



## Legislation Text

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**File #:** 17-635, **Version:** 2

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance from Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) of the Naperville Municipal Code for the property located at 724 Jackson Avenue - PZC 17-1-051.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly

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

The Planning and Zoning Commission considered this matter on August 16, 2017 and voted to recommend approval of the case (Approved 6-0). Staff concurs.

#### **BACKGROUND:**

The subject property, 724 Jackson Avenue, is generally located on the south side of Jackson Avenue, west of West Street and is zoned R1B (Medium Density Single-Family Residence District). The property is approximately 1.1 acres and is currently improved with a single-family residence. The petitioner, Randy Mueller, requests approval of a variance to Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) to allow for the construction of a game court to exceed the footprint of the principal structure.

On June 22, 2017 an ordinance for rezoning and a subdivision plat were recorded by the DuPage County recorder's office in order to consolidate three lots (308 Cody Court, 804 Jackson Avenue, and 724 Jackson Avenue) into one. The rezoning was approved by the Planning and Zoning Commission and City Council and the consolidation of the lots was approved administratively.

#### **DISCUSSION:**

The petitioner, Randy Mueller, is proposing a 5,687 sq. ft. game court on the subject property. Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) of the Municipal Code requires that no single detached accessory structure shall exceed the footprint of the principal structure, in order to ensure that all accessory structures remain subordinate to the principal structure. Presently, the existing principal structure is approximately 3,475 sq. ft., which is significantly smaller than the buildable footprint (as defined by the required setbacks) permitted by right on the 1.1 acre lot. The size of the existing home thereby results in an allowable maximum game court size of 3,475 sq. ft.

Given the overall size of the lot and the limited home size, the 5,687 square foot size game court does not cause any overcrowding of land. Due to the size of the property and location of the court on the property, the views/sight lines from adjacent properties would be minimally affected given the lack

of height and bulk of the proposed game court. Staff has reviewed the proposal and found that the game court, given the lack of height, does not add any bulk to the required rear yard. Staff also found that the proposal provides ample screening around the game court that follows what is required by Code. Given these reasons, staff is in support of the requested variance.

### ***Findings of Fact***

The petitioner's responses to the Standards for Granting a Zoning Variance are attached. Upon review, the Planning and Zoning Commission and staff agree with the petitioner's Findings and recommends their adoption by the City Council.

### ***Key Takeaways***

- The petitioner is requesting approval of a variance to allow for the construction of a game court on the subject property that exceeds the footprint of the principal structure.
- Staff is in support of the variance request given the minimal bulk of the game court and the proposed screening provided around the perimeter of the game court.

### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission conducted the public hearing for PZC 17-1-051 at their meeting on August 16, 2017. No members of the public provided testimony. Following brief discussion regarding any neighbor opposition and the proposed court size, the Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-051 (approved 6-0). Staff concurs with the Planning and Zoning Commission's recommendation.

**FISCAL IMPACT:** N/A