



## Legislation Details (With Text)

**File #:** 18-1074      **Version:** 1

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

**File created:** 12/7/2018      **In control:** City Council

**On agenda:** 12/18/2018      **Final action:** 12/18/2018

**Title:** Deny the request for a deviation to the 30' platted building line for the property located at 716 Wehrli Drive - PZC 18-1-134

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A -Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Findings of Fact, 5. Petition for Development Approval, 6. Floor plans & site plans, 7. Plat of Survey, 8. LocationMap

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Deny the request for a deviation to the 30' platted building line for the property located at 716 Wehrli Drive - PZC 18-1-134

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

Not required

**BACKGROUND:**

The subject property is located north of the intersection of Wehrli Drive and Wright Street and has a common address of 716 Wehrli Drive. The .42 acre lot is zoned R1B (Medium Density Single-Family Residence District) and is currently improved with a single-family residence. The subject property was recorded in 1955 as Lot 3 in Block 5 of Moser Highlands Unit No. 3 Subdivision with a 30' platted building line along Wehrli Drive.

The petitioner, Scott Mathieson of MHouse LLC, on behalf of the owners Ojas and Radhika Shah, is proposing to demolish the existing home and construct a new single-family home at the subject property. In conjunction with this proposal, the petitioner is seeking approval of a deviation to the 30' platted building line to allow the new home to be constructed at a distance of 15' from the front property line along Wehrli Drive.

**DISCUSSION:**

Per the property's R1B zoning, the required front yard setback is 30' and the required corner side yard setback is 15'. On a corner lot, the owner of the lot may determine which street side of the lot

shall be considered the front yard and which street side of the lot shall be considered the corner side yard per [Section 6-2-3:4 \(Yard Requirements\)](#) [https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR). Typically, on a lot similar to the subject property, the owner would be able to select either Wehrli Drive or Wright Street as the front yard (30' setback) and the remaining street as the corner side yard (15'). However, on the subject property, the 30' platted building line requires a 30' setback from Wehrli Drive, thereby defaulting this property line as the front yard, and Wright Street as the corner side yard with a 15' required setback.

However, the petitioner is seeking to establish Wehrli as the corner side yard and is therefore requesting a deviation to the 30' platted setback along Wehrli Drive in order to construct a single-family home approximately 15' from this property line. The new home will maintain a 30' setback along Wright Street and meet all other R1B setback and bulk regulations. Per the petitioner, the deviation will allow the property owner to utilize Wright Street as the front yard and Wehrli Drive as the corner side yard.

The petitioner's responses to the standards for granting a deviation to the platted setback are attached; staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the proposed findings for the requested deviation, based upon a review of the subject property, applicable Code provisions, standards for deviation requests, and the East Sector Plan, are as follows:

Deviation Standard #1: The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the Owner or Petitioner.

Staff Comments: The current home is constructed at a distance of 37.57' from Wehrli Drive in compliance with the 30' platted building line requirement. Staff finds the proposed home could also be accommodated in compliance with the platted setback line because it is new construction. The 17,581 square foot subject property far exceeds the R1B minimum lot size requirement of 6,000sf. While unique in its triangular shape, staff finds the subject property does not possess any other characteristics that would prevent the petitioner/owner from constructing a new home.

Deviation Standard #2: The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

Staff Comments: All building and setback lines shown on recorded plats of subdivision shall be presumed to be reflective of the City Council's intent per Section 7-1-13. The subject property was platted with a 30' building line along Wehrli Drive with the intent to maintain Wehrli Drive as the front yard. Staff also notes that the existing homes along Wehrli Drive meet or exceed the 30' setback requirement. As such, staff finds the request contrary to the intent of Subdivision Code and would result in a inconsistent setback from the pattern established along Wehrli.

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.

If City Council disagrees with staff's recommendation to deny the request, and seeks to approve the

setback deviation, staff has prepared an ordinance approving the requested platted building line deviation which can be amended to include any conditions City Council finds appropriate.

***Key Takeaways***

- The petitioner is requesting a deviation to the 30' platted building line along Wehrli Drive in order to construct a new home at a distance of 15' from Wehrli Drive.

Staff does not support the request because the existing homes along Wehrli Drive maintain a 30' setback.

**FISCAL IMPACT:**

N/A