



## Legislation Text

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File #: 18-339, Version: 1

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance granting a deviation to the 40' platted building line pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Municipal Code to allow for the construction of a new single-family residence at the subject property located at 1050 Prairie Avenue - PZC 18-1-033.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

Not required.

#### **BACKGROUND:**

Located on the south side of Prairie Avenue, west of Charles Avenue, the subject property has a common address of 1050 Prairie Avenue. The 19,426 square foot property is currently vacant and is zoned R1A (Low Density Single-Family Residence District). The subject property was recorded as Lot 2 of Arthur T. McIntosh and Company's Naperville Estates Subdivision with a 40' platted building line.

The petitioner requests approval of a deviation to the 40' platted building setback line in order to construct a new single-family residence at a distance of 30.5' from the front property line.

#### **DISCUSSION:**

As noted above, the subject property was platted with a 40' building line. The front yard setback in the underlying R1A district is 30'. Per [Section 7-1-3:1 \(Subdivision Regulations: Platted Setbacks and Building Lines\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH1GEPR_7-1-13PLSEBULI) <[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT7SURE\\_CH1GEPR\\_7-1-13PLSEBULI](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT7SURE_CH1GEPR_7-1-13PLSEBULI)>, the more restrictive requirement, i.e. the 40' platted building line, applies to the subject property. The petitioner requests to deviate from the 40' building line in order to construct a new single-family residence on the subject property. A portion of the home, the attached garage, will be constructed at 30.5' from the front property line, encroaching 9.5' into the 40' platted building line. The remainder of the home will be constructed in compliance with the 40' platted building line.

Staff finds that the while many of the residences on the block appear to be constructed at or in excess of the 40' platted setback, there is no consistent front yard setback along the block face. In 2005, the property directly to the east of the subject property received Council approval to remove the 40' platted setback and replat a 30' setback. On the subject property, only the proposed attached garage will encroach into the 40' platted setback while the majority of the home will comply with the 40' platted setback and all other R1A setbacks. Given these factors, staff is in support of the request

for a deviation from the 40' platted setback line.

The requested deviation, if approved, will be subject to compliance with the approved site plan. If the petitioner were to seek any additional improvement in the future which encroached further into the platted building line or the zoning setback, an additional deviation and/or variance would be required to be processed.

***Findings of Fact***

The petitioner's responses to the standards for granting a subdivision deviation are attached. Staff agrees with the petitioner's findings and recommends their adoption by the City Council.

***Key Takeaways***

- The petitioner is requesting a deviation to the 40' platted building line in order to construct a new single-family residence at a distance of 30.5' from the front property line.
- Staff supports the deviation because the proposed single-family residence will comply with all other R1A setbacks. Additionally, the property to the east received a deviation to allow for the removal of the 40' platted building line.

**FISCAL IMPACT:**

N/A