



## Legislation Details (With Text)

<b>File #:</b>	20-1386	<b>Version:</b>	1
<b>Type:</b>	Public Hearing	<b>Status:</b>	Agenda Ready
<b>File created:</b>	11/13/2020	<b>In control:</b>	Planning and Zoning Commission
<b>On agenda:</b>	11/18/2020	<b>Final action:</b>	11/18/2020
<b>Title:</b>	Conduct the public hearing to consider a variance to allow a recreational vehicle exceeding the weight requirements to be parked on the driveway at 16 Pepperidge Road - PZC #20-1-095		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Application, 2. Responses to the standards and variance request description, 3. Legal description, 4. Location map, 5. Public comment 1, 6. Public comment 2, 7. Public comment 3, 8. Public comment 3 attachment, 9. Public Comment 4		

Date	Ver.	Action By	Action	Result
11/18/2020	1	Planning and Zoning Commission	approved	Pass

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance to allow a recreational vehicle exceeding the weight requirements to be parked on the driveway at 16 Pepperidge Road - PZC #20-1-095

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, Community Planner

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

Official notice for the public hearing for PZC 20-1-095 was published in the Daily Herald on November 2, 2020.

#### **BACKGROUND:**

The subject property is generally located north of the intersection of Sunnybrook Dr. and Pepperidge Road and is zoned R1A (Low Density Single-Family Residence District). The property is approximately 11,122 square feet and is improved with a single-family structure.

#### **DISCUSSION:**

The petitioners and property owners, Linda E. Cusack and Thomas F. Cusack, are seeking to park a van that exceeds the weight requirements for a vehicle permitted to be parked on a driveway. The petitioner is requesting approval of a variance from [Section 6-2-7:3 \(Parking Of Recreational Vehicles\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-7TRREVE) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-7TRREVE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-7TRREVE)> and [6-2-20:2.1 \(Curb Weight\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-20MOVERERED1) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH2GEZOPR\\_6-2-20MOVERERED1](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-20MOVERERED1)> of the Naperville Municipal Code which requires a weight limit maximum of 8,000 pounds for any recreational vehicle parked on a driveway

for daily use. The proposed van would be approximately 10,360 pounds, which exceeds the weight limit by 2,360 pounds. Recreational vehicles are only permitted to be parked on a driveway when it is used daily and is the owner's principal means of transportation.

The proposed van at 21 feet 10 inches would meet the maximum length requirement (25 feet), so visually, the van will not appear to exceed the requirements of a recreational vehicle that is permitted to be parked in the driveway. If a resident would like to park a recreational vehicle in the driveway for their principle means of transportation, and the use meets the requirements of Section 6-2-20:2.1, they would be permitted to use the vehicle without a zoning permit or review.

As noted by the petitioner, the van proposed would accommodate the petitioner's health needs by elevating their feet and legs, providing refrigerator for medicine, and providing a restroom, as described in the application responses attached. The petitioners have noted they were not able to find a van that meets all their needs and remain under the weight limit. The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff is in general agreement with the petitioner's Findings and recommends adoption by the Planning and Zoning Commission.

If the Planning and Zoning Commission determines that the Standards for Granting a Variance are met, staff recommends adding the following conditions of approval to this variance to further the intent of the Zoning Ordinance to ensure the allowance for a recreational vehicle exceeding the weight will only be associated with the current property owners, who have unique needs for the vehicle:

*The proposed variance to permit a recreational vehicle which exceeds the maximum weight requirement by 2,360 pounds to be parked on the driveway of 16 Pepperidge Road is specifically granted to the petitioners, Linda E. Cusack and Thomas F. Cusack, who are the owners of the subject property. Said variance shall not be transferrable to any future property owners, residents, or alternative recreational vehicles. In the event that either Linda E. Cusack, Thomas F. Cusack, or both no longer own and/or reside at 16 Pepperidge Road, the ordinance shall become null and void. Any requests for alternative recreational vehicles or applicability to new property owners/residents shall require review and approval of a new zoning variance.*

### **Key Takeaways**

- The petitioners request a variance in order to park a recreational vehicle that exceeds the weight requirements by approximately 2,360 pounds for their principle means of transportation.
- Staff supports the requested variance finding that the van will not visually exceed the requirements of a vehicle that is permitted to be parked on a driveway, as the proposed vehicle meets the length requirements. Staff recommends approval of the variance request with the inclusion of a condition of approval that the ordinance will be tied to the current property owners, Linda E. Cusack and Thomas F. Cusack.