



## Legislation Details (With Text)

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**Title:** Receive the staff report for 214 N. Laird Street - PZC 21-1-094 and PZC 21-1-108 (Item 1 of 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition - Variance, 2. Petition - Deviation, 3. Legal Description, 4. Location Map, 5. Vicinity Map, 6. Plat of Survey, 7. Site Plan - Variance, 8. Site Plan - Deviation, 9. Response to Standards - Variance, 10. Response to Standards - Deviation, 11. PZC Meeting Minutes 10-6-2021 DRAFT, 12. Blueprint and Elevations

Date	Ver.	Action By	Action	Result
10/19/2021	1	City Council	received	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Receive the staff report for 214 N. Laird Street - PZC 21-1-094 and PZC 21-1-108 (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Ashley Green, Community Planner

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

The Planning and Zoning Commission (PZC) considered PZC #21-1-094 (request for a variance to permit a porch to encroach into the corner side yard setback) on October 6, 2021. The Commission voted 7-0 to approve the variance request. PZC review is not required for the requested deviation to the platted setback as described below. Staff concurs with both requests.

#### **BACKGROUND:**

The subject property is located at 214 N. Laird Street and consists of an approximately 7,250 square foot parcel that is improved with a single-family residence. The property is zoned R1B (Medium Density Single-Family Residence District) and was recorded as Lot 36 of the Lair's Addition to Naperville in 1928 with a 35' platted building line.

The Petitioners and Property Owners, Daniel and Jill Ignash, have plans to demolish the existing home and construct a new home while reusing the existing foundation. As part of these plans, the Petitioners are seeking to construct a one-story porch on the south side of the home as illustrated on the site plan.

#### **DISCUSSION:**

### ***Deviation to Platted Setback***

The Petitioners intend to demolish the existing single-family residence and build a new single-family residence reusing the existing foundation. The foundation of the existing house is located 30.87' from the front property line. The property is zoned R1B, which has a 30' front yard setback; however, a 35' 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."

While the existing foundation will be re-used, the demolition of the existing structure prompts compliance with the 35' platted setback line. Accordingly, the Petitioner is seeking a deviation to the 35' platted setback line in order to accommodate the new single-family structure.

216 North Laird Street abuts the subject property to the north and was granted a variance in 1995 to construct a porch that is setback 22' from the Laird Street lot line (Ord. 95-158). Along with this, staff finds the other existing homes on the east side of the subject property's block do not appear to meet the 35' platted building line. Given the above information, as well as the fact that the Petitioners are proposing to reuse the existing foundation that already encroaches into the platted setback, staff is in support of the requested deviation.

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 Petitioners were to seek any additional improvements in the future which encroached into the platted building line or zoning setback, an additional deviation and/or variance would be required to be processed.

The Petitioners' response to the standards for granting a deviation to a platted setback are attached. Staff is in general agreement with the Petitioners' findings and recommends adoption by the City Council.

### ***Variance to R1B Yard Requirements and Permitted Obstructions in Required Yards***

The Petitioners are requesting approval of a variance to the R1B corner side yard setback and the permitted obstructions in required yards to permit the proposed porch to encroach 6.75' into the corner side yard setback. Per 6-6B-7:1, single-family detached dwellings have a 15' corner side yard setback. Per 6-2-3:3.2, porches are only permitted to encroach 5 feet into the required corner side yard. Given these regulations and the fact that the Petitioners are reusing the existing foundation, the Petitioners would be limited to a 5.75-foot-deep porch. The Petitioners have detailed that a space this deep would be insufficient for having furniture and still allow for maneuverability. The 1.75' encroachment beyond what is permitted will allow sufficient room (depth of 7.5') for the porch to be useable and is not a significant encroachment. In addition, the porch will be open on all three sides, so it will not appear to add bulk.

The Petitioners' responses to the Standards for Granting a Variance are attached. Staff is in general agreement with the Petitioners' responses and recommends approval of the variance.

### ***Key Takeaways***

- The Petitioners are requesting a deviation to the 35' platted building line for the property located at 214 North Laird Street to construct a single-family residence 30.87' from the front property line. The proposed residence complies with the R1B district front yard setback requirements.
- The Petitioners are requesting approval of a variance to Section 6-6B-7:1 (R1B Yard Requirements) and Section 6-2-3:3.2 (Permitted Obstructions in Required Yards) of the Naperville Municipal Code to permit a 1.75' encroachment beyond the permitted 5' encroachment into the required 15' corner side yard setback in order to construct a one-story porch.
- Staff supports both requests.

### ***Related Files***

Pass the ordinance granting a variance to allow for the construction of a one-story porch at 214 N. Laird St. - PZC 21-1-094 (Item 2 of 3)

Pass the ordinance granting a deviation to the 35' platted setback line for the property located at 214 N. Laird St. - PZC 21-1-108 (Item 3 of 3)

### **FISCAL IMPACT:**

N/A