



## Legislation Text

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File #: 20-1452, Version: 1

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### **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 of the Municipal Code for the property located at 730 Highland Ave - PZC 20-1-111

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

In 2017, the owners and petitioners, William and Rita Griffin, submitted a petition for a similar request at the subject property (PZC 17-1-144). This request was reviewed and approved by the City Council on February 6, 2018 (ordinance 18-002). No building permit for the property was submitted within two years of approval and the ordinance expired. The owners and petitioners still wish to pursue the request, but they are required to seek new approval of a deviation to the platted setback given the ordinance expiration. More details on the request are provided below.

The proposal calls for a deviation to the 35' platted building line in order to construct a single-family home at 730 Highland Avenue. The property is currently zoned R1B (Medium Density Single-Family Residence District) and was recorded as Lot 5 in Block 4 of Arthur T. McIntosh and Company's Naperville Highlands Subdivision with a 35' platted building line. The 0.18 acre lot is currently improved with a single-family residence and detached garage and is generally located south of Highland Avenue and west of Julian Street.

Staff supports the proposal given other improvements located along the same block face which also encroach into the 35' platted front setback line.

#### **DISCUSSION:**

The petitioners sought approval of a permit to demolish the existing single-family residence and have submitted a permit, currently under staff review, for construction of a single-family residence which is located 30.5' from the front property line with a front porch located 31.25' from the front property line. 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. If no platted setback line was present, the single-family

residence would comply with R1B allowances.

The 2017 request included a single-family home which was located 30' from the front property line with a 5' deep front porch that was located 27.5' from the property line. The request has been revised and the home will be located 30.5' from the front property line and the front porch being setback further at 31.25'. 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. The proposed porch encroaches less than 5' into the platted building line at a distance of 31.25' from the front property line, so it is in compliance; however, the proposed home location is not.

Multiple lots within the block have received City Council approval to deviate from the setback requirement for the construction of front porches. Detailed case information has been provided below:

<i>Property Address</i>	<i>Ordinance NO.</i>	<i>Action Requested</i>
710 Highland	08-103	Deviation from 35' platted setback to allow a front porch to be located 32' from the front property line.
347 S. Julian	07-206	Deviation from 35' platted setback to allow for front porch to be located 30' from the front property line.

Along with this, staff finds half of the homes on the south side of Highland Avenue between Julian Street and Columbia Street do not meet the 35' platted building line. Given the above information, as well as the fact that the proposed home is consistent with the homes along Highland Avenue, staff is in support of the requested deviation. Staff support has been maintained in both requests.

### ***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.

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.

### ***Key Takeaways***

- The petitioner is requesting a deviation to the 35' platted building line for the property located at 730 Highland Avenue in order to construct a single-family residence at a distance of 30.5' from the front property line. The proposed residence and 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