



Legislation Details (With Text)

**File #:** 21-0173B      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/4/2021      **In control:** City Council  
**On agenda:** 3/2/2021      **Final action:** 3/2/2021  
**Title:** Pass the ordinance granting a variance to the interior side yard setback in order to construct a porte cochere at 6 North Columbia Street - PZC #21-1-007

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 6 N. Columbia St., 2. Exhibit A, 3. Exhibit B, 4. Exhibit C, 5. Exhibit D, 6. PZC Meeting Minutes 2-3-21, 7. HPC Meeting Minutes 01-28-21 DRAFT, 8. Variance Application, 9. Elevations, 10. Disclosure of Beneficiaries, 11. COA Application with Response to Factors, 12. Location Map

Date	Ver.	Action By	Action	Result
3/2/2021	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to the interior side yard setback in order to construct a porte cochere at 6 North Columbia Street - PZC #21-1-007

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, Community Planner

**BOARD/COMMISSION REVIEW:**

At its February 3, 2021 meeting, the Planning and Zoning Commission (PZC) considered this matter and voted to recommend approval of the request (approved 8-0). Staff concurs with the recommendation.

On January 28, 2021, the Historic Preservation Commission (HPC) approved Certificate of Appropriateness (COA) 20-4723, which permitted a change to the primary façade with the addition of the porte cochere (vote: 6 in favor; 1 opposed). The HPC also recommended approval of the variance to the interior side yard setback (vote: 6 in favor; 1 opposed). There was no public testimony during the meeting. The HPC discussed the approval process for the structure and the reasoning for the setback variance and change to the primary façade.

**BACKGROUND:**

The subject property is located at 6 N. Columbia Street, and consists of an approximately 11,250 square foot parcel. The property is improved with a residence and detached garage, and is zoned R2 (Single-Family and Low Density Multiple Family Residence District).

**DISCUSSION:**

The Petitioner, Erik G. Haugsnes, a Trustee of the property owner, The Jack and Helen J. Haugsnes Living Trust, is seeking to construct a porte cochere as illustrated on the site plan. The Petitioner is requesting approval of a variance to the R2 interior side yard setback to permit the proposed structure to encroach 1ft, locating the porte cochere 5ft from the interior side property line. The porte cochere would be attached to the home and is required to be 6ft from the interior side property line. The encroachment into the setback would be approximately four square feet of the three brick columns.

Per the Petitioner, in order for the existing attached garage to align with the opening of the porte cochere, the pillars must be located within the interior side yard setback. Mr. Haugsnes also explained in the variance application that the extended width of the structure will create more space for elderly family members to be shielded from the elements while in a wheelchair transitioning between the residence and vehicle.

### **Project Background**

After researching the City's permitting requirements online, the Petitioner began work on the porte cochere without a permit based on his understanding that a permit was not required. During construction, the City's Code Enforcement Team received an inquiry about the work and subsequently issued a Stop Work Order until a building permit and COA approval could be obtained as required. The work was not completed by the time staff visited the site.

### **Findings of Fact**

The Petitioner's responses to the Standards for Granting a Zoning Variance can be found in the attachments. Staff is in general agreement with the Petitioner's responses and recommends approval of the variance request.

### **HPC Review**

City staff advised the homeowners that they would be required to seek approval of a COA by the HPC in order to complete the porte cochere. A COA is required because major work is proposed on the primary façade of the principle building as described in Section 6-11-8. The attached site plan and elevations for the proposed structure are attached. On January 28, 2021, the HPC recommended approval of the requested COA. The HPC's approval of the COA is final; no further PZC or City Council review of the COA is required.

Per Code, the HPC also provides a recommendation to the PZC regarding any variance that is sought in the historic district. On January 28, 2021, the HPC also recommended approval of the requested side yard setback variance.

### **Planning and Zoning Commission**

The PZC considered the variance request on February 3, 2021. Erik Haugsnes, the Petitioner, presented the request. One person spoke in support of the proposal during the public hearing. Staff confirmed for the PZC that the HPC provided a positive recommendation on the variance request. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC #21-1-007 (approved 8-0). Staff concurs.

### **Applicable Fines**

The Petitioner will be required to apply for a building permit and pay all applicable permit and inspection fees. In addition, staff will take steps to assess the work without a permit fee (minimum \$500) per Section 109.4 (Work Commencing Before Permit Issuance) of the Naperville Municipal Code.

***Key Takeaways***

- The Petitioner requests approval of a variance to Section 6-6C-7:1 (R2 Yard Requirements) of the Naperville Municipal Code to permit a 1ft encroachment into the required 6ft interior side yard setback in order to construct a porte cochere.
- The HPC supported the variance (vote: 6 in favor; 1 opposed). COA 20-4723 was also approved by the HPC to allow for the porte cochere addition (vote: 6 in favor; 1 opposed).
- The PZC supported the requested variance (vote: 8 in favor; 0 opposed). Staff recommends approval.

**FISCAL IMPACT:**

N/A