



Legislation Details (With Text)

File #: 18-011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/3/2018 **In control:** City Council

On agenda: 1/16/2018 **Final action:** 1/16/2018

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 330 S. Wright Street - PZC 17-1-135.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance.pdf, 2. Exhibit A -Legal Description.pdf, 3. Exhibit B -Site Plan.pdf, 4. Exhibit C -Findings of Fact.pdf, 5. Application.pdf, 6. Elevations.pdf, 7. Location Map.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 1/16/2018 | 1 | City Council | passed | Pass |

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 330 S. Wright Street - PZC 17-1-135.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The owner and petitioner, Brett Fessler, is proposing to deviate from the 35' platted building line in order to construct a front porch at 330 S. Wright Street. The property is currently zoned R1B (Medium Density Single-Family Residence District) and was recorded as Lot 24 in Block 3 of Arthur T. McIntosh and Company's Naperville Highlands Subdivision with a 35' platted building line. The 8,691 square foot lot is currently improved with a single-family residence and is generally located south of Highland Avenue and east of Wright 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 30' from the front property line, in compliance with the 30' R1B front yard setback requirement (Municipal Code 6-6B-7:1), but encroaching approximately 5' into the 35' platted building line. The petitioner is proposing to construct a covered front porch that is 5' by 12' in size (60 square feet) and will be located 25' from the front property line.

In 2015, Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions in Required Yards) of the Code was amended to permit covered front porches to encroach 5' into either the required front yard setback or platted front setback, whichever is more restrictive. This change was made based on the approval of several related variance requests and the aesthetic benefit that porches add to a house. Specific to the subject property, a covered porch is permitted to encroach up to 5' into the required 35' platted setback. Given the location of the existing home, the proposed porch will encroach 10' into the platted building line at a distance of 25' from the front property line, thereby requiring a deviation. If no platted setback line was present, the porch would comply with R1B allowances.

Staff finds the majority of the homes along the east side of Wright Street do not meet the 35' platted building line and multiple lots within the block received City Council approval to deviate. Detailed case information has been provided below:

| <i>Property Address</i> | <i>Ordinance NO.</i> | <i>Action Requested</i> |
|-------------------------|----------------------|--|
| 346 S. Wright | 08-098 | Deviation from 35' platted setback to allow a front porch to be located 30' from the front property line. |
| 340 S. Wright | 10-039 | Deviation from 35' platted setback to allow for additions to the front façade at a distance of 31' from the front property line. |
| 316 S. Wright | 11-122 | Deviation from 35' platted setback to allow an addition and covered front porch to be located 24.5' from the front property line. |
| 336 S. Wright | 16-143 | Deviation from 35' platted setback to allow a single-family residence to be constructed at a distance of 30' from the front property line. |

Given the above information, as well as the fact that the proposed porch 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 330 S. Wright Street in order to construct a front porch at a distance of 25' from the front property line.
- The proposed front porch 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