



Legislation Text

File #: 22-0638, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider a variance to Section 6-6B-7 for the property located at 1103 N. Eagle Street - PZC 22-1-028

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

ENTITLEMENTS REQUESTED:

A variance from Section 6-6B-7 (R1B/Yard Requirements) to reduce the required interior side yard setbacks.

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 22-1-028 was published in the Daily Herald on Monday, May 2, 2022.

BACKGROUND:

In 2021, the petitioner and owner, Lisle Ventures, LLC, petitioned the City of Naperville for approval of a preliminary/final plat of subdivision to allow for the subdivision of the existing lot located at 1107 N. Eagle Street into two lots. The subject property, 1103 N. Eagle Street, was created as Lot 2 of this subdivision (i.e., Sue Jelinek Resubdivision which was approved by Ordinance 21-110 on October 19, 2021).

The subject property is zoned R1B (Medium Density Single-Family Residence) District and is currently vacant. It is located on the west side of Eagle Street, north of 11th Street and is commonly known as 1103 N. Eagle Street. The petitioner and owner, Lisle Ventures, LLC., is requesting a variance to reduce the interior side yard setbacks on the subject property.

DISCUSSION:

The petitioner proposes to construct a new single-family residence on the subject property. For any new residential lot created after 1989, such as the subject lot, the R1B district requires an interior side yard setback of 16 feet total for both side yards, with each yard a minimum of 6 feet. The petitioner requests a variance to reduce the interior yard setback to 12 feet total for both side yards, with each yard a minimum of 6 feet, which is consistent with the setback requirements for lots created prior to 1989. The proposed residence will meet all other R1B site and structure requirements.

Findings of Fact

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. The petitioner's attorney additionally submitted a supplemental letter on May 13, 2022 (also attached). In general, staff finds that the post-1989 setback condition was a known requirement at the time of the 2021 subdivision approval. In addition, it is difficult to find that a hardship exists when new construction is proposed because the home's footprint can be adjusted accordingly. However, based on the information submitted on May 13, 2022, staff does acknowledge that the pre-1989 setbacks have been generally utilized for new construction occurring in the vicinity of the subject property given that those properties were established pre-1989.