



Legislation Details (With Text)

**File #:** 18-301      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/5/2018      **In control:** City Council

**On agenda:** 4/17/2018      **Final action:** 4/17/2018

**Title:** Pass the ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 520 Highland Ave- PZC 18-1-020.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance.pdf, 2. Exhibit A- Legal Description.pdf, 3. Exhibit B- Plat of Survey.pdf, 4. Exhibit C- Findings of Fact.pdf, 5. Application.pdf, 6. Location Map.pdf

Date	Ver.	Action By	Action	Result
4/17/2018	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 520 Highland Ave- PZC 18-1-020.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

**BOARD/COMMISSION REVIEW:**

Not required.

**BACKGROUND:**

The owner and petitioner, Heidi Berry, is requesting to deviate from the 35' platted building line in order to construct a garage addition at 520 Highland Ave. The property is currently zoned R1B (Medium Density Single-Family Residence District) and was recorded in 2017 as Lot 1 in Berry Patch Subdivision with a 35' platted building line. The 13,800 square foot lot is currently improved with a single-family residence and attached garage and is generally located south of Highland Avenue, midblock between Wright Street and Sleight Street.

**DISCUSSION:**

Per the property's R1B zoning, the required front yard setback is 30'; however, a 35' setback was platted on the subject property through the underlying subdivision plat. Per Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code, "where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations, of this Code, the more restrictive requirement shall apply". Accordingly, improvements on the subject property must

comply with the 35' platted setback line.

Currently, the existing residence is located approximately 36.9' from the front property line and the attached garage is located approximately 41.1' from the front property line, in compliance with both the 30' R1B front yard setback requirement (Municipal Code 6-6B-7:1) and the 35' platted building line. The petitioner is proposing to construct an addition to the garage as follows: an expansion to the north with a 10.57' by 19' addition and an expansion to the east with a 24.4' by 4.7' addition (total size of the garage addition is 316 square feet) and will be located 30' from the front property line, thereby requiring a deviation to the 35' platted setback line.

The proposed garage addition is requested by the petitioner in order to expand the existing one-car garage to a two-car garage. The proposal requires a deviation to the platted setback line to allow for an addition that encroaches 5' into the 35' platted setback line. If no platted setback line was present, the garage addition would comply with R1B allowances (30' front yard setback and minimum 6' interior side yard setback).

The petitioner is also proposing to construct a covered front porch that is approximately 10' by 6.5' in size (65 square feet) and will be located 30' from the front property line (Note: Per Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions in Required Yards), covered front porches are permitted to encroach 5' into either the required front yard setback or platted front setback, whichever is more restrictive. Given the location of the existing home, the proposed porch will encroach 5' into the platted building line at a distance of 30' from the front property line, thereby no deviation for the front porch is required).

Similar requests recently have been made for multiple lots within the area to the south of Highland Avenue bounded by Wright Street and Julian Street and have received City Council approval to deviate. In addition, staff finds the homes within the same block along the south side of Highland Avenue do not meet the 35' platted building line. Given this information, as well as the fact that the proposed garage addition meets the underlying R1B requirements and is an aesthetic improvement to the home which adds little perceived bulk, staff is in support of the requested deviation.

Pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Subdivision Regulations, Planning and Zoning Commission review is not required for the requested deviation. The requested deviation, if approved, will be subject to compliance with the approved site plan. If the petitioner were to seek any additional improvements in the future which encroached further into the platted building line or zoning setback, an additional deviation and/or variance would be required to be processed.

### ***Findings of Fact***

The petitioner's responses to the Standards for granting a Subdivision Deviation are attached. Staff is in agreement with the petitioner's Findings and recommends their adoption by the City Council.

### ***Key Takeaways***

- The petitioner is requesting a deviation to the 35' platted building line for the property located at 520 Highland Ave in order to construct a garage addition at a distance of 30' from the front property line.
- The proposed garage addition complies with the R1B district setback requirements.
- Staff supports the proposal given other improvements located along the same block face which also encroach into the 35' platted front setback line.

**FISCAL IMPACT:**

N/A