



Legislation Details (With Text)

**File #:** 23-1386B      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/7/2023      **In control:** City Council  
**On agenda:** 1/16/2024      **Final action:** 1/16/2024  
**Title:** Pass the ordinance approving a variance to allow a garage addition and an accessory structure to encroach into the corner side yard setback at 730 E Benton Avenue - PZC 23-1-095

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Response to Standards, 5. Petition for Zoning Variance, 6. Architectural Plans, 7. Breeze Block Wall Material, 8. Existing Conditions Photo

Date	Ver.	Action By	Action	Result
1/16/2024	2	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a variance to allow a garage addition and an accessory structure to encroach into the corner side yard setback at 730 E Benton Avenue - PZC 23-1-095

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Brad Iwicki, Assistant Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 23-1-095 on December 6, 2023, and recommended approval of the request (approved 6-0). Staff concurs.

**BACKGROUND:**

The subject property is generally located on the south side of Benton Avenue between Columbia Street and Julian Street and is zoned R2 (Single-Family and Low Density Multiple-Family Residence). The property is approximately 0.19 acres and is improved with a single-family structure. Currently an electrical utility switch disrupts the line of sight when the homeowner exits their driveway.

The proposed scope of work for this project includes reorientation of the driveway and driveway access from E Benton Avenue to the Columbia Street alley for improved visibility when accessing the garage, a proposed garage addition to provide three enclosed parking spaces, and a patio with a breeze block wall as depicted on the site plan included in the attachments. The proposed improvements require approval of a variance to allow the garage addition and accessory structure to encroach into the required corner side yard setback

## **DISCUSSION:**

The owner and petitioner, Tom Flynn, is seeking to construct a garage addition measuring approximately 12' by 26.5' (305 sq.ft. in size), and a breeze block wall accessory structure as shown on the attached plans. The petitioner is requesting approval of a variance from Section 6-6C-7:1 (R2/Yard Requirements) of the Naperville Municipal Code to allow the proposed garage addition to encroach approximately 2.5' into the 15' required corner side yard setback. If the plans are approved, approximately 63 square feet of the proposed garage addition would be located in the required corner side yard in addition to the breeze block wall.

The proposed garage addition would be constructed to extrude from the north façade of the garage and abut the proposed brick paver patio. The brick paver patio encroaches 5' into the corner side yard and is compliant with the Code since a patio may extend 5' into the required corner side yard setback. Additionally, the petitioner is requesting approval of a variance from Section 6-2-10:2 of the Code to construct a breeze block wall to encroach approximately 6.32' into the required 15' corner side yard setback. The proposed breeze block wall is 14' in length and 5' 9" tall and be constructed of 7.5" x 7.5" decorative cement blocks on 42" trench footing (see attachment "wall material"). The wall is intended to screen the patio for privacy.

While the proposed patio is permitted to encroach into the required corner side yard setback per the Zoning Code, the garage addition and breeze block wall are required to comply with the required corner side yard setback in the underlying R2 zoning district. The R2 setback requirements are intended to prevent structures from being built in close proximity to the public right-of-way. The petitioner identifies that their proposed improvements respect the character of the existing neighborhood, improve sidewalk connections and provide safer alley access. Engineering does not have concerns with the proposed design, therefore staff finds the requested variances to be appropriate.

The City's electric utility requested that the easements on the subject property be brought up to current standards to include a 10-foot easement along the west property line (rear) and a 5-foot easement along the south property line (interior side). The driveway improvement will require an easement encroachment agreement.

As such, the PZC and staff have included the following condition of approval for the requested variance in the ordinance prepared:

- The Owner shall be required to plat a 10-foot public utility and drainage easement along the west property line (rear), and a 5-foot easement along the south property line prior to any improvements being constructed. The Owner shall also be required to enter into an easement encroachment agreement with the City of Naperville in order to improve the property with the proposed driveway as it will cross the 10-foot public utility and drainage easement along the west (rear) property line.

## ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the PZC and staff agree with the petitioner's Findings and recommend their adoption by City Council.

## ***Planning and Zoning Commission Action***

The Planning and Zoning Commission considered this matter at their meeting on December 6, 2023. No members of the public provided testimony. Chairman Athanikar inquired about the condition of approval for the requested variance. Staff confirmed that the petitioner was made aware of the request by Public Utilities - Electric Department, and the petitioner stated they are in agreement with the request.

Following this discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's requests (approved 6-0). Staff agrees with the Planning and Zoning Commission's recommendation.

**FISCAL IMPACT:**

N/A