



Legislation Details (With Text)

**File #:** 18-761B      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/20/2018      **In control:** City Council  
**On agenda:** 10/2/2018      **Final action:** 10/2/2018  
**Title:** Pass the ordinance granting a variance to reduce the corner side yard setback in the R1A District pursuant to Section 6-6A-7:1 of the Naperville Municipal Code at the subject property located at 440 Hawley Court, Naperville - PZC 18-1-089

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 440 Hawley Court - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Addition Plans, 4. Exhibit C - Standards, 5. Location Map, 6. 440 Hawley application, 7. 9.19.18 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
10/2/2018	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to reduce the corner side yard setback in the R1A District pursuant to Section 6-6A-7:1 of the Naperville Municipal Code at the subject property located at 440 Hawley Court, Naperville - PZC 18-1-089

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on September 19, 2018 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

**BACKGROUND:**

The subject property is located southwest of the intersection of Hawley Court and Copperfield Drive. The 14,097 square foot property is zoned R1A (Low Density Single-Family Residence District) and is improved with a single-family residence with a two car attached garage. The petitioner, Todd Nelmark, requests to construct a third car addition to the attached garage. The proposed addition encroaches into the corner side yard along Copperfield Drive and will require a variance.

**DISCUSSION:**

Per Section 6-6A-7:1 (R1A District: Yard Requirements) of the Municipal Code, the required corner side yard in the R1A District is 30'. The petitioner proposes to construct an addition to the existing attached garage that will encroach 3'9" into the 30' setback at its great extent. The majority of the addition will be constructed in compliance with the corner side setback requirement.

The purpose of the corner side yard setback requirement is to preserve sight lines and the open nature of the corner side yard. The proposed addition represents a minor encroachment into the corner side yard and does not affect any sight lines. The addition will also provide a third enclosed parking space on the subject property. Given these factors, staff is in support of the request. The petitioner's responses to the standards for granting a variance are attached. Staff is in general agreement with the petitioner's findings and recommends adoption by the City Council.

***Planning and Zoning Commission Action***

The Planning and Zoning Commission opened the public hearing to consider PZC 18-1-089 on September 19, 2018. Todd Nelmark spoke as the petitioner. Two members of the public spoke during public testimony. One resident inquired about similar variances in the area and a second resident noted that he was in support of the request. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 18-1-089 (approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

***Key Takeaways***

- The petitioner requests approval of a variance to reduce the corner side yard setback in the R1A district in order to construct an addition to the attached garage.
- Given that the proposed encroachment is minor in nature, staff supports the request.

**FISCAL IMPACT:**

N/A