



Legislation Details (With Text)

File #: 20-1012B **Version:** 1
Type: Ordinance **Status:** Passed
File created: 9/3/2020 **In control:** City Council
On agenda: 9/15/2020 **Final action:** 9/15/2020
Title: Pass the ordinance granting approval of variances to Section 5-2C-3 and Section 6-2-26:4 for the property located at 204 N. Huffman Street - (PZC 20-1-057) (BRB #104)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Response to Standards, 5. Exhibit D - Elevations, 6. Petition for Zoning Variance, 7. Bldg Review Board - Signed Application, 8. Public Comment, 9. BRB Meeting Minutes 081920 - draft, 10. PZC Meeting Minutes 9-2-20 DRAFT, 11. Location Map

Date	Ver.	Action By	Action	Result
9/15/2020	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting approval of variances to Section 5-2C-3 and Section 6-2-26:4 for the property located at 204 N. Huffman Street - (PZC 20-1-057) (BRB #104)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered the variance request to Section 6-2-26:4 on Wednesday, September 2 and recommended approval (approved 7,0). The Building Review Board (BRB) considered the variance request to Section 5-2C-3 on Wednesday, August 19 and recommended approval (approved 7,0).

BACKGROUND:

The property is located at the northeast corner of Huffman Street and School Street with a common street address of 204 N. Huffman Street. The 0.25 acre property is currently vacant and is zoned R2 (single family and low density multiple family residence district). The R2 zoning district permits duplexes by right.

Prior Variance Approval

On May 20, 2014, the Naperville City Council granted approval of a variance for a 3-story single family home at the subject property (Ordinance 14-051). The proposal qualified as a 3-story home given the basement ceiling was proposed to be 5.58' in height. A basement is considered a story if its ceiling is four feet or more above the datum point. The proposed single-family home was never

constructed on the property and as noted in the ordinance, the variance expired two years after approval was granted since no building permit was obtained and construction at the property did not begin.

DISCUSSION:

The petitioner, Lakewest Custom Homes, Ltd. on behalf of the owners, Milton and Marisa Charter, request approval of a variance from Section 6-2-26:4 (Teardown/Infill Regulations) and a variance from Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code for construction of a duplex which exceeds the maximum height regulations and does not comply with the 50% masonry requirements. The proposed duplex will have a front yard setback of 25.47' from Huffman Street at the closest point and a corner side yard setback of 15.25' from School Street; both of these setbacks are in compliance with the R2 requirements.

Height Variance Request

The tear down infill regulations (Section 6-2-26:4) of the Municipal Code state that the maximum height for duplexes shall be 2½ stories, not to exceed 35' with a maximum peak roof height of 40'. The proposed duplex is three stories, with a peak height of 39.14' and a mean height of 32.31'. The petitioner requests a variance to permit the duplex to exceed the 2½ story maximum by a ½ story. The proposed height complies the maximum peak and mean heights.

Per Section 6-2-4 (Building Height and Bulk) building height is measured from a datum point, which is established by the average of the two grades along each side lot line where the front yard line meets the side lot lines, to the highest point of the roof surface. Per the definition of a story (Section 6-1-6) a basement is considered a story if its ceiling is four feet or more above the datum point. The proposed duplex is three stories given that the basement level (5.27 feet above the datum point) is counted as a story.

The petitioner's responses to the standards for granting a variance are attached. The subject property has challenging grade changes given its location on the side of a hill. Given the elevation changes, the basement ceiling is 5.27' above the datum point requiring the basement to be counted as a story. Only a small portion of the basement will be visible when viewing the duplex from Huffman Street given the proposed layout and site topography. Therefore, the building will not be perceived as a 3-story home. In addition, the proposed home maintains compliance with the mean and peak heights as required per code. Staff and the PZC are in support of the variance request and recommends adoption by the City Council.

Planning and Zoning Commission

The public hearing before the PZC was opened on September 2, 2020. One member of the public spoke during the public hearing requesting more information on the height of the surrounding homes. Public comments were included in the agenda packet and submitted prior to the public hearing via the online speaker sign up and read into the record by staff. Three comments simply stated opposition and two other comments were written finding the proposal to be out of character with the neighborhood and should be constructed in compliance with the required height. The Planning and Zoning Commission discussed these concerns with staff and the petitioner. The Planning and Zoning Commission closed the public hearing and voted 7-0 to recommend approval of the variance finding there to be an existing hardship on the property given the slope of the lot. Staff concurs with the recommendation.

Exterior Wall Construction Variance

Section 5-2C-3 (Exterior Wall Construction) of the Municipal Code states that a minimum of 50% of the exterior wall construction for all multiple-family dwellings, single-family attached dwellings and two-family dwellings shall be constructed of solid masonry, face brick, manufactured concrete stone veneer (1½" thickness) set individually into mortar bed, or other masonry products as approved by the City Council.

The petitioner is proposing to construct a duplex building that is comprised of approximately 1.2% masonry materials. In the areas where masonry is provided, the petitioner has indicated the material will be full bed masonry stone. The remaining areas will be clad with 100% James Hardie Fiber cement material. This includes the areas shown as horizontal siding, board and batton, decorative porch columns, corner boards, soffit and fascia. James Hardie Fiber cement material is not considered masonry, brick, or stone and therefore does not comply with Section 5-2C-3 (Exterior Wall Construction). The petitioner submitted a table of the masonry totals per façade which can be found in the attached building elevations. A summary of the percentages has also been provided below:

Location	Percentage Masonry (Masonry Stone)
Front Elevation (West)	3.7%
Left Elevation (North)	0.6%
Rear Elevation (East)	0%
Right Elevation (South)	0.8%
Total	1.2%

The intent of the masonry ordinance is to improve the appearance of multiple-family dwellings, single-family attached dwellings and two-family dwelling developments and maintain long-term property values through the use of high-quality building materials including solid masonry, face brick, and manufactured concrete stone veneer. The petitioner is requesting a waiver to the masonry requirements noting they plan on using quality materials such as the hardie siding while providing a less expensive new construction option for a home buyer. Staff finds fiber cement siding to be a durable and attractive product and consistent with new single-family residential construction occurring in the City. The City of Naperville Building Review Board considered the variance request on Wednesday, August 19th and voted to approve the request (approved 7, 0).

Potential Text Amendment to Section 5-2C-3 (Exterior Wall Construction)

During BRB deliberation of the exterior wall construction variance, the board discussed the masonry requirement and the applicability of the requirement on duplexes. Staff echoes this concern finding that duplexes, when constructed within single family residential neighborhoods, should be exempt from the masonry requirements. Duplexes, which are permitted by right in the R2 zoning district, are intended to allow for additional density while blending in with the surrounding neighborhood. Additionally, duplexes where permitted are regulated by the same zoning requirements as single family detached homes in terms of lot area, lot width, setbacks and height. Thus, staff finds that such duplexes should not be required to provide 50% masonry since the masonry requirement is not applicable to single family detached homes (note: it may be required to apply the masonry requirement to duplexes located within a mixed-use residential development which includes townhomes or multi-family). If City Council concurs with the proposed amendment raised by BRB, they should direct staff to prepare a text amendment for review.

Key Takeaways

- The petitioner is requesting approval of a variance to the height regulations and a variance to the exterior wall construction requirements in order to construct a duplex at the property located at 204 N. Huffman Street.
- Staff and the Planning and Zoning Commission are in support of the height variance request. Staff and the Building Review Board are in support of the exterior wall construction variance request.

FISCAL IMPACT:

N/A