



Legislation Details (With Text)

File #: 24-0383B **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/4/2024 **In control:** City Council

On agenda: 5/7/2024 **Final action:** 5/7/2024

Title: Pass the ordinance approving a variance to Section 6-6A-7:1 (R1A: Yard Requirements) of the Naperville Municipal Code to allow a principal structure to encroach into the rear yard setback at 1520 N Loomis St - PZC 24-1-011

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. EXHIBIT A - Legal Description, 3. EXHIBIT B - Subject Property, 4. EXHIBIT C - Site Plan, 5. EXHIBIT D - Response to Standards, 6. Petition for Zoning Variance, 7. PZC Meeting Minutes 4-3-24

Date	Ver.	Action By	Action	Result
5/7/2024	1	City Council	passed	

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a variance to Section 6-6A-7:1 (R1A: Yard Requirements) of the Naperville Municipal Code to allow a principal structure to encroach into the rear yard setback at 1520 N Loomis St - PZC 24-1-011

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Brad Iwicki, Assistant Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 24-1-011 on April 3, 2024, and recommended approval of the request (approved 8-0).

BACKGROUND:

The petitioner, Caitlin Csuk, Rosanova & Whitaker, Ltd., submitted a petition on behalf of the owners, William and Sonia Buchar, for the subject property generally located on the east side of Loomis Street north of Bauer Road and zoned R1A Planned Unit Development (Low Density Single-Family Residence District Planned Unit Development) ("PUD"). The property is approximately 1.776 acres located in the Maple Terrace Unit 3 PUD and is improved with a two-story single-family structure built in 1904, detached garage, and shed.

The proposed scope of work for this project includes a breezeway addition connecting the detached garage to the existing principal structure and a garage addition as depicted on the site plan included in the attachments. Currently, the detached garage is compliant with the Naperville Municipal Code ("the Code") Section 6-2-10: Accessory Buildings, Structures, and Uses of Land. Upon connection of

the detached garage and the principal structure, the garage becomes part of the principal structure and shall comply with the R1A yard requirements, requiring a 30-foot rear yard setback. The proposed improvements require approval of a variance to allow the principal structure to encroach into the required rear yard setback. There are no additional regulations, standards, or criteria established with the Maple Terrace Unit 3 PUD that impact the proposed improvements.

DISCUSSION:

The petitioner is seeking to construct a breezeway addition to the principal structure and a garage addition. The breezeway addition is approximately 552 square feet and will be constructed at the northeast corner of the principal structure, connecting with the east wall of the existing detached garage. The breezeway will provide more easily accessible ingress and egress from the outdoors and the garage. The petitioner also proposes a garage addition that is 413 square feet and constructed on the south wall of the existing detached garage. To make these improvements possible, the petitioner is requesting approval of a variance from Section 6-6A-7:1 (R1A/Yard Requirements) of the Code to allow the principal structure to encroach approximately 6.15 feet into the required rear yard setback. If the plans are approved, approximately 95 square feet of the principal structure will be located in the required rear yard of the subject property.

The required rear yard setback is in place to provide a consistent distance from the property line to the principal structures throughout the neighborhood, allowing for a specific neighborhood character. Neither the breezeway addition nor garage addition will be visible from the public right-of-way with a sight line perpendicular to the primary façade. Staff is supportive of the variances requested since the breezeway and garage addition are being constructed within the required zoning district setbacks and is not in full view from the right-of-way. Additionally, staff notes that the existing location of the garage has not generated any complaints from adjacent properties, and the proposed additions will not bring the structures any closer to the adjacent properties.

Administrative Plat of Subdivision

Currently, existing improvements on the property are located on two lots identified as Lot 5 and Lot 6 on **Exhibit B** ("**Subject Property**") provided in the attachments. The City's Planning Services Team requests the petitioner resubdivide the lots with an administrative plat of subdivision to create one legal lot of record and bring the property into conformance with the Zoning Code.

The following condition of approval has been included in the ordinance prepared:

- The Owner shall be required to resubdivide the Subject Property to address existing, nonconforming encroachments as depicted on **Exhibit C** ("**Site Plan**") through an administrative plat of subdivision in accordance with Section 7-2-5 (Administrative Plat Procedures) of the Naperville Municipal Code. Said plat shall be recorded with the DuPage County Recorder prior to issuance of any final occupancy permit.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. The PZC and staff are in agreement with the petitioner's Findings for the variance from Section 6-6A-7:1 (R1A: Yard Requirements) and recommend their adoption by City Council.

Planning and Zoning Commission Action

The Planning and Zoning Commission considered this matter at their meeting on April 3, 2024. There was no public testimony. Commissioner McDaniel voiced his support of the project. Following

discussion, the PZC closed the public hearing and voted to recommend approval of the petitioner's request (approved 8-0).

FISCAL IMPACT:

N/A