



FENCE VARIATION APPLICATION

CASE #: _____

Date Received:
Ward:
Zoning District:
Preservation:

zoning office use only

1. PROPERTY

Address _____

Permanent Identification Number(s):

PIN 1: ----- PIN 2: -----

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

2. APPLICANT

Name: _____

Organization: _____

Address: _____

City, State, Zip: _____

Phone: Work: _____ Home: _____ Cell/Other: _____

Fax: Work: _____ Home: _____

E-mail: _____

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- architect
- officer of board of directors
- builder/contractor
- attorney
- other: _____
- potential purchaser
- lessee
- potential lessee
- real estate agent

3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: _____

Address: _____

City, State, Zip: _____

Phone: Work: _____ Home: _____ Cell/Other: _____

Fax: Work: _____ Home: _____

E-mail: _____

Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED**

Date

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature – **REQUIRED**

Date

5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form**
- Plat of Survey** Date of Survey: _____
- Site Plan** Date of Drawing: _____
- Proof of Ownership** Document Submitted: _____
- Application Fee** Amount \$_____ plus postage for two public notice mailings

Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be “held” at the zoning office.
- **Documents, drawings, or other materials submitted as part of other applications** (for example, building permit applications, or applications for Certificates of Appropriateness [Preservation Commission]) cannot be copied by the Zoning Office for submission with this application. You must provide separate copies.
- **Plats of survey** must accurately and completely reflect the current conditions of the property, must be dated and legible, and must be stamped by a licensed surveyor. Surveys must include dimensions of the property boundaries, the exteriors of all existing improvements, dimensions between structures and from structures to property boundaries.
- **Site Plan** should indicate the location of the proposed fence with “x”s. The site plan may be a notated copy of the plat of survey. The height of the proposed fence must be noted, as well as the linear dimensions of the segments. Dimensions must be legible when reproduced on letter-size paper. A drawing of the type of fence proposed would be helpful.
- **Proof of Ownership** - Accepted documents for proof of ownership include: deed, mortgage statement, contract to purchase, closing documents (price may be blacked out on submitted documents). **A tax bill cannot be accepted as proof of ownership.**
- **Application Fees:** Once the complete application materials are received a follow-up email will be sent with a link to pay the application fee online.
- **Public Notice Mailings** - A third party is used to mail notices of the application and of the determination, a total of two mailings. The applicant will be billed for these mailings by the third party.
- **Email this form and all required additional materials to:**
zoning@cityofevanston.org

Once the complete application materials are received a follow-up email will be sent with a link to pay the application fee online.

6. PROPOSED FENCE

A. Briefly describe the location and type of the proposed fence:

B. Have you applied for a Building Permit for this project?

NO YES (Date: _____ Building Permit Application ID: _____)

C. Is the property a corner lot? :Yes :No

D. Does the proposed fence replace an existing fence or one removed in the last 12 months? :Yes :No

8. REQUESTED VARIATIONS

What specific variations are you requesting? For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant.

(A) Section (e.g. 6-8-3-4, see Zoning Analysis)	(B) Requirement to be Varied (e.g., "requires a minimum front yard setback of 27 feet")	(C) Requested Variation (e.g., "a front yard setback of 25.25 feet")
1		
<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>
2		
<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>	<hr/> <hr/> <hr/>

9. PRACTICAL DIFFICULTY

What characteristic(s) of the property prevent compliance with the requirements of the Zoning Ordinance?

10. ALTERNATIVES

A. If you are requesting a variation for fence height above what is permitted, please explain why a fence of the permitted height is not adequate.

B. If you are requesting a variation for fence location, please describe the characteristics of your property that necessitate a fence in the requested location.

C. In your opinion, why do you believe that your fence will not have an adverse impact on your neighbor's property values, and enjoyment of their property?



FENCE VARIATION INFORMATION

A. GENERAL INFORMATION

1. Who can submit an application?

In order to submit an application for zoning relief, an applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person (§6-3-8-4).

All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at his/their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing.

2. How do I submit an application?

Email this form and all required additional materials to: zoning@cityofevanston.org

Once the complete application materials are received a follow-up email will be sent with a link to pay the application fee online. Applications must be complete, including all required documentation and fee. Application materials cannot be returned.

3. What forms of payment are accepted?

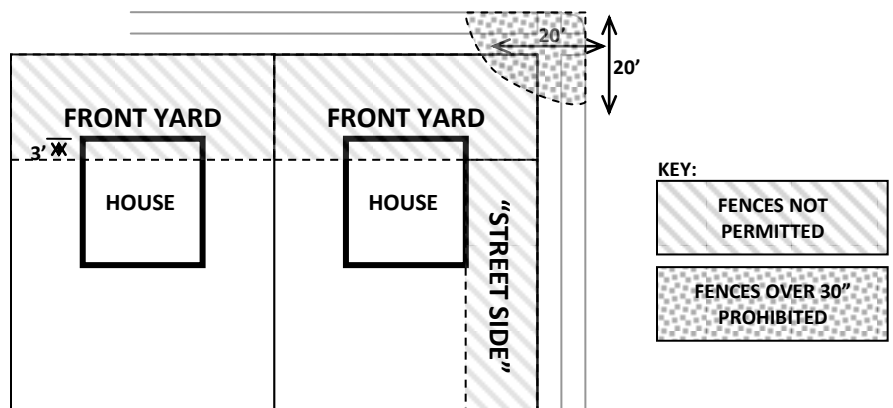
Credit Card, Check.

B. INFORMATION ABOUT FENCE VARIATIONS IN RESIDENTIAL DISTRICTS

Where Can I Put a Fence? Per Section 6-4-6-7(F) of the Zoning Ordinance, **fences are not permitted in the front yardⁱ or the “street side” yardⁱⁱ** of any lot in a residential zoning district.ⁱⁱⁱ Fences of up to 6 feet in height are permitted in the rear and interior side yards. Fences in existence prior to April 1, 1999 that do not meet the current fence regulations, and that have not been removed since that date may be repaired or replaced “in kind” (same height, same material, same opacity) (Section 6-4-6-7(D)).

Are there Exceptions? You may apply for a **Fence Variation** (“variance”) to put a fence in the front or street side yard if you believe that you have exceptional circumstances with regard to:

- noise or safety,
- to visually screen an adjacent “incompatible use” (industrial, commercial, etc.), or
- to provide a degree of privacy for the rear part of a corner lot (see “Corner Lots” below).



Corner Lots – Variances to place a fence in the front or street side yard of a corner lot **are not given for fences over 4 feet tall or having an “opacity”¹ of more than 70%** (for example, solid stockade fences, board-on-board fences, etc.), unless the applicant can demonstrate truly exceptional need or circumstances with regard to safety, noise, or screening.

Under no circumstances are fences higher than 30 inches allowed within 20 feet of an intersection (see diagram).

What is the Process?

- Once the application is complete, the Zoning Office sends notification of the application to property owners within 250 feet.
- Property owners have 10 working days to submit public comments in writing to the Zoning Office.
- Following the review period, the Zoning Administrator denies, approves, or approves with conditions the application;
- A notice of the determination is mailed to the applicant and property owners within 250 feet.

What is the timeframe? The approximate time from when the Zoning Office receives a completed application for a fence variation to when the applicant can reasonably expect a decision on that application is 30 days.

What standards are used to decide? Per §6-3-8-12(A), a fence variance may be granted if:

- It will not be materially detrimental to the public welfare or injurious to the use, enjoyment or property values of adjoining neighbors.
- It will assist in reducing noise, screening incompatible adjacent uses, or it will increase safety to the owners of the subject property or abutting properties, and
- It will not be located within the 20' sight triangle of an intersection.

Can I Appeal? (§6-3-8-6(E)): The applicant or an adjacent property owner may appeal the decision to the Land Use Commission within 10 working days of the date of mailing of the notification.

Community Development Department – Planning and Zoning Division

2100 Ridge Avenue, Room 3202, Evanston, Illinois 60201

P. 847.448.4311 F. 847.448.8126 E. zoning@cityofevanston.org

www.cityofevanston.org/zoning

ⁱ From three feet behind the front façade of the house to the front property line.

ⁱⁱ The “street side” yard extends from the front yard to the rear property line.

ⁱⁱⁱ There is a general exception for properties that front on “Type 1” streets. As of the date of this notice, Type 1 streets are: **Dewey** (Simpson to Twiggs Park), **Asbury** (Green Bay to Davis), **Dempster** (Oak to McCormick), **Elgin** (McDaniel to Lincolnwood), and **Emerson** (Green Bay to McCormick).

¹ “Opacity” refers to the “solidness” or “non-transparency” of the fence. For instance, a picket fence with 2” wide pickets spaced 1” apart has an opacity of roughly $(2 / (2+1)) = 2/3 = 67\%$.