



## Legislation Text

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File #: 19-582, Version: 1

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### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance to the maximum height and number of stories in order to construct a duplex at the subject property located at 125 N. Huffman Street, Naperville - PZC 19-1-043

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

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

Official notice for the public hearing for PZC 19-1-043 was published in the Daily Herald on May 20, 2019.

#### **BACKGROUND:**

Located on the west side of Huffman, north of School Street, the subject property has a common address of 125 N. Huffman Street. The 7,500 square foot property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is improved with a single-family residence and associated detached garage.

The petitioner, Steve Carr Builders and Developers, LLC, requests to demolish the existing residence and garage in order to construct a duplex on the property. The proposed duplex will require variances to exceed the height and story requirements in the R2 District.

#### **DISCUSSION:**

[Section 6-6C-8:1 \(R2 District: Height Limitations and Bulk Regulations\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTCR2SIMILODEMUMIREDI_6-6C-8HELIBURE)

[6-6C-8HELIBURE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTCR2SIMILODEMUMIREDI_6-6C-8HELIBURE)

of the Municipal Code states that the maximum height for duplexes in R2 shall be 2½ stories, not to exceed 35'. The proposed duplex is 4 stories and 43'2" in height. The petitioner requests the following variances: (1) to permit the 4 story duplex to exceed the 2½ story maximum by 1½ stories; and 2) to permit the 43'2" tall duplex to exceed the 35' height maximum by 8'2". The proposed duplex will comply with all other R2 bulk regulations.

Per [Section 6-2-4 \(Building Height and Bulk\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-4BUHEBU)

[6-2-4BUHEBU](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-4BUHEBU)

building height is measured from a datum point, which is established by the average of the 2 grades along each side lot line where the front yard line meets the side lot lines, to the highest point of the roof surface or parapet. The proposed duplex is 42'3" as measured from the datum point to the highest point of the rooftop access way.

A story is defined in [Section 6-1-6 \(Definitions\)](#)

[https://library.municode.com/il/naperville/codes/code\\_of\\_ordinances?nodeId=TIT6ZORE\\_CH1ZOTIPUDE\\_6-1-6DE](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH1ZOTIPUDE_6-1-6DE)

as that part of a building or structure between any floor and the floor next above. Exterior walls more than 4½' above the finished floor of the story below are considered a full story. The proposed duplex is 4 stories because both the garage level, at 11'10" above the datum point, and the roof access area, at 8' 1" above the floor below, are counted as a story.

As a note, mechanical equipment is included in the height and story measurements due to its location in a rooftop enclosure; mechanical equipment screened by a parapet wall would not be included in the height measurement. Without the inclusion of the rooftop enclosure area, the building would be 3 stories and 36'3" in height.

The petitioner's responses to the standards for granting a variance are attached; staff does not concur with the responses to the standards submitted by the petitioner. Staff's comments with respect to the proposed findings for the requested variances, based upon a review of the subject property, applicable Code provisions for the R2 District, the standards for granting a variance, and the East Sector Plan, are as follows:

Variance Standard #1: The variance is in harmony with the general purpose and intent of the Zoning Regulations and the adopted comprehensive master plan.

Staff Comments: The City's Zoning Regulations provide bulk requirements, including setbacks, height, lot coverage, lot size, etc., for each district. The height and story requirements work in conjunction with the other R2 bulk requirements to control the overall size and massing of the structure. A variance to these requirements will result in additional bulk on the property and is not in harmony with the general purpose of the R2 Zoning Regulations.

Variance Standard #2: Strict enforcement of the Zoning Regulations would result in practical difficulties or impose exceptional hardships due to special or unusual conditions which are not generally found on other properties in the same zoning district.

Staff Comments: The subject property is currently located within mapped floodplain and underground construction is not permitted. The petitioner has noted the inability to construct underground as an exceptional hardship on the property. However, in August 2019, upon adoption of revised floodplain maps, the property will no longer be in the floodplain. Once the new map is adopted, the petitioner will be permitted to construct underground. Therefore, staff finds the property does not have any special or unusual conditions that would require varying the zoning regulations.

Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Staff Comments: The property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District). Single-family residences and duplexes are permitted by right in R2 and the height requirement (2.5 stories, not to exceed 35') is applicable to both housing types. There are no records of height variances on the subject block and it can be assumed that the existing buildings comply with the height requirements. As such, staff finds that the construction of a 4

story, 42'3" duplex will alter the essential character of the neighborhood.

***Key Takeaways***

- The petitioner is requesting variances for the total height and number of stories permitted for a duplex. Staff does not support the request.