



Legislation Details (With Text)

**File #:** 22-0638B      **Version:** 1

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

**File created:** 5/25/2022      **In control:** City Council

**On agenda:** 6/7/2022      **Final action:** 6/7/2022

**Title:** Pass the ordinance granting a variance to Section 6-6B-7 for the property located at 1103 N. Eagle Street - PZC 22-1-028

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A Legal Description, 3. Exhibit B Site Plan, 4. Exhibit C Standards, 5. Variance Application, 6. Disclosure of Beneficiaries Owner signed, 7. Disclosure of Beneficiaries Petitioner signed, 8. Property Record Cards, 9. Letter re Application, 10. Supplemental Letter Dated May 13, 2022, 11. May 18, 2022 Draft PZC Meeting Minutes

Date	Ver.	Action By	Action	Result
6/7/2022	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance to Section 6-6B-7 for the property located at 1103 N. Eagle Street - PZC 22-1-028

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) conducted the public hearing for PZC 22-1-028 on May 18, 2022. No members of the public spoke, and following a presentation by the petitioner’s attorney, the PZC made a motion to approve the requested variance (approved, 7-0). Staff concurs.

**BACKGROUND:**

In 2021, the petitioner and owner, Lisle Ventures, LLC, petitioned the City of Naperville for approval of a preliminary/final plat of subdivision to allow for the subdivision of the existing lot located at 1107 N. Eagle Street into two lots. The subject property, 1103 N. Eagle Street, was created as Lot 2 of this subdivision (i.e., Sue Jelinek Resubdivision which was approved by Ordinance 21-110 on October 19, 2021).

The subject property is zoned R1B (Medium Density Single-Family Residence), is approximately 14,000 square feet in size, and is currently vacant. It is located on the west side of Eagle Street, north of 11<sup>th</sup> Street and is commonly known as 1103 N. Eagle Street. The petitioner and owner, Lisle Ventures, LLC., is requesting a variance to reduce the interior side yard setbacks on the subject property.

**DISCUSSION:**

The petitioner proposes to construct a new single-family residence on the subject property. For any new residential lot created after 1989, such as the subject lot, the R1B district requires an interior side yard setback of 16 feet total for both side yards, with each yard a minimum of 6 feet. The petitioner requests a variance to reduce the interior yard setback to 12 feet total for both side yards, with each yard a minimum of 6 feet, which is consistent with the setback requirements for lots created prior to 1989. The proposed residence will meet all other R1B site and structure requirements.

*Findings of Fact*

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. The petitioner's attorney additionally submitted a supplemental letter on May 13, 2022 (attached). In general, staff finds that the post-1989 setback condition was a known requirement at the time of the 2021 subdivision approval. In addition, it is difficult to find that a hardship exists when new construction is proposed because the home's footprint can be adjusted accordingly. However, based on the information submitted on May 13, 2022, staff does acknowledge that the pre-1989 setbacks have been generally utilized for new construction occurring in the vicinity of the subject property given that those properties were established pre-1989.

**FISCAL IMPACT:**

N/A