



Legislation Details (With Text)

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Title: Pass the ordinance approving setback and driveway variances for the property located at 104 Triton Lane - PZC 22-1-125

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. EXHIBIT A - Legal, 3. EXHIBIT B - Site Plan, 4. EXHIBIT C - Response to Standards, 5. Petition, 6. Project Description & Response to Standards, 7. Disclosure Statements, 8. Elevation Drawing, 9. PZC Meeting Minutes 4-6-23 DRAFT

Date	Ver.	Action By	Action	Result
5/2/2023	1	City Council	passed	

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving setback and driveway variances for the property located at 104 Triton Lane - PZC 22-1-125

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Adam Beaver, AICP Candidate

ENTITLEMENTS REQUESTED:

1. Variances from Section 6-6A-7:1 (R1A/ Yard Requirements) to reduce the required corner side yard setback and to reduce the required rear yard setback.
2. A variance from Section 6-9-2:12.1.1 (Residential Driveway Design) to reduce the required driveway taper distance.

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered PZC 22-1-125 on April 6, 2023 and recommended approval of the request (approved 7-0). Staff concurs.

BACKGROUND:

The subject property is zoned R1A (Low Density Single Family Residence District) and is located on the southwest corner of Triton Lane and Olympus Dr. The approximately 10,441 square foot lot is improved with a single-family residence. The owner and petitioner, Elizabeth Braham Spencer, requests approval of variances to construct an attached two-car garage and associated driveway expansion that does not meet the taper requirements.

DISCUSSION:

The existing single-family home was constructed in 1961 and built to conform with the zoning setbacks of the time. The lot was rezoned in 1980 per Ordinance 80-005 as part of the City's comprehensive amendment to the zoning code. After rezoning, the existing home and garage no longer met the setback requirements; a condition that remains today. The existing home and one car garage currently encroach 12.76 feet into the corner side yard setback.

The Petitioner is proposing to demolish the existing attached one car garage and construct an attached two-car garage on the property. Due to the location of the home on the lot, the proposed garage would encroach into both the corner side yard setback and the rear yard setback. In order to provide access to the new garage, the proposed driveway would not meet the driveway taper distance requirement of 15' from the setback line.

Corner Side Yard Setback Variance

Naperville Municipal Code Section 6-6A-7:1 (Yard Requirements) requires a 30-foot corner side yard setback for the subject property. The existing attached one car garage encroaches 12.76 feet into the required 30-foot corner side yard, resulting in an existing corner side yard setback of 17.24 feet. The proposed attached two car garage would encroach approximately 18.8 feet into the required corner side yard setback resulting an 11.2-foot setback from the property line. This results in an additional encroachment of approximately 6.04 feet over existing conditions. Staff finds the requested corner side yard setback to be reasonable due to the subject property's lot configuration and the orientation of the proposed garage in relation to the existing home. The 11.2-foot setback measurement was taken at the northernmost corner of the garage, where it is closest to the road. The setback gradually increases as one moves west towards the neighboring property.

Rear Yard Setback Variance

Naperville Municipal Code Section 6-6A-7:1 (Yard Requirements) requires a rear setback that is 25% of the lot depth, not to exceed 30 feet. Therefore, the required rear yard setback for the subject property is 30 feet. The garage proposed by the petitioner would encroach 9.1 feet into the 30-foot rear yard setback, resulting in a setback of 20.9 feet from the rear property line.

The subject property is unique since the rear yard abuts the neighboring property's interior side yard. As a result, the subject property's rear yard functions more as an interior side yard, and the proposed setback of 20.9 feet is significantly larger than it would be if the single-family home on the property was oriented differently. Staff is supportive of the petitioner's requested rear yard setback variance due to the orientation of both the subject property and the adjacent lot.

Driveway Variance

The petitioner is proposing to widen their driveway in order to access the proposed second garage space. Section 6-9-2:12.1.1 (Residential Driveway Design) states that driveways are permitted to widen such as to accommodate additional garage spaces but must begin to taper after 15 feet measured from the front or corner side setback. The attached site plan shows that the proposed driveway would begin to taper 28 feet from the corner side setback line, or two feet from the property line. The placement of the home on the lot reduces the feasibility of meeting the code requirements and if the taper requirement were to be met, the driveway would not be wide enough to provide access to the second garage space. Staff is supportive of the request since the width of the new driveway must be provided as shown to provide access to the garage.

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.

Planning and Zoning Commission Action

The Planning and Zoning Commission conducted the public hearing to consider PZC 22-1-125 on April 6, 2023. Charles Lehrer spoke in support of the request and Charles H inquired about if the variance would impact the subdivision as a whole. Chairman Losurdo clarified that each request is considered on a case by case basis and this variance would not change the regulations for the larger subdivision. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's request (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

Key Takeaways

- The petitioner requests variances from Naperville Municipal Code Section 6-6A-7:1 (R1A Yard Requirements) and a variance from Code Section 6-9-2:12.1.1 (Residential Driveway Design) to construct a garage and associated driveway expansion. Staff supports the requested variances.

FISCAL IMPACT:

N/A