



Legislation Details (With Text)

File #: 19-172B **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/22/2019 **In control:** City Council
On agenda: 3/19/2019 **Final action:** 3/19/2019
Title: Pass the ordinance approving a variance request from Section 6-2-10 in order to construct a detached garage that is located 2' from the rear property line for the subject property located at 422 E. Franklin Avenue - PZC 19-1-02

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A- Legal Description, 3. Exhibit B-Proposed Garage, 4. Exhibit C- Standards, 5. Application, 6. Disclosure of Beneficiaries, 7. Plat of Survey, 8. Images of Existing Garage, 9. Proposed Garage Elevation, 10. Location Map, 11. 1-24-19 HPC Meeting Minutes - DRAFT, 12. 2-20-19 PZC Meeting Minutes - DRAFT

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 3/19/2019 | 1 | City Council | passed | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a variance request from Section 6-2-10 in order to construct a detached garage that is located 2' from the rear property line for the subject property located at 422 E. Franklin Avenue - PZC 19-1-02

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

A Certificate of Appropriateness (COA) request was submitted for Historic Preservation Commission (HPC) review at their meeting held on January 24, 2019 (COA #19-29). The HPC voted to recommend approval of the COA (approved 7,0). The HPC recommendation was forwarded to the Planning and Zoning Commission who considered this matter on February 20, 2019 and voted to recommend approval of the request (approved 7,0). Staff concurs with the Historic Preservation Commission and the Planning and Zoning Commission.

BACKGROUND:

The subject property is located within the historic district at 422 E. Franklin. It is an approximately 3,520 square foot parcel located on the south side of Franklin Avenue, just east of Loomis Street Alley. It is zoned R2 (Single-family and Low Density Multiple-Family Residence District) and is currently improved with a two story single-family home and detached garage.

DISCUSSION:

The owners and petitioners, Bruce and Linda Chvalovsky, have requested approval of a variance to the City of Naperville Municipal Code in order to demolish the current detached garage at the subject property and construct a 2 car, 480 square foot detached garage in its place.

HPC Review

Per Section 6-11-5:3 (Applicability of Zoning Provisions: Conditional Uses; Variances; Amendment to Zoning Title) of the Municipal Code, the HPC is required to review any variances requested for properties located within the historic district to determine if the requested variances impact the historic nature of the property or district; HPC's recommendation is forwarded to the Planning and Zoning Commission (PZC) for their consideration. However, per Section 6-11-7: 3 of the Municipal Code, a COA is not required for a detached garage; therefore, the HPC did not review the style of the proposed detached garage.

On January 24, 2019, the HPC reviewed the application (COA #19-29) and made a positive recommendation on the requested variance (approved 7,0). No members of the public spoke. The draft minutes from the HPC meeting can be found in the attachments.

Requested Variance

The proposed detached garage will be 13' 8" in height and 480 square feet in size (20' by 24'). It will be located 5' from the west property line and 2' from the south property line. According to Section 6-2-10:1 (Accessory Buildings, Structures, and Uses of Land: Location) of the Naperville Municipal Code, accessory structures are required to be located 5' from the interior and rear property lines. Therefore, the variance request is to reduce the required five-foot (5') rear yard setback from the southern property line to allow the garage to be placed at a setback of 2' from the rear property line.

The proposed detached garage complies with all other accessory structure requirements including height, bulk and setback from the west property line. Staff finds the proposed detached garage maintains compatibility with the neighborhood given that a detached garage currently exists in the proposed location off of Loomis Street Alley and several detached garages exist along the alleyway. Furthermore, while a separate driveway currently exists off of Franklin Avenue at the subject property, Section 6-9-2:4.2.1 of the Naperville Municipal Code requires a minimum of 2 parking spaces, one of which must be enclosed, for residential homes. Approval of the detached garage will provide compliance with the minimum of 2 parking spaces and provide the enclosed parking space requirement.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, staff and the Planning and Zoning Commission agree with the petitioner's Findings and recommends their adoption by the City Council.

Planning & Zoning Commission Action

The Planning and Zoning Commission considered this matter at their meeting on February 20, 2019. No members of the public spoke. Following limited comments, the Planning and Zoning Commission closed the public hearing, moved to adopt the findings of fact as presented by the petitioner, and approve PZC 19-1-02 (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

Key Takeaways

- The petitioner is requesting approval of variance from Section 6-2-10 (Accessory Buildings, Structures, and Uses of Land) of the Naperville Municipal Code, to allow the proposed

detached garage to be located 2' from the south property line at 422 E. Franklin Avenue.

- Staff supports the proposed variance because it will provide an enclosed parking space for the subject property as required by Code.
- The Historic Preservation Commission recommended approval of the variance at their meeting held on January 24, 2019 (approved 7,0). Staff concurs.
- The Planning and Zoning Commission recommended approval of the variance at their meeting held on February 20, 2019 (approved 7,0). Staff concurs.

FISCAL IMPACT:

N/A