



Legislation Details (With Text)

File #: 20-1387 **Version:** 1

Type: Public Hearing **Status:** Agenda Ready

File created: 11/13/2020 **In control:** Planning and Zoning Commission

On agenda: 11/18/2020 **Final action:** 11/18/2020

Title: Conduct the public hearing to consider a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097

Sponsors:

Indexes:

Code sections:

Attachments: 1. Application, 2. Responses to the standards, 3. Site plan, 4. Submitted permit, 5. Generator brochure, 6. Generator photo, 7. Legal description and PIN, 8. Location map, 9. Public comment

Date	Ver.	Action By	Action	Result
11/18/2020	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, Community Planner

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 20-1-097 was published in the Daily Herald on November 2, 2020.

BACKGROUND:

The subject property is generally located east of the intersection of Shepherd Dr. and Cardigan Ct. and is zoned R1A (Low Density Single-Family Residence District). The property is approximately 14,614 square feet and is improved with a single-family structure.

DISCUSSION:

The petitioner and property owner, Gary L. Kochanek, is seeking to install a backup generator as illustrated on the attached plat of survey. The petitioner is requesting approval of a variance from [Section 6-6A-7:1 \(Yard Requirements\)](#) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodid=TIT6ZORE_CH6REDI_ARTAR1LODESIMIREDI_6-6A-7YARE> of the Naperville Municipal Code to allow the proposed generator to encroach approximately 1.5' into the 8' required interior side yard setback, placing the generator 6.5' from the interior side property line.

The petitioner's responses to the Standards for Granting a Variance are included in the Development

Petition. Staff's comments with respect to the variance standards, based upon a review of the subject property and applicable Code provisions, are as follows:

There are existing air conditioner units located on the subject property that do not appear to meet the interior side yard setback. It is unclear as to when the air conditioner units were installed at their current location or the approvals that were obtained prior to their installation. The petitioner is proposing to locate the generator in the same general location of the air conditioning units.

It should be noted that the adjacent property owner has submitted a letter of objection to the requested variance due to the potential noise and exhaust from the unit. In addition to these concerns, staff notes that it appears that the generator could be located elsewhere on the property in compliance with required setbacks (i.e., rear of the home). However, the petitioner has indicated that the side yard location is preferred.

While staff has concerns with the request based on the neighbor letter received, if the Planning and Zoning Commission determines that the Standards for Granting a Variance are met, staff recommends adding the following conditions of approval to this variance to further the intent of the Zoning Ordinance to maintain noise performance standards and reduce visibility of the generator:

The proposed location of the generator shall meet the noise requirements at the property line found in the [Section 6-14-4 \(Standards\)](#) https://library.municode.com/il/naperville/codes/code_of_ordinances?nodetid=TIT6ZORE_CH14PEST_6-14-4ST of the Naperville Municipal Code. The generator must be screened, with either landscaping or fencing, so it cannot be seen from the adjacent property and ROW and so that potential noise and emission impacts will be reduced.

Key Takeaways

- The petitioner requests a variance to install a backup generator that extends 1.5' into the 8' interior side yard setback.
- The proposed generator would be installed 6.5' from the interior side property line. Although there appears to be adequate space for the generator at the proposed location, there are other locations on the property where the generator could be installed and meet the 8' interior side yard setback requirement.
- If the variance is granted, staff recommends the inclusion of a condition of approval that requires the generator to meet the noise requirements at the property and screening of the equipment from the adjacent property and ROW.