



Legislation Details (With Text)

File #: 21-1035 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/4/2021 **In control:** City Council

On agenda: 8/17/2021 **Final action:** 8/17/2021

Title: Pass the ordinance granting a deviation to the 33' platted rear-yard setback line for the property located at 815 South Julian - PZC 21-1-092

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Legal Description, 2. Exhibit B - Site Plan, 3. Exhibit C - Response to Standards, 4. Development Petition, 5. Disclosure of Beneficiaries, 6. Ordinance 815 S Julian

Date	Ver.	Action By	Action	Result
8/17/2021	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a deviation to the 33' platted rear-yard setback line for the property located at 815 South Julian - PZC 21-1-092

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Ashley Green, Community Planner

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The Owner and Petitioner, Scott Mathieson, is proposing to deviate from the 33' platted rear-yard setback line to construct a pool, cabana, deck, patio, and other associated appurtenances at 815 South Julian Street. The property is currently zoned R1A (Low Density Single-Family Residence District) and was originally recorded as Lot 6 of the Arthur T. McIntosh and Company's Naperville Estates Subdivision in 1927 with a 33' platted rear-yard setback line. The property was annexed to the City of Naperville in 2020 and subdivided pursuant to the Plat of Subdivision for M. House Creek Estates. A single-family residence has been permitted and is currently under construction on the approximately 0.90-acre lot.

Staff supports the proposal given several adjacent properties who were originally subject to the 33' platted rear yard setback have since abrogated said setback.

DISCUSSION:

The Petitioner intends to build a pool, cabana, deck, and patio behind the primary structure at 815 S. Julian St. These improvements are all in compliance with the property's R1A zoning requirements

and Section 6-2-10:1 of the Code, which regulates detached accessory structures. There is, however, a 33' rear-yard setback that was platted on the subject property through the original subdivision plat and was not abrogated during the subdivision process for M. House Creek Estates. Language on the 1927 subdivision plat states: *"no building shall be erected on the...West Thirty-Three (33.0) feet of Lots ...6."*

Per Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code, *"where a platted building or setback line is in conflict with the required yard provisions of Title 6, "Zoning Regulations," of this Code, the more restrictive requirement shall apply."* Accordingly, improvements on the subject property must comply with the 33' platted setback line unless a deviation is granted.

Nearby and adjacent properties which were originally subject to the 33' platted setback requirement have since abrogated said setback including: 716 Woodlawn Avenue, 616 Driftwood Court, and 612 Driftwood Court. Given the history of prior abrogations on surrounding streets, staff is in support of the requested deviation finding that it will allow for improvements which are consistent with the surrounding neighborhood.

Pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Subdivision Regulations, Planning and Zoning Commission review is not required for the requested deviation. The requested deviation, if approved, will be subject to compliance with the approved site plan. If the Petitioner were to seek any additional improvements in the future which encroached into the platted setback, an additional deviation and/or variance would be required to be processed.

Findings of Fact

The Petitioner's response to the standards for granting a deviation to a platted setback are attached. Staff is in general agreement with the Petitioner's findings and recommends adoption by the City Council.

Key Takeaways

- The Petitioner is requesting a deviation to the 33' platted rear yard setback line for the property located at 815 South Julian to construct a pool, cabana, deck, patio, and associated appurtenances.
- The proposed improvements comply with the R1A district setback requirements and the detached accessory structure requirements.
- Staff supports the proposal given several adjacent properties who were originally subject to the 33' platted rear yard setback have since abrogated said setback.

FISCAL IMPACT:

N/A