



Legislation Details (With Text)

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**Title:** Deny the request for a variance from Section 6-2-10:5 of the Naperville Municipal Code to allow for construction of a parking pad at the subject property located at 626 S. Webster Street, Naperville - PZC 18-1-061

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Standards, 3. Legal Description, 4. Site Plan, 5. Images of Surrounding Properties, 6. Location Map, 7. 8.1.18 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
9/4/2018	1	City Council	approved	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Deny the request for a variance from Section 6-2-10:5 of the Naperville Municipal Code to allow for construction of a parking pad at the subject property located at 626 S. Webster Street, Naperville - PZC 18-1-061

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 18-1-061 on August 1, 2018. The Commission voted 3-3 resulting in no recommendation. Staff is not in support of the request.

**BACKGROUND:**

The subject property is zoned R2 (Single-Family and Low Density Multiple Family Residence District) and is generally located south of Porter Avenue, east of Webster Street with a common street address of 626 S. Webster. The 0.30-acre property is currently improved with a single-family residence with an attached garage and three car detached garage. The petitioner, Brad Drendel, on behalf of the owners Kevin and Shari Dause, requests approval of a variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land: Percentage of Required Yard Occupied) to allow for construction of a parking pad that exceeds the maximum 25% lot coverage permitted for detached accessory structures in the required rear yard.

**DISCUSSION:**

*Planning and Zoning Commission*

The public hearing before the Planning and Zoning Commission (PZC) was opened on August 1,

2018. No members of the public provided testimony. The Commission voted 3-3, resulting in no recommendation. Commissioners in support of the proposal found that construction of a parking pad would not alter the character of the neighborhood. Commissioners who cast dissenting votes found ample parking existed on the property and that no hardship existed.

*Staff Review*

Section 6-2-10:5 of the Municipal Code permits detached accessory structures to cover a maximum of 25% of the required rear yard or 480 square feet, whichever is greater. For the subject property, the required rear yard is the area included within the 25' required rear yard setback which is equivalent to approximately 1,748 sq.ft.; 25% of this required rear yard is equivalent to 437 sq.ft. Accordingly, since the 25% coverage falls below the 480 square foot minimum noted above, the property owner is permitted to cover a maximum of 480 sq.ft. The petitioner is requesting to exceed this coverage by 315 sq.ft. for a maximum rear yard coverage of 795 sq.ft., as demonstrated below.

<i>Improvement</i>	<i>Total Size of Improvement</i>	<i>Portion of Improvement Located Within 25' Required Rear Yard</i>
Detached Garage	23' x 37' (851 sq.ft.)	10' x 37' (370 sq.ft.)
Parking Pad	38' x 17' (646 sq.ft.)	17' x 25' (425 sq.ft.)
<b>Total</b>		<b>795 sq.ft.</b>

The petitioner's responses to the Standards for Granting a Variance are included in the attachments. The petitioner has indicated the proposed parking pad is not out of character with the surrounding neighborhood and the purpose of the parking pad will serve as additional play space and for future parking. Staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the proposed variance standards, based upon a review of the subject property, applicable Code provisions for the R2 Zoning District and standards for variance requests, are as follows:

*Variance Standard #1: The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.*

Staff Comments: As noted above, accessory structures are required to comply with the maximum 25% lot coverage permitted in the required rear yard. In combination with the height and setback requirements for accessory structures, the purpose of the accessory structure regulations is to preserve the open nature and minimize the bulk of structures located in the rear yard. Staff finds the construction of a parking pad does not preserve the open nature of the required rear yard and therefore, is not in harmony with the intent of the accessory structure regulations.

*Variance Standard #2: Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.*

Staff Comments: The subject property is zoned R2. It is not unique from other properties in the same zoning district and strict enforcement of the accessory structure regulations does not result in a hardship. The residential parking spaces required per code have been met (and exceeded) at

the subject property through both the attached and detached garage spaces that currently exist on the property.

*Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

Staff Comments: Upon review, staff found the proposed parking pad will not alter the essential character of the surrounding neighborhood. Many surrounding properties have parking pads that are located in the required rear yards. However, staff did not discover any variances were granted and several properties did not receive permits for the additional parking spaces. Therefore, staff considers the existing parking pads to be existing nonconforming.

Based on this information, and the overall proposal, staff recommends denial of the variance request to construct a parking pad in excess of the permitted lot coverage in the required rear yard. Should City Council support the proposal, they should direct staff to prepare an ordinance approving the variance for consideration at a future meeting.

### **Key Takeaways**

- The petitioner requests a variance to permit construction of a parking pad that exceeds the permitted lot coverage in the required rear yard.
- Staff does not support the requested variance. While the proposed parking pad is not out of character with the neighborhood, staff finds the proposal does not meet the standards for hardship and does not comply with the general intent of the Municipal Code.

### **FISCAL IMPACT:**

N/A