



Legislation Details (With Text)

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Title: Pass the ordinance granting variances to permit a detached garage at 526 E Chicago Avenue - PZC 24-1-029

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. Building Elevations, 6. Exhibit E. Response to Standards, 7. Petition for Zoning Variance, 8. Public Comment, 9. PZC Meeting Minutes

Date	Ver.	Action By	Action	Result
6/18/2024	1	City Council		

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting variances to permit a detached garage at 526 E Chicago Avenue - PZC 24-1-029

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Anna Franco, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered this matter on June 5, 2024, and voted to recommend approval of the request (approved 6-0).

BACKGROUND:

The property is located on the south side of Chicago Avenue near the intersection of Chicago Avenue and Wright Street and is zoned R1B (Medium Density Single-Family Residence District). The property is approximately 9,297 square feet and is improved with a single-family residence and detached garage. The property is uniquely shaped due to a jog in the rear property line along the southern portion of the property.

DISCUSSION:

The petitioner, Courtney Naumes, on behalf of the owners Courtney and Troy Naumes, has submitted a petition for approval of variances to construct a two-car detached garage. The petitioner wishes to demolish the existing 308 square foot, one car garage located at the rear of the property and replace it with a new 672 square foot, two-car detached garage that will align with the front wall of the detached garage located on the abutting property to the east. The petitioner has indicated that a new garage is needed at the property due to structural concerns with the existing garage that does

not allow the petitioner to currently park inside the existing garage.

The request triggers approval of a variance to the setback required for detached accessory structures and a variance to the maximum lot coverage permitted in the rear yard. Staff supports the requested variances and has provided details on each of the requested variances below.

Detached Accessory Structures Setback Variance

The accessory structure regulations of the Municipal Code state that detached accessory structures shall not be located within five (5) feet of any rear or interior side lot line (Section 6-2-10:1). The existing detached garage is non-conforming as the garage is setback 2.72 feet from the rear property line and 1.54 feet from the side property line to the east.

The proposed detached garage will be setback seven (7) feet from the rear property line, thus bringing the garage into compliance with the required five (5) foot setback to the rear. However, the garage will be setback two (2) feet from the side property line to the east, requiring a variance to the five (5) setback requirement.

Staff is supportive of the request to allow the garage to encroach into the required five (5) foot setback from the east property line given the request does not further reduce the setback of the existing garage. Additionally, the property has a unique lot configuration due to the location of a jog in the middle of the rear lot line. Combined with the location of utility easements along the jogged rear yard lot line, the lot configuration creates an unusual situation that results in difficulty providing the necessary width required for a two-car garage on the property, without locating the garage in the middle of the rear yard; a development trend inconsistent with neighboring properties. Therefore, staff concurs with the responses to the standards as submitted by the petitioner, with respect to the setback variance request, and recommends adoption by the Planning and Zoning Commission.

Rear Yard Lot Coverage Variance

Per Section 6-2-10:5, detached accessory structures are only permitted to occupy 25% or 480 square feet (whichever is greater) of the required rear yard. At the subject property, the required rear yard setback is 30'. Given the 60' property lot width and accounting for the notch in the rear lot line, a maximum of 480 square feet is permitted for detached accessory structures located in the required rear yard of the subject property.

Currently, the detached garage occupies 308 square feet of coverage in the required rear yard. With the proposed detached garage, the lot coverage in the required rear yard will increase to approximately 644 square feet (approximately 164 square feet over the maximum 480 square feet permitted), thereby triggering the need for a variance.

Staff is supportive of the variance to the required rear yard lot coverage requirement as the proposed garage is similar in size and placement of existing detached garages in the vicinity of the subject property. Further, the proposed garage would allow the petitioner to have two enclosed parking spaces and thereby comply with the zoning requirement to provide at least one enclosed parking space on the property. Staff concurs with the responses to the standards as submitted by the petitioner, with respect to the rear yard lot coverage variance request and recommends adoption by the Planning and Zoning Commission.

Legal Lot of Record

The property is not a legal lot of record and administrative approval of a subdivision plat is required to

record the property as such. To ensure the subdivision plat is recorded post approval of the variance requests, the following condition of approval is recommended and is included in the prepared ordinance:

The petitioner shall submit a plat of subdivision to create the subject property as a legal lot of record. Said plat shall be recorded prior to City issuance of any building permits for the detached garage.

Planning and Zoning Commission

The PZC considered the variance requests on June 5, 2024. Coutney Naumes, one of the property owners, presented the request. No public comment was provided during the meeting. Commissioner Bansal stated that she appreciated the letters of support from the adjacent neighbors. The Commission moved to adopt the findings of fact as presented by the Petitioners and approve PZC #24-1-029 (approved 6-0).

Key Takeaways

- The subject property is improved with a single-family home and a detached garage. The owner wishes to demolish the existing one-car garage and replace it with a two-car garage that requires a variance to the setback required for detached accessory structures and a variance to the maximum lot coverage permitted in the rear yard.
- The Planning and Zoning Commission and Staff are supportive of the requested variances as the proposal is consistent with the character of development in the neighborhood.
- Staff recommends the inclusion of a condition of approval that requires the petitioner to record a plat of subdivision for the subject property prior to issuance of building permits for the proposed detached garage.