



Legislation Details (With Text)

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Title: Pass the ordinance granting a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A, 3. Exhibit B, 4. Exhibit C, 5. Exhibit D, 6. PZC Meeting Minutes 11-18-20 DRAFT, 7. Application, 8. Submitted permit, 9. Generator brochure, 10. Generator photo, 11. Location map, 12. Public comment

Date	Ver.	Action By	Action	Result
12/15/2020	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a variance to allow a generator to encroach into the interior side yard setback at 743 Cardigan Court - PZC #20-1-097

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered this matter on November 18, 2020, and voted to recommend approval of the request with conditions that require the generator to meet the noise requirements at the property line and screening of the equipment from the adjacent property and right-of-way (approved 8-0). Staff concurs with adopting the conditions of approval if the variance is approved.

BACKGROUND:

The subject property is generally located east of the intersection of Shepherd Dr. and Cardigan Ct. and is zoned R1A (Low Density Single-Family Residence District). The property is approximately 14,614 square feet and is improved with a single-family structure.

DISCUSSION:

The petitioner and property owner, Gary L. Kochanek, is seeking to install a backup generator. The petitioner is requesting approval of a variance from Section 6-6A-7:1 (R1A: Yard Requirements) of the Naperville Municipal Code to allow the proposed generator to encroach approximately 1.5' into the 8' required interior side yard setback, placing the generator 6.5' from the interior side property line.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff's comments with respect to the variance standards, based upon a review of the subject property and applicable Code provisions, are as follows:

1. There are existing air conditioner units located on the subject property that do not appear to meet the interior side yard setback. It is unclear as to when the air conditioner units were installed at their current location or the approvals that were obtained prior to their installation. The petitioner is proposing to locate the generator in the same general location of the air conditioning units.
2. It should be noted that the adjacent property owner has submitted a letter of objection to the requested variance due to the potential noise and exhaust from the unit. In addition to these concerns, staff notes that it appears that the generator could be located elsewhere on the property in compliance with required setbacks (i.e., rear of the home). However, the petitioner has indicated that the side yard location is preferred.
3. While staff has concerns with the request based on the neighbor letter received, if the City Council supports the variance, staff recommends the following conditions of approval to further the intent of the Zoning Ordinance to maintain noise performance standards and reduce visibility of the generator:
 - *The proposed location of the generator shall meet the noise requirements at the property line found in the Section 6-14-4 (Standards) of the Naperville Municipal Code. The generator must be screened, with either landscaping or fencing, so it cannot be seen from the adjacent property and ROW and so that potential noise and emission impacts will be reduced.*

Planning and Zoning Commission

The PZC considered this matter at their meeting on November 18, 2020. Gary Kochanek summarized the request. There was no public comment during the meeting. The Commission asked for clarification on how the generator will run, how often it will run, customization of the timing of the test runs, the number of outages in the area and carbon monoxide concerns. The property owner confirmed the generator would use natural gas, it would run when in use and during a monthly test for six minutes, the user can customize the time of the test, and there would not be concerns of carbon monoxide because the equipment would be in the open air. Staff confirmed there were three outage instances in the area from 2016 to the present. The Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-097 subject to the following conditions and staff concurs:

1. The proposed location of the generator shall meet the noise requirements at the property line found in the Section 6-14-4 (Standards) of the Naperville Municipal Code. The generator must be screened, with either landscaping or fencing, so it cannot be seen from the adjacent property and right-of-way and so that potential noise and emission impacts will be reduced (approved 8-0).

After the PZC meeting, the property owner submitted a landscaping plan in order to meet the proposed screening condition. The property owner intends to plant approximately six arborvitae shrubs along the south and west sides of the generator to screen the equipment. The screening will be required to be installed no later than six months after the installation of the generator. The landscaping plan will be attached to the ordinance.

Key Takeaways

- The petitioner requests a variance to install a backup generator that extends 1.5' into the 8'

interior side yard setback.

- The proposed generator would be installed 6.5' from the interior side property line. Although there appears to be adequate space for the generator at the proposed location, there are other locations on the property where the generator could be installed and meet the 8' interior side yard setback requirement.
- If the variance is granted, staff recommends the inclusion of a condition of approval that requires the generator to meet the noise requirements at the property line and screening of the equipment from the adjacent property and right-of-way.
- The PZC supported the requested variance, subject to certain conditions (vote: 8 in favor; 0 opposed). The ordinance presented includes the recommended conditions.

FISCAL IMPACT:

N/A