



Legislation Details (With Text)

File #: 20-838 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 7/23/2020 **In control:** City Council

On agenda: 8/4/2020 **Final action:** 8/4/2020

Title: Pass the ordinance granting a deviation to the 40' platted building line for the property located at 656 North Eagle Street - PZC 20-1-060.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 656 N. Eagle St., 2. Exhibit A Legal Description, 3. Exhibit B Site Plan, 4. Exhibit C Response to Standards, 5. Front yard setbacks map, 6. Application, 7. Disclosure of Beneficiaries

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|--------|--------|
| 8/4/2020 | 2 | City Council | passed | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a deviation to the 40' platted building line for the property located at 656 North Eagle Street - PZC 20-1-060.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, Community Planner

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The owners and petitioners, Kelleen O'Leary and Nathaniel Savona, are proposing to deviate from the 40' platted building line in order to construct a single-family residence at 656 North Eagle Street. The property is currently zoned R1B (Medium Density Single-Family Residence District) and was recorded as Lot 221 of the Ogden Avenue Addition to Naperville in 1925 with a 40' platted building line. The 0.18-acre lot is currently improved with a single-family residence and detached garage and is generally located north of 6th Avenue and west of North Webster Street.

DISCUSSION:

The petitioner intends to demolish the existing single-family residence and detached garage to build a new single-family residence located 30' from the front property line, which is in compliance with the property's R1B zoning requirements. However, a 40' 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 40’ platted setback line, unless a deviation is granted.

619 North Eagle Street is on the same block as the subject property and was granted a deviation to the platted setback to construct a covered porch in 2012. There are also several properties on the surrounding streets that were granted deviations to the platted setbacks including 519 North Webster Street, 533 North Main Street, 836 North Main Street, and 140 W. 5th Avenue. Given the history of prior deviations on the block and several surrounding streets, staff is in support of the requested deviation finding that it will allow for an improvement which is consistent with the surrounding neighborhood.

The petitioner intends to demolish the existing single-family residence and detached garage to build a new single-family residence located 30’ from the front property line, which is in compliance with the property’s R1B zoning requirements. However, a 40’ 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 40’ platted setback line, unless a deviation is granted.

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.

Findings of Fact

The petitioner’s responses to the Standards for granting a Subdivision Deviation are attached. Staff is in general agreement with the petitioner’s Findings and recommends their adoption by the City Council.

Key Takeaways

- The petitioner is requesting a deviation to the 40’ platted building line for the property located at 656 North Eagle Street to construct a single-family residence 30’ from the front property line.
- The proposed residence complies with the R1B district setback requirements.
- Staff supports the proposal given another improvement located along the same block which also encroaches into the 40’ platted front setback line.

FISCAL IMPACT:

N/A