



Legislation Details (With Text)

File #: 22-0360B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/17/2022 **In control:** City Council

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Title: Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements) for 406 S. Julian Street (Plummer Variance) - PZC 21-1-145; or

Option B: Concur with staff and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements), apart from a wraparound porch, for 406 S. Julian Street (Plummer Variance) - PZC 21-1-145

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance - Option A (concur with PZC), 2. Ordinance - Option B (concur with staff), 3. Exhibit A - Legal, 4. Exhibit B - Subject Property, 5. Exhibit C - Site Plan, 6. Exhibit D - Standards, 7. Development Petition, 8. Description of Project, 9. Disclosure of Beneficiaries, 10. Building Elevations, 11. Location Map, 12. Draft PZC Minutes

Date	Ver.	Action By	Action	Result
4/5/2022	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements) for 406 S. Julian Street (Plummer Variance) - PZC 21-1-145; or

Option B: Concur with staff and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements), apart from a wraparound porch, for 406 S. Julian Street (Plummer Variance) - PZC 21-1-145

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Sara Kopinski, AICP

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered PZC 21-1-145 on March 16, 2022 and voted to recommend approval of the petitioner's requests (approved 8-0). Staff disagrees with the PZC's recommendation due to the variance requested for a wraparound front porch.

BACKGROUND:

The subject property is located at the southeast corner of Julian Street and Porter Avenue. It is zoned R1A and is approximately 13,300 square feet in size. The subject property is approximately

65 feet wide at the front yard setback along Julian Street, and gradually widens to approximately 96.5 feet at the rear of the property.

The petitioner plans to construct a new, single-family home fronting Julian Street on the property. Due to the narrow front yard, the petitioner requests approval of a variance from Section 6-6A-7 (R1A/Yard Requirements) to reduce the required corner side yard setback from 30 feet to 15 feet; and, approval of a variance to Section 6-2-3:3.2 (Yard Requirements) to allow two porches to extend more than five feet into the required corner side yard. To support the variance request, the petitioner has provided a proposed site plan and conceptual building elevations.

DISCUSSION:

Corner Side Yard Setback Variance

The subject property is a corner lot that fronts Julian Street and has a corner side yard along Porter Avenue. Section 6-6A-7 (R1A/Yard Requirements) of the Municipal Code requires a minimum of a 30-foot corner side yard setback for single-family detached dwellings in the R1A zoning district. The petitioner requests approval of a variance to decrease the required setback to 15 feet at the point of greatest encroachment, as illustrated on the attached site plan.

The opposite side of Julian Street is developed with single-family residences zoned R1B. A 15-foot corner side yard setback is required in the R1B zoning district per Section 6-6B-7 (R1B/Yard Requirements) of the Code. The petitioner's proposal of a 15-foot corner sideyard setback is consistent with the required yards for the residential property across Julian Street.

The subject property is approximately 65 feet wide at the front yard setback line. Per the petitioner, with a required corner side yard setback of 30 feet, and a required interior side yard setback of 8 feet, the proposed single-family home would be restricted to an undesirable width of only 27 feet. Allowing the home to encroach up to 15 feet into the required corner side yard will result in a more desirable building layout while maintaining consistency with setback allowances on the opposite side of Julian Street. The Planning and Zoning Commission and staff are supportive of the petitioner's corner side yard setback variance request and note the proposed home includes variations in the elevations along Porter Avenue which help to reduce the perceived impact of the reduced side yard.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommend their adoption by City Council.

Porch Encroachment Variance

Section 6-2-3:3.2 (Yard Requirements) of the Municipal Code provides property owners with flexibility to construct patios, decks and porches that extend up to 5-foot into front or corner side yards. The subject property's proposed site layout complies with this regulation in the front yard along Julian Street; however, exceeds permissible encroachments in the corner side yard along Porter Avenue.

The petitioner proposes two porches that extend more than 5 feet into the required corner side yard. Porch 1 is a wraparound porch at the front of the house; and, Porch 2 is a side entrance near the garage.

Staff is in support of the porch encroachment variance being sought for Porch 2 as this porch measures less than 5 feet deep and does not extend beyond the outer building walls of the home

along Porter Avenue; however, Porch 1 exceeds a 5-foot depth (measuring approximately 7.5 feet deep) and encroaches approximately 20 feet into the required corner side yard. The result is a wraparound porch that is only setback 10.71 feet from the property line at the point of greatest encroachment.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. The PZC agrees with the petitioner's findings and recommend their adoption by City Council.

While staff is supportive of Porch 2's design, staff is not supportive of the Porch 1 layout and does not concur with the responses to the standards submitted by the petitioner for the reasons noted below:

- **New construction.** The proposed home constitutes a new development built from the ground up, and staff does not believe that there are any hardships which would justify the need for a large wraparound porch on the property.
- **Reduced corner side yard / Availability of porch space.** Given the unique shape of the lot and narrow frontage along Julian Street, staff understands the need to reduce the required corner side yard setback for the principal building. Staff is supportive of the petitioner's corner side yard setback variance request but finds no equivalent hardship to also support a significant porch encroachment, especially since the home also includes porch space along Julian Street (which complies with code requirements) and a smaller porch adjacent to the garage. Porch 1 is proposed to be located only 10.71 feet from the Porter Avenue property line at the point of greatest encroachment.
- **Sidewalk location.** The City typically installs sidewalks one foot from the property line, which would result in a public sidewalk being located less than 12 feet from the proposed porch.

Building Elevations

The petitioner has provided conceptual elevations for reference and discussion purposes. No variations to the City's tear down/infill regulations or residential height requirements have been requested. The proposed single-family home will be required to comply with Section 6-2-26 (Tear Down/Infill Regulations) of the Municipal Code.

Planning & Zoning Commission Action

The PZC considered this matter at its March 16, 2022 meeting and discussed future roadway and sidewalk improvements for Porter Avenue. Commissioners noted the shape of the lot as a hardship and voiced support for the requested variances. One member of the public raised concern with the trend of gentrification of old homes in Naperville, specifically on Julian Street, occurring over the past few years. The PZC closed the public hearing and voted to recommend approval of the petitioner's requests as proposed (approved 8-0).

Staff disagrees with the PZC recommendation.

RELATED FILES

N/A