



Legislation Details (With Text)

File #: 22-1545 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/9/2022 **In control:** City Council
On agenda: 12/20/2022 **Final action:** 12/20/2022
Title: Pass the ordinance approving a platted setback deviation for the property at 126 N Laird Street - PZC 22-1-115

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A Legal, 3. Exhibit B Plat, 4. Exhibit C Site Plan, 5. Exhibit D Standard Responses, 6. Development Petition

Date	Ver.	Action By	Action	Result
12/20/2022	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance approving a platted setback deviation for the property at 126 N Laird Street - PZC 22-1-115

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Adam Beaver, Assistant Planner

BOARD/COMMISSION REVIEW:

Per Section 7-1-13:2.4 (Platted Setbacks and Building Lines) of the Naperville Municipal Code, the petitioner posted on sign on the property on December 2, 2022

BACKGROUND:

The subject property is zoned R1B (Medium Density Single-Family Residence District) and consists of an approximately 21,892 square foot lot located on N Laird Street. Recently, the property owners consolidated three lots and tore down the existing single-family homes.

At this time, the petitioner, Christopher Derrick, and owners, Justin and Kimberly DuPere, plan to construct a single-family home on the Subject Property. To do so, the petitioner requests approval of a deviation to a thirty-five-foot platted front building setback along N Laird Street in order to construct the single-family home to the thirty-foot zoning setback line that is required in the R1B district.

Staff is supportive of the requested deviation noting that the proposed site design meets the R1B zoning district requirements and is compatible with surrounding residences.

DISCUSSION:

Platted Setback Deviation

The petitioner proposes a platted setback deviation to allow a single-family home to be constructed within the thirty-five-foot platted setback line previously platted through Laird's Addition to Naperville (recorded in DuPage County as Document R1928-267356). Section 7-1-3:2 of the Municipal Code allows City Council to grant a deviation from a platted building or setback line if the request is in harmony with the intent and character of the subdivision and complies with the required standards.

Laird's Addition to Naperville (Document R1928-267356) depicted a thirty-five-foot platted setback along Laird Street, which is inconsistent with the City's current zoning setback regulations for the subject property. Notably, the platted setback is more restrictive than the R1B zoning district's required 30 foot front yard setback identified in [Section 6-6B-7 \(Yard Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTBR1MEDESIMIREDI_6-6B-7YARE) of the Code. The petitioner has confirmed that a thirty-foot front yard setback is consistent with surrounding properties. Since the platted setback line is more restrictive than the zoning setback and the proposed residence would comply with the underlying R1B zoning requirements, staff is in support of the requested deviation.

Findings of Fact

The petitioner's responses to the Standards for Granting a Subdivision Deviation can be found in the attachments. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Key Takeaways

- The petitioner requests approval of a platted setback deviation. Staff is supportive of the requested deviation noting that the proposed site design meets the R1B zoning district requirements and is compatible with surrounding residences.

FISCAL IMPACT:

N/A