



Legislation Details (With Text)

**File #:** 20-869B      **Version:** 1

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

**File created:** 8/6/2020      **In control:** City Council

**On agenda:** 8/18/2020      **Final action:** 8/18/2020

**Title:** Pass the ordinance granting a variance to the driveway tapering requirements in order to expand the driveway for the property located at 26 W. 8th Avenue - PZC 20-1-058.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 26 W. 8th Ave Ordinance, 2. Exhibit A Legal Description, 3. Exhibit B Site Plan, 4. Exhibit C Responses to the standards, 5. PZC Meeting Minutes 8-5-20 DRAFT, 6. Application, 7. Disclosure of Beneficiaries, 8. Location Map, 9. Tapering Requirement Visual, 10. Public comment

Date	Ver.	Action By	Action	Result
8/18/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to the driveway tapering requirements in order to expand the driveway for the property located at 26 W. 8<sup>th</sup> Avenue - PZC 20-1-058.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, Community Planner

**BOARD/COMMISSION REVIEW:**

The PZC conducted the public hearing for PZC 20-1-058 on August 5, 2020. At the conclusion of the hearing, the PZC recommended approval of the requested variance (vote 8-0); staff concurs.

**BACKGROUND:**

The subject property is zoned R1B (Medium Density Single Family) and is east of the intersection of 8<sup>th</sup> Avenue and Main Street. The approximate .19-acre property is improved with a single-family residence. The owner and petitioner, Karl Pennings, requests approval of a variance to allow for the expansion of a driveway without tapering.

**DISCUSSION:**

The site plan attached shows the proposed new driveway which will exceed the width of their one car garage. The proposed driveway will be approximately 19ft 10in wide extending from the garage to the sidewalk in length. The proposed driveway will be approximately 4ft 10in wider than the garage. This extra width would normally be required to taper 15ft from the front yard setback, as depicted in the visual attached from the Driveway Guide. Under [Section 6-9-2:12 <https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH9OFSTPA\\_6-9-2OFSTPAFA>](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-2OFSTPAFA), driveways are permitted to widen to allow for

a 9ft by 18ft auxiliary space, but must taper after 15ft measured from the front or corner side yard setback.

The residence was built in 1946 and is currently a nonconforming structure because it is located approximately 22 feet from the front property line, which does not meet the 40ft platted front yard setback. The location of the home makes it difficult for the driveway expansion to meet the tapering requirement because the location where the tapering must begin is directly related to the front yard setback. The petitioner would like to use the widened space to park on and construct a basketball hoop, but without the variance the driveway could not be widened. Through the variance, the petitioner would be permitted to have the extended width wider than the garage for the entirety of the driveway.

The applicant has requested the variance because if the tapering requirements were met, the driveway would not be able to widen at all due to the 40ft platted front yard setback that is used to measure where the tapering must begin. The front of the attached garage is approximately 22 feet from the property line and the tapering requirements restrict the increased width to end 15ft from the front yard setback. On this property, the tapering would be required 25ft from the front property line.

The one car garage width is also a factor that limits the site. Many homes in Naperville have two car garages which allows for a wider driveway without tapering in addition to the 9ft by 18ft auxiliary space which is much more flexible and wider than the subject property's options for driveway configurations.

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

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

### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission opened the public hearing to consider PZC 20-1-058 on August 5, 2020. Karl Pennings spoke as the petitioner. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 20-1-058 (approved, 8-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioner requests a variance to permit a driveway expansion without tapering.
- The PZC recommended approval of the requested variance finding that the driveway is limited due to the nonconforming location of the home. Staff concurs.

### **FISCAL IMPACT:**

N/A