



Legislation Details (With Text)

File #: 21-0589B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/10/2021 **In control:** City Council

On agenda: 5/18/2021 **Final action:** 5/18/2021

Title: 1. Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances to the height, setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue; or
 2. Concur with staff and pass the ordinance denying the proposed height variance and approving variances to the setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue - PZC 21-1-031

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance Option 1, 2. Exhibit A -Legal Description, 3. Exhibit B - Plat of Survey, 4. Exhibit C - Required Variance Standards, 5. Exhibit D - Building Elevations, 6. Ordinance Option 2, 7. Exhibit A - Legal Description, 8. Exhibit B - Plat of Survey, 9. Exhibit C - Required Variance Standards, 10. Application, 11. Location Map, 12. Site Plan, 13. Proposed Garage Interior

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

1. Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances to the height, setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue; or
2. Concur with staff and pass the ordinance denying the proposed height variance and approving variances to the setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue - PZC 21-1-031

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) conducted the public hearing for PZC 21-1-031 on May 5, 2021 and provided a positive recommendation on the request (approved 6,0). Staff does not concur.

BACKGROUND:

The property is located at the southwest corner of Spring Avenue and Ewing Street and is zoned R2 (Single Family and Low Density Multiple Family Residence District). The property is approximately 8,703 square feet and is improved with a single-family residence and detached garage.

The petitioner, Mark Jahnke, on behalf of the owners Mark and Kimberly Jahnke, has submitted a petition for approval of the following variances in order to modify the existing detached garage.

1. A variance to Section 6-2-10:2 and Section 6-6C-7:1 to permit an addition to an existing detached garage which encroaches into the 15' corner side yard setback; and
2. A variance to Section 6-2-10:5 to permit a detached garage which exceeds the maximum 480 square foot lot coverage permitted for detached accessory structures in the required rear yard setback; and
3. A variance to Section 6-2-10:3 to permit a detached garage which exceeds the maximum permitted height of 18' for detached accessory structures.

DISCUSSION:

The existing three-car detached garage is located near the rear of the property and is approximately 700 square feet in size (31.80' by 22') and approximately 15'-6" tall. The petitioner is proposing to increase the height and add an addition to the existing detached garage in order to create a garage that is 1,253 square feet in size (34.80' by 36') and 25'-10" in height.

The detached garage addition widens the existing three car garage 3' to the north and 14' to the west effectively adding one additional parking space (reference plat of survey in the attachments to view the location of the garage addition). In conjunction with the garage expansion, the petitioner is proposing to add a second floor. The purpose of these modifications is to create an additional enclosed parking space on the first floor and to create a second floor for storage.

The changes to the proposed garage trigger approval of three variances:

1. Corner side yard setback
2. Maximum lot coverage permitted in the rear yard
3. Height

Staff supports the variances to the corner side yard setback and the rear yard lot coverage requirements. However, staff is not in support of the requested height variance. Details on each of the requested variances are provided below.

Corner Side Yard Setback Variance

The accessory structure regulations of the Municipal Code require accessory structures to comply with the corner side yard setback requirements (Section 6-2-10). Pursuant to Section 6-6C-7:1 (R2 Zoning District: Yard Requirements) of the Code, the subject property has a 15' required corner side yard setback. Currently, the existing detached garage does not currently comply with the required corner side yard setback as it is setback 9' from the property line abutting Ewing Street.

Section 6-2-19 of the Municipal Code outlines the allowances for repairs and alterations of existing buildings and structures that are non-compliant with the yard requirements. Existing structures are permitted to continue during the remainder of the normal life of the structure, however, any repairs or alterations which increase the lot coverage are only permitted if the alteration complies with the yard requirements of the zoning district in which the structure is located. Therefore, the petitioner is able to add onto the existing detached garage, but is required to seek relief from the corner side yard setback requirements for the northern portion of the garage addition that extends into the corner side yard setback.

The new portion of the garage, which is proposed to encroach 6' into the corner side yard setback, is

minimal (approximately 3' wide). Staff is in support of the request to encroach into the setback given the detached garage is already located within the corner side yard setback. The new portion directly aligns with the existing location of the garage and will maintain the existing 9' setback. Therefore, staff concurs with the responses to the standards as submitted by the petitioner, with respect to the corner side yard setback variance request, and recommends adoption by the City Council.

Rear Yard Lot Coverage Variance

Per Section 6-2-10:5, detached accessory structures are only permitted to occupy 25% or 480 square feet (whichever is greater) of the required rear yard. At the subject property, the required rear yard setback is 25'. Given the 50' property lot width, a maximum of 480 square feet is permitted for detached accessory structures located in the rear 25' of the subject property.

Currently, the detached garage occupies approximately 312 square feet of coverage in the rear 25' of the property. With the proposed garage addition, the lot coverage in the required rear yard will increase to 511 square feet (31 over the maximum permitted), thereby triggering the need for a variance.

The proposed addition allows for an additional parking space to be provided within the detached garage. The petitioner has indicated that an additional parking space is needed at the property given it is located in an area of Naperville that has narrower streets which provide limited on-street parking options. Additionally, staff notes that the variance request is minor given the garage is only 31 square feet over the maximum size permitted by right. Staff concurs with the responses to the standards as submitted by the petitioner, with respect to the rear yard lot coverage variance request, and recommends adoption by the City Council

Height Variance

The petitioner intends to increase the height of the existing detached garage from approximately 15'-6" to 25'-10". As indicated by the petitioner, the proposed interior height of the first floor of the garage would have 10' and 12' ceilings to accommodate an automotive lift and the second floor would have a ceiling height of 5'-8'.

The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff does not concur with the responses to the standards as submitted by the petitioner in regards to the height variance request. Staff's comments with respect to the proposed variance standards, based upon a review of the subject property, applicable Code provisions for the R2 Zoning District and accessory structure regulations, are as follows:

Variance Standard #1: The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

Staff Comments: Accessory structures are required to comply with the 18' maximum permitted height. Per Section 6-1-6 (Zoning Regulations: Definitions), an accessory structure is defined as a subordinate building, the use of which is incidental to that of the principal use of the principal building, structure or use of the land. The detached garage exceeds the maximum permitted height by 44% (7'-10"). The proposed height, in combination with the lot coverage and setback requests for this detached garage, creates a structure which is not in harmony with the intention of an accessory structure as defined by the Code.

Variance Standard #2: Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other

properties in the same zoning district.

Staff Comments: While staff acknowledges the need for additional parking given the lack of available on street parking within the neighborhood, the request to exceed the maximum permitted height does not provide for the necessary parking. Staff does not find the need for additional storage on site to be a hardship. Staff finds the petitioner could alter the design of the detached garage to comply with the maximum permitted height of 18' as required by Code.

Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Staff Comments: Many homes within this neighborhood have detached garages adjacent to the Douglas Avenue Alleyway. Within the four City blocks that are adjacent to this Alleyway (blocks between West Street and Webster Street) staff found record of only one height variance which was received for a detached garage. The variance request approved a 22' tall detached garage at 524 Spring Street. However, it does not appear that this detached garage was constructed given no building permit was obtained following approval of the variance. Staff concludes that the existing detached garages comply with the maximum height permitted for detached accessory structures. Therefore, a detached garage which exceeds the maximum height permitted by 7'-10" (or 44% above the maximum allowance) would alter the essential character of the neighborhood.

Planning and Zoning Commission Review

PZC 21-1-031 was considered on May 5, 2021. The PZC discussed staff's recommendation and asked the petitioner for clarification on the requested garage height. Mr. Jahnke responded that the total height of the garage is taller given that the design of the roof mimics the architectural style of the home.

During discussion, the PZC requested confirmation that the second story of the detached garage would have a 5'8" ceiling height; the petitioner confirmed this during the meeting. The PZC then discussed that a 5'8" ceiling height is reasonable. However, it should be noted that the proposed second story ceiling height will actually range in height between 5' tall and 8' tall (not 5'8" as mentioned during the meeting); this ceiling height was noted in the staff report to PZC and confirmed with the petitioner following the meeting.

Commissioner Van Someren found that new construction in this neighborhood has tall attached garages of comparable heights. The Commission discussed the possibility of redesigning the garage to reduce the proposed height. Mr. Jahnke responded the design would then not be compatible with the home. Commissioner Bansal found the proposed detached garage, when constructed, would appear to be a second principal structure on the lot. Commissioner Robbins and Commissioner Bansal expressed concern with the requested height variance. No members of the public provided testimony on the request.

The PZC closed the public hearing and provided a positive recommendation on the request (approved 6,0).

Key Takeaways

- The subject property is improved with a single-family home and a detached garage. The owner wishes to increase the footprint and height of the existing detached garage. If approved

as requested, the size of the detached garage would be 1,253 square feet and the height would be 25'-10".

- Staff is in support of the requests to exceed the maximum permitted lot coverage in the required rear yard and the corner side yard setback variance and recommends the City Council passes the ordinance.
- Staff is not in support of the variance request to exceed the maximum permitted 18' height. Staff recommends denial of this variance request.
- The PZC reviewed the proposal and provided a positive recommendation on all three variance requests.

FISCAL IMPACT:

N/A