement of this Ordinance that would prevent the applicant from yielding a reasonable return from the subject property.
- ✓ d. The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.
- ✓ e. The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.
- ✓ f. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.
- ✓ g. The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

Describe in your own words how this request meets these Standards. Attach additional pages and information as needed.

The fence was damaged during the storm last year, <sup>2020</sup> it fell over, came up out the ground on the front of the house, we were able to push it back down hammer and nail loose slats.

**MAJOR VARIATION  
STANDARDS FOR VARIATIONS  
WORKSHEET**

The Unified Development Ordinance requires that a major variation to the Ordinance shall not be granted unless specific standards have been met relative to the specific case. This worksheet is provided to assist the Planning and Zoning Commission with drafting a response to each of the required standards for variations that will be sent to the Board of Trustees with a recommendation on the requested variation. The required standards are as follows:

1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

*without the fence our family and public are at risk of uncontrollable circumstances in which the fence protects the unknown.*

2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

*The fence is covering the whole yard, without the fence we will be compromised with safety of the neighborhood and elements. The fence avoids piracy in a busy corner.*

3. The proposed variation alleviates a particular hardship created by the literal enforcement of the Ordinance that would prevent the application from yielding a reasonable return from the subject property.

*The hardship of making sure our family is safe against crime, that we keep the yard fenced in from garbage people, and it doesn't become a park for kids & animals if not closed off from the public.*

4. The proposed variation is necessary due to the unique attributes of the subject property, which were not deliberately created by the applicant, and are not shared by adjacent properties and other properties within the immediate vicinity of the proposed variation.

Neighbors pay property taxes on full yard and should be able to use it and keep the house + family safe, unwanted stress and anxiety

5. The proposed variation is necessary to permit a reasonable use of land, but does not confer a special privilege on the applicant which is denied to the owners of adjacent properties and other properties within the immediate vicinity of the proposed variation.

My land has been in use for 16 years we have been able to keep it up for 16 years. We keep our property well maintained we have good neighbors.

6. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.

We propose to replace an old dated fence with a new one, it looks better also privacy + safety + increases property value.

7. The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.

We propose to replace the 3 panels the way they were + not decrease the height of all rails

The property sits on a corner lot, which is exposed to unwanted elements. The home was broke into 2 times on the Basement floor Bedroom which is close to the fence facing Early St. Early St is very Busy with people walking, dog walkers, fast Driving cars. This fence is needed for protection from crime in the neighborhood from passerbys. The fence is needed to protect my children while playing in the yard they are safe. While in the yard a fence provides safety from unwanted uninited Guest.

NOTE: See Section VIII-3.D. of the Park Forest Unified Development Ordinance for a full description of the process for approval of Variations and the Standards for Variations which must be addressed.

**E. OTHER INFORMATION REQUIRED**

Current Plat of Survey or Site Plan clearly depicting the requested variance

Date Received: \_\_\_\_\_

Proof of Ownership

Date Received: \_\_\_\_\_

This could include, for example, a deed or title policy.

Map of Subject Property and all properties within 250 feet (excluding rights-of-way)

Date Received: \_\_\_\_\_

List of all **property owners** (as recorded in the office of the recorder of deeds and as appears in the county tax records) within 250 feet of subject property (excluding rights-of-way), include name, mailing address, and parcel identification number (P.I.N.).

Date Received: \_\_\_\_\_

Agreement for Reimbursement of Professional Consulting Services, Fees, Costs and Expenses

Agreement, if applicable, must be signed and required deposit submitted before the application is reviewed.

Amount Received: \_\_\_\_\_

Date Received: \_\_\_\_\_

The Village of Park Forest Unified Development Ordinance can be found in the Document tab of the Village web site – [www.villageofparkforest.com](http://www.villageofparkforest.com). If you have questions, please feel free to call the Economic Development and Planning Department at 708/283-5617.

17 yrs. ago my wife and I chose this home on Illinois St. because it had a 6" <sup>foot</sup> fence around it for my kids and grandchildren. It's a very busy street both ways meaning all day long. With the school being here buses, parents drop-off... gapper's & locker's... I guess over 400 or 500 trucks and cars... come thru here every day this is a main vessel no doubt. If I were ~~to~~ forced to a 3" fence I would be putting my family and myself in "DANGER" my home been broken into 3 times out of 16 <sup>YEARS</sup> years... I know these people and I would be inviting them into my home literally!! You can then look to see what you could steal onto the yard to easily...

Robert Azar