



Legislation Text

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File #: 21-1641, Version: 1

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**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Receive the staff report for This Is Not My Yard Subdivision (719 Center St.) - PZC 21-1-121 - (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Ashley Green, Community Planner

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

The subject property, 719 Center St., is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and was originally platted as Lots 4 and 5 in Park Addition to Naperville. In 2016, the two lots were consolidated into one through the approval of This Is My Yard Resubdivision. Currently, the north half of the 15,000 square foot lot is improved with a single-family residence, a detached garage, brick paver patio, and asphalt surface while the south half is improved with a board on board fence.

**DISCUSSION:**

The owners and petitioners, Louis and Dara DeLorenzo, are seeking approval of a Preliminary/Final Plat of Subdivision in order to subdivide the property into two lots. The subdivision will allow for preservation of the existing single-family residence on Lot 1 and allow for construction of a new single-family residence on Lot 2 (note: development plans have not yet been submitted for Lot 2, but will be reviewed by staff for technical compliance with code requirements once submitted).

***Preliminary/Final Subdivision Plat***

The proposed subdivision consists of two 7,500 square foot lots. The proposed lots are in compliance with the R2 requirements for single-family detached dwellings including a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet. Additionally, the proposed lot sizes are in compliance with the 90% rule requirement (7,037 square feet per lot) which specifies that the minimum lot sizes of the newly created lots in a residential subdivision shall be equal or greater than 90% of the mean of the lot sizes within 300' of the subject property. Staff finds that the proposed Preliminary/Final Plat of Subdivision for This Is Not My Yard Subdivision meets all technical requirements for approval.

Pursuant to Section 7-2-2:5 (Subdivision Plat Procedures) and 7-2-5:1 (Administrative Plat Procedures) of the Subdivision Regulations, this subdivision does not qualify to be reviewed under the Administrative Plat Procedures because a new buildable lot is created; therefore, City Council approval of the subdivision is required. Review by the Planning and Zoning Commission (PZC) is not

required because there are no variances being requested.

### ***Temporary Use Approval***

In conjunction with the subdivision request, the owners and petitioners are seeking approval of a temporary use, subject to City Council review and approval. Per Naperville Municipal Code Section 6-2-10:6, accessory structures are not permitted without a principal structure. If the plat of subdivision is approved, the 6' board on board fence along the west property line of future Lot 2 (as shown on the attached site plan) will be located on a lot without a principal structure.

The temporary use request is to permit the fence on future Lot 2 to remain for a period of 18 months pending submittal and review of a building permit for construction of a new single-family home (note: if the plat of subdivision is not approved, the temporary use approval will not be necessary). Per Section 6-2-11 of the Code, temporary uses require City Council review and approval if the temporary use request exceeds six months.

At the conclusion of the 18-month timeframe, the temporary use will expire and the fence on future Lot 2 will be required to comply with the code provisions (whether that be by removal of the fence or construction of a new single-family residence). Staff is supportive of the temporary use request.

### ***Key Takeaways***

- The Petitioners request approval of a Preliminary/Final Plat of Subdivision for This Is Not My Yard Subdivision to subdivide one lot into two to create a new buildable lot for the development of a new single-family residence.
- The Petitioners also request approval of a temporary use request to permit a fence to remain on future Lot 2 for a period of 18 months without a principal structure.

### ***Related Files***

- Pass the ordinance approving the Preliminary/Final Plat of Subdivision for This Is Not My Yard Subdivision (719 Center Street) - PZC 21-1-121 - (Item 2 of 3)
- Pass the ordinance granting a temporary use for a fence to remain on Lot 2 of This Is Not My Yard Subdivision (719 Center Street) - PZC 21-1-121 - (Item 3 of 3)

### **FISCAL IMPACT:**

N/A