



Legislation Details (With Text)

File #: 21-0025B **Version:** 1
Type: Ordinance **Status:** Passed
File created: 1/11/2021 **In control:** City Council
On agenda: 1/19/2021 **Final action:** 1/19/2021
Title: Pass the ordinance approving a variance to Section 6-2-10:6 for the property located at 1516 Mya Court - PZC 20-1-112

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Grading Plan, 4. Exhibit C - Response to Standards, 5. 1516 Mya - Ownership Letter, 6. Development Petition, 7. Site Plan, 8. Site Grading Plan, 9. Landscape Plan, 10. Wehrli Place HOA Approval Letter, 11. HOA Approval Letter, 12. Public Comment, 13. PZC Meeting Minutes 1-6-21 DRAFT

Date	Ver.	Action By	Action	Result
1/19/2021	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a variance to Section 6-2-10:6 for the property located at 1516 Mya Court - PZC 20-1-112

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) reviewed PZC 20-1-112 on January 6, 2021 and provided a positive recommendation (approved 6,0). Staff concurs.

BACKGROUND:

The 12,538-square foot vacant subject property is zoned R1A (Low Density Single Family Residence District). The property is known as Lot 1 of the 77th Street Project development which was approved by the City Council on August 18, 2020 as a ten-lot subdivision (Final Subdivision Plat Approval Ord. 20-080). The subject property is generally located east of Wehrli Road, just north of 77th Street and has a common street address of 1516 Mya Court.

The petitioners, Adam and Heather Tritt, currently reside at 1520 Mya Court which is the single-family lot east of the subject property (Lot 17 of the Lizzadro Subdivision). The petitioners purchased 1516 Mya Court in December 2020 and are requesting approval of a variance to allow for construction of a game court and a shed on the vacant lot without a principal structure. In order to construct these accessory structures, a variance to [Section 6-2-10:6 \(Accessory Buildings, Structures, and Uses of Land: Time of Construction\)](#) <

https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA of the Municipal Code is required.

DISCUSSION:

The owners and petitioners intend to use the vacant lot for open space amenities. Municipal Code provision 6-2-10:6 states that accessory structures cannot be constructed prior to the establishment of the principal structure. Accessory structures by definition are intended to be incidental to the principal use. Therefore, construction of the proposed accessory structures requires approval of a variance.

The proposed game court is a 65' by 40' concrete slab (2,600 sf) and the shed is 10' by 15' (150 sf). The shed will be installed adjacent to the game court. Both the shed and the game court are in compliance with all other accessory structure regulations. The petitioners plan to install landscaping on all four sides of the game court in compliance with the Code.

Staff typically instructs applicants to seek approval of an administrative plat of subdivision to consolidate the lots in order to maintain compliance with the Code's requirement that an accessory structure not be constructed without a principal use. For the current proposal, the applicants are unable to seek consolidation because the two lots are located within different subdivisions and are governed under separate Homeowners Associations. Additionally, the lots are separated by a 20' wide public utility and drainage easement which provides access to the existing stormwater management easement (Lot 18 of the Lizzadro Subdivision). Both the location of the easement and the separate subdivisions prevent lot consolidation. For these reasons, staff is supportive of the requested variance.

Game Court Lighting Condition

The petitioner has indicated they are considering installing landscaping lighting on the subject property, but do not wish to install lighting around the game court at this time. The Municipal Code Performance Standards (6-14) do not provide specific regulations regarding game court lighting. To remedy this, staff has included a condition in the ordinance clarifying that any lighting installed must comply with the Performance Standards per Section 6-14-4 of the Naperville Municipal Code.

Planning and Zoning Commission

The Commission reviewed PZC 20-1-112 on January 6, 2021 and provided a positive recommendation on the request (approved 6,0). The petitioner's response to the Standards for Granting a Zoning Variance are attached. Upon review, staff and the PZC agree with the petitioner's findings and recommend their adoption by the City Council. It should be noted that if future accessory structures are proposed on the lot, beyond the installation of a game court and shed, an additional variance will be required (subject to PZC review and City Council approval).

Key Takeaways

- The petitioner is proposing to construct a game court and a shed on the vacant property located at 1516 Mya Court. A variance is required from Section 6-2-10:6 in order to construct the structures without a principal structure.
- Staff and the Planning and Zoning Commission are in support of the variance request finding the location of the existing easement to prove hardship that prevents the consolidation of the two properties.

FISCAL IMPACT:

N/A