



Legislation Details (With Text)

File #: 23-0556 **Version:** 1

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

File created: 4/28/2023 **In control:** Planning and Zoning Commission

On agenda: 5/3/2023 **Final action:** 5/3/2023

Title: Conduct the public hearing to consider variances to Section 6-6C-7:1 (Yard Requirements) for the property located at 715 Center Street - PZC 23-1-026

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition, 2. Legal Description, 3. Site Plan, 4. Front Elevation, 5. Rear Elevation

Date	Ver.	Action By	Action	Result
5/3/2023	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider variances to Section 6-6C-7:1 (Yard Requirements) for the property located at 715 Center Street - PZC 23-1-026

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Adam Beaver, AICP Candidate, Community Planner

ENTITLEMENTS REQUESTED:

A variance from Section 6-6C-7:1 (R2/ Yard Requirements) to utilize the pre-1989 interior side yard setbacks of 6 feet on each side.

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 23-1-026 was published in the Naperville Sun on Sunday, April 16, 2023.

BACKGROUND:

The subject property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is located on Center Street between 7th and 8th Avenues. The approximately 7,500 square foot lot is currently unimproved. The owner and petitioner, Jay Nebor, requests approval of a variance to construct a single-family home utilizing the pre-1989 interior side setbacks.

DISCUSSION:

The property was consolidated with the lot to the north in 2016 through the This Is My Yard

Subdivision (i.e., one larger lot). In 2021, the lot was subsequently re-subdivided to the original lot dimensions (i.e., resulting in two lots) through the This Is Not My Yard Subdivision. The consolidation and re-subdivision resulted in this lot needing to adhere to the post-1989 interior side yard setback requirements of 6 feet minimum on each side with a combined total of 16 feet between each interior side yard.

Prior to submitting a building permit application for their single family home, the petitioner was advised by a former City staff member that the interior side setbacks for the property were 6 feet on each side (pre-1989 setbacks) and the petitioner then had the home designed based off of that advice. When the petitioner submitted their building permit, it was noted by Staff during the review that due to the 2021 re-subdivision, the post-1989 interior side setbacks now applied, and a variance would therefore be required for the home to be approved as proposed with the pre-1989 setbacks.

The homes to the north and south of the subject property are both newer teardowns that utilize the pre-1989 setbacks of 6 feet on each side, and therefore the home proposed by the petitioner would not be located significantly closer to the property lines than the neighboring properties. Additionally, staff feels that the character of the neighborhood will be maintained with the petitioner's request as many of the homes in the neighborhood are older and utilize the same pre-1989 6' interior side yard setbacks that the petitioner is requesting and therefore supports the request.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, staff is in general agreement with the variance findings and recommends adoption by the Planning and Zoning Commission.

Key Takeaways

- The petitioner requests variances from Naperville Municipal Code Section 6-6C-7:1 (R2 Yard Requirements) Staff supports the requested variance.