



Legislation Details (With Text)

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**Title:** Conduct the public hearing for 231 & 241 N. West Street (West St. Executive Homes) - PZC 23-1-132

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Development Petition, 2. Response to Standards, 3. Building Elevations, 4. Elevations & Site Plan, 5. Landscape Plans, 6. Engineering Plans, 7. Subdivision Plat, 8. Legal Description

Date	Ver.	Action By	Action	Result
4/17/2024	1	Planning and Zoning Commission	approved	Pass

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing for 231 & 241 N. West Street (West St. Executive Homes) - PZC 23-1-132

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Sara Kopinski, AICP

**ENTITLEMENTS REQUESTED:**

- A variance from Section 5-10-3:5.2.4.1 of the City’s Municipal Code to eliminate the fence requirement along the rear property line; and,
- A variance from Section 6-2-10:5 of the City’s Municipal Code to permit a rear yard lot coverage of approximately 64% on the subject property.

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 23-1-132 was published in the Naperville Sun on Sunday, March 31, 2024.

**BACKGROUND:**

Following an administrative re-subdivision, the subject property will consist of approximately 16,906 square feet located at the southwest corner of Spring Avenue and West Street. It is zoned R2 (Single-family and Low Density Multiple-family Residence District) and is occupied by a single-family home that was built in 1857 and, per the petitioner, is generally beyond its useful life. The petitioner seeks to demolish the home and redevelop the property with two duplexes for a total of four dwelling units. To do so, approval of two variances is requested to eliminate the rear yard fencing requirement and increase permissible rear yard lot coverage from 25% to approximately 64% on the subject property.

The subject property is adjacent to a mix of uses including single-family homes, townhomes, and commercial and industrial land uses. The City's Land Use Master Plan designates the future place type of the property as Single-Family and Duplex Residential, which accommodates duplexes. Consistent with the goals of the Land Use Master Plan, the proposal compliments the surrounding neighborhood while diversifying housing options.

### **DISCUSSION:**

The petitioner intends to demolish the existing single-family home on the subject property and construct two duplexes for a total of four dwelling units. Duplexes are a permitted land use in the R2 zoning district, and the petitioner's proposal complies with the R2 district's regulations in terms of residential density, building setbacks, and building height. Garage parking for the proposed duplexes will be provided in the rear of the property and accessed from a shared access drive off Spring Avenue.

The duplexes will be developed in accordance with Section 7-1-3 (Applicability, Compliance and Definitions) of the Naperville Municipal Code and will include shared common space, a shared access drive and shared guest parking maintained by a common interest association.

### ***Administrative Plat of Subdivision***

As part of the request, the petitioner plans to re-subdivide two existing lots for improved lot configurations. The proposed plat of subdivision complies with the City's administrative plat procedures as set forth in [Section 7-2-5 \(Administrative Plat Procedures\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR) [of the Municipal Code](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT7SURE_CH2SUPLPR_7-2-5ADPLPR) as it does not create a new buildable lot or change the configuration of an existing lot, amongst other criteria. Once subdivided, the petitioner plans to develop the north lot with duplexes. No redevelopment plans are currently proposed for the south lot.

### ***Fence Variance***

[Section 5-10-3:5.2.4.1 \(Landscaping and Screening\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT5BURE_CH10LASCTRPR_5-10-3LASC) [of the Municipal Code](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeld=TIT5BURE_CH10LASCTRPR_5-10-3LASC) requires a six-foot tall fence or comparable barrier to be provided across 100% of a parking area adjacent to a residential property. The intent of this code section is to provide adequate screening from headlights and vehicular noise (typically associated with commercial development) for residential neighbors. The proposed residential development does not include a surface area parking lot; rather, the paved area adjacent to the rear property line is planned to provide access to detached, residential garages.

The petitioner seeks approval of a variance to Section 5-10-3:5.2.4.1 of the Municipal Code to eliminate the fence requirement along the rear property line as the homeowner's association to the west already maintains a 6-foot fence along this property line. Staff finds that installing a second, six-foot-tall fence is not practical and that two parallel fences could result in maintenance and aesthetic concerns. Additionally, the proposed access drive maintains an 8-foot setback from the rear property line, providing a horizontal buffer and space for adequate landscaping to be installed between the proposed development and neighboring residential properties. The petitioner agrees to install a mix of arborvitae, ornamental grasses and perennials to enhance the appearance of the subject property's rear yard and further buffer the access drive from neighboring properties.

Based on the existing fence and the site design proposed, staff is supportive of the requested

variance and does not find it to alter the essential character of the neighborhood or to be a substantial detriment to the adjacent property.

### **Rear Yard Lot Coverage Variance**

#### Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land)

<[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA)

nodeId=TIT6ZORE\_CH2GEZOPR\_6-2-10ACBUSTUSLA> of the Municipal Code states that in residential districts, detached accessory buildings or structures shall not occupy more than 25% of a required rear yard. In accordance with the R2 zoning district, the subject property has a 25-foot rear yard setback, and a required rear yard measuring approximately 3,056 square feet in size.

The petitioner requests approval of a variance to Section 6-2-10:5 of the Municipal Code to exceed permissible rear yard lot coverage for the subject property. All buildings/vertical structures proposed will comply with the underlying R2 zoning district's required setbacks, which helps ensure visual bulk will not be a concern for neighboring properties. However, the proposed access drive will occupy 1,957 square feet, or approximately 64%, of the subject property's required rear yard. To visually screen the rear yard from neighboring properties, the petitioner proposes a mix of arborvitae, ornamental grasses and perennials along the rear property line.

Staff is supportive of the variance requested since the rear yard encroachments consist only of uncovered, impervious space and additional landscaping is planned to provide a buffer along the rear property line. Staff finds the petitioner's request acceptable since the access drive provides necessary access to garage parking for future duplex residents.

### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments for each entitlement requested. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

### **Key Takeaways**

- The petitioner requests approval of a variance to Section 5-10-3:5.2.4.1 of the Municipal Code to eliminate the fence requirement along the rear property line. Staff is supportive of the request since there is an existing 6-foot fence already located along the property line and additional landscaping will be installed.
- The petitioner requests approval of a variance to Section 6-2-10:5 of the City's Municipal Code to permit a rear yard lot coverage of approximately 64% on the subject property. Staff is supportive of the request since the rear yard encroachments consist only of uncovered, impervious space that provides access to garages, and additional landscaping will be installed to buffer the encroachment.