



**NAPERVILLE PLANNING AND ZONING COMMISSION  
FINAL MINUTES OF APRIL 3, 2013**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Coyne, Dabareiner, Frost, Gustin, Hastings, Meyer, Williams  
Absent: Bruno, Messer  
Student Members: Heavener  
Staff Present: Planning Team – Ying Liu, Clint Smith

**B. Minutes**

Approve the minutes of the March 6, 2013 Planning and Zoning Commission meeting.

Motion by: Meyer  
Second by: Williams

Approved  
(7 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.  
PZC 13-1-005  
Lowry Development**

The petitioner, Richard Lowry, is requesting a conditional use for a single-family detached dwelling in TU (Transitional Use) District, a variance from Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) to permit an accessory structure in a front and corner side yard, and a variance to the required corner side yard in Section 6-7I (Transitional Use District), for property located at 12 N. Webster Street.

Clint Smith, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- The proposed four-car driveway is significantly wider than the existing two-car driveway. Smith noted that the Engineering Team had reviewed and approved the proposed driveway.
- Are there other driveways of the same size in the area? Smith noted staff is not aware of any.
- What is the hardship behind the variance for the pergola? The existing building is commercially styled. The proposed pergola would provide a residential feel to the building and help it blend in with the surrounding

residential uses.

- How is the pergola structure compared to Naperville Station on Spring Avenue?
- Are there any landscape requirements for the property? Smith noted that parkway trees are required but onsite landscaping is not required for single-family dwellings.
- Have there been any concerns from neighbors? Smith had several counter visits from nearby neighbors, who inquired about the project but didn't object to it.

Len Monson, Attorney with Kuhn, Heap & Monson, spoke on behalf of the petitioner:

- Planning and Zoning Commissioner, Greg Bruno, excused himself from this hearing due to a conflict of interest.
- The petitioner has worked with the Engineering Team to revise the configuration of the driveway to two narrower driveways with open space in between.
- The 3' wall along the property line is allowed and the pergola structure on the wall provides transition and an aesthetic enhancement to the building.
- The proposed garage aligns with the existing building and therefore a 1.5" corner side setback variance is needed.

Planning and Zoning Commission inquired about:

- Meyer was concerned about the 3' wall being adjacent to the sidewalk. Will the landscaping planted inside the 3' wall be taller than the wall? Monson stated that the landscaping behind the wall will be extensive and will exceed the wall height.
- Will there be an office component in this building? Monson stated that the petitioner plans to have a home office in the building, which will comply with the city's home occupation regulations.

**Public Testimony:**

Mark Burgund, Pastor of the Calvary Temple Church adjacent to the subject property, spoke:

- The church didn't receive the notification letter and was surprised to see this proposal. Burgund requested the commission continue the case to allow the church more time to review the proposal.
- The church would like to sell their property in the future and is unsure about the impact of this proposal on the marketability of their property.
- The church would like the building occupied; however, the proposed project may change how future development on the property may be viewed in the future.
- Monson noted that all notice requirements had been complied with. A certified letter was sent to the address of the church provided by the Township Assessor's Office, but the letter was returned. The petitioner would be happy to work with the church prior to the City Council

meeting.

Don Zaininger, owner of 9 N. Webster Street (west of subject property), spoke:

- The plan didn't show the location of a telephone pole which is very close to the proposed construction work.
- What's the impact of the proposed work on existing stormwater detention facility?
- The single family use looks fine.
- Monson stated the project complies with the DuPage County Stormwater Ordinance. The project is not adding any additional impervious surface. The City requires the petitioner hire a certified engineer to verify the impact of the project on the stormwater facilities. The telephone pole will stay and has been reflected on the latest site plan.

Michelle Zasac, resident of 221 W. Benton Avenue, spoke:

- Zasac received the notification letter on Saturday and would like to check the postmark date of the letters sent by the petitioner.
- The wider driveway is going to take away on-street parking and a lot of downtown customers park on the neighborhood streets.
- Benton Terrace is set back from the sidewalk.
- Zasac wants confirmation of the petitioner's plan to reside in the home.
- Monson confirmed that the notice letters were postmarked on March 14, 2013, in compliance with the City requirements. The petitioner is the contract purchaser of the property and does intend to reside on the property. Any future change to the property would require additional City approval. The proposed single-family use has a lower parking demand than the previously approved commercial use.

Planning and Zoning Commission inquired about:

- Can the 3' tall wall along the property line be setback from the sidewalk?  
Monson stated that the wall is setback 1' from sidewalk.

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Coyne – This is an improvement to the neighborhood. Coyne was concerned that the church was not notified, but the petitioner still has time to work with the church before the City Council meeting.
- Dabareiner – The proposed use reduces parking demand, which is an improvement. An occupied building is certainly better. Dabareiner was concerned about the variance for the pergola. However, after hearing the testimony tonight, Dabareiner believes that the pergola is addressing a unique situation and will help the building look more residential.
- Frost – This is a reasonable transitional use of the property. Frost was also concerned about the lack of notice to the church, but will support the project since the petitioner can work with the neighbors prior to Council meeting.

- Hastings – It is unfortunate the way the building has transpired. It is a great thing that the petitioner wishes to buy the property out of foreclosure. Hastings doesn't agree with the statement by the petitioner that the proposed structure is consistent with the surrounding single family homes.
- Meyer – The petitioner has done a wonderful job in softening the appearance of the building. It is a very good transitional use. Meyer was concerned about the corner sight line, but is satisfied that the petitioner will address it with the Engineering Team. Meyer encouraged the petitioner to use landscaping to add residential feel to the building.
- Williams – This is a transition property. The neighborhood doesn't really have a unified character. The proposed use is not detrimental to the rest of the neighborhood. Williams encouraged the petitioner to work with the neighbors before the City Council meeting.
- Gustin – This is a TU property. A commercial use is difficult on the property due to lack of parking. Would like to include the condition to set the corner pergola back.

Planning and Zoning Commission moved to recommend approval of PZC 13-1-005 subject to the condition that the southwest corner of the wall/pergola structure be setback per Engineering's approval and additional extensive landscaping be provided for the project.

Motion by: Williams  
Seconded by: Meyer

Approved  
(7 to 0)

**E. Reports and  
Recommendations**

**F. Correspondence**

**G. New Business**

**H. Adjournment**

8:30 p.m.