



## Legislation Text

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File #: 19-134, Version: 1

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### **PLANNING AND ZONING COMMISSION AGENDA ITEM**

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance from Section 6-6C-7 to construct 5 age-restricted duplex dwellings with 5' interior side yard setbacks on the subject properties located at the southwest corner of 95<sup>th</sup> Street and 248<sup>th</sup> Avenue (Ashwood Crossing Duplex Lots) - PZC 19-1-001

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

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

Official notice for the public hearing for PZC 19-1-001 was published in the Naperville Sun on January 20, 2019.

#### **BACKGROUND:**

The subject properties are zoned R2 (Single Family and Low Density Multi-Family Residence District) and are located on Lobo Court south of the intersection with Olcan Road on both sides of the street. The unimproved properties, Lots 71, 72, 73, 80, and 81, are part of the Ashwood Crossing Subdivision which is generally located at the southwest corner of 95<sup>th</sup> Street and 248<sup>th</sup> Avenue. The combined square-footage of the 5 subject properties is 1.32 acres.

Concurrent with the subdivision's Annexation and Rezoning from A-1 (Agricultural District) in unincorporated Will County in 2017, approval of a variance to reduce the interior side yard setback requirements to allow for a minimum of 5' was granted for Lots 1 through 61 ("Single Family Lots") via case number #16-1-141. At the time, the petitioner and owner, Pulte Home Company, LLC., did not seek similar relief for Lots 70 through 87 ("Duplex Lots"). Only two types of Duplex floor plans were intended to be offered. Currently, 24 duplex units have been sold with only one sale of the "Corsica" floor plan.

The Petitioner is seeking the same type of relief previously granted to improve sales by offering the "Abbeyville" floor plan. The reduced side yard setbacks would then allow all Duplex products to fit on the remaining Duplex lots.

#### **DISCUSSION:**

Per Section 6-6C-7 (R2: Yard Requirements), the interior side yard requirement is a total of 16' for 2 side yards with each side yard being a minimum of 6'. The petitioner is seeking approval to reduce the interior side yard setbacks on the 5 subject lots to a minimum of 5' for a total minimum of 10'.

Given the existing layout and features of the subdivision, staff does not anticipate that the variance will alter the essential character of the area or be a detriment to the adjacent properties. The majority

of the previously platted and approved lots have the reduced 5' interior side yard setbacks. The proposal is consistent and compatible with the rest of the subdivision. Uniquely, Ashwood Crossing is an age-restricted community that also limits the use of private yards through a Homeowner's Association. Staff finds adequate distance separation will be provided as with the single-family structures.

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, staff agrees with the petitioner's Findings and recommends their adoption by the Planning and Zoning Commission.

***Key Takeaways***

- The Petitioner requests a variance to permit 5' interior side yard setbacks for 5 lots.
- The subject lots are part of a larger subdivision where this same type of relief has been previously granted.
- Staff supports the requested variance because of the subdivision's unique requirements and Staff recommends approval of the variance request.