

TO: Committee of the Whole

FROM: Joel Strassman, Planning and Zoning Officer

DATE: April 21, 2020

SUBJECT: Ordinance 20-33: Grant of Variance for Side Setback for a Detached Garage in the R4 Multi-Family Medium Density District
227 South Water Street – Dan Satterfield, applicant

Summary: The Batavia Zoning Board of Appeals (ZBA) held a public hearing on April 15th to consider a variance to allow a detached garage to be closer to the side property line than allowed. Property owner Dan Satterfield is proposing to replace his existing garage with a new garage set back 3 feet from the side property line, less than the required setback of 10 feet.

Background: Mr. Satterfield’s existing garage is in disrepair and he wishes to replace it in a location that would screen his neighbor’s parking area, require a shorter new paved driveway, and be further from the side property line than the existing garage’s 1 foot setback. In addition to requiring the 10-foot setback, the garage must be a minimum of 25 feet from the house as required in the R4 District.

In his variance application material attached to the [staff memorandum to the ZBA](#), Mr. Satterfield details those desires and that he has owned this 2-unit home and property for approximately 15 years. He explains that when he purchased this property the Zoning Code allowed a garage setback less than 10 feet and there was no building separation requirement. He states that a reduced setback as requested would not harm any person or property and be in keeping with setbacks of other garages in the vicinity. He further states his desired garage placement would allow for better use of this property, reduce driveway pavement and costs, and the new garage will improve the neighborhood.

ZBA Review and Action: The ZBA conducted the public hearing during its remote meeting on April 15th. No members of the public spoke. Mr. Satterfield stated that he accepted the staff’s recommendation to the ZBA for a 5-foot setback instead of his requested 3-foot setback. ZBA members stated that they reviewed the staff memo to the Board and agree with the staff recommendation for a 5-foot setback. Board members noted that applicant’s variance request makes sense, the replacement garage has an attractive design, and the location allows for less driveway pavement. After closing the hearing, the ZBA made findings as listed in attached Ordinance 20-33. By a vote of 6-0 (1 absent), the ZBA recommended approval of the variance with the replacement garage to have a 5-foot side interior side setback.

Alternatives: The Committee can recommend approval or denial of Ordinance 20-33 as presented or consider amendments to the Ordinance before taking action.

Impacts: Approval would allow for the proposed garage to provide a side setback that is in character with other detached garage setbacks in the vicinity while observing the building separation requirement. No impact to staff or City services is anticipated.

Timeline for Actions: COW action will allow for final City Council action on May 4th.

Recommendation: Staff recommends approval of Ordinance 20-33 as presented.

Attachment: Ordinance 20-33

c Mayor
Department Heads
Dan Satterfield, applicant

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-33**

**GRANT OF VARIANCE FOR A SIDE SETBACK FOR A
DETACHED GARAGE
Dan Satterfield
(227 South Water Street)**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 4th DAY OF MAY, 2020**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 5th day of May, 2020

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-33**

**GRANT OF VARIANCE FOR A SIDE SETBACK FOR A DETACHED
GARAGE
Dan Satterfield
(227 South Water Street)**

WHEREAS, Dan Satterfield, owner of 227 South Water Street, legally described as:

LOT 9 IN BLOCK 1 IN ASSESSOR’S ADDITION TO BATAVIA, IN THE CITY
OF BATAVIA, KANE COUNTY, ILLINOIS. (PIN 12-22-401-006)

has filed an application for a variance from the Batavia Zoning Code (City Code Title 10), Table 2.204, to allow a detached garage having an interior side setback of three (3) feet instead of the minimum required 10 feet, a variance of 7 feet on the property located at 227 South Water Street in the R4 Multi-Family Medium Density District; and

WHEREAS, notice was duly executed, and a public hearing was held by the Zoning Board of Appeals on April 15, 2020; and

WHEREAS, following said hearing, the Zoning Board of Appeals made the following findings:

1. There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the Zoning Code would create an unnecessary hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.
2. Such unique circumstances were not created by the applicant.
3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. The variance will not alter the essential character of the locality; and

WHEREAS, after making the said findings, the Zoning Board of Appeals following said hearing, recommended approval of the requested variance from the City of Batavia Zoning Code for a detached garage having an interior side setback of five (5) feet, in place of the requested three (3) feet, instead of the minimum required 10 feet, in general conformance with the plans submitted in support for the requested variance; and

WHEREAS, on April 28, 2020, the Batavia City Council’s Committee of the Whole reviewed the application and record of the hearing, and concurred with the findings of the Zoning Board of Appeals; and

WHEREAS, the Committee of the Whole has recommended approval of the requested variance in accordance with the recommendation of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: That the application by Dan Satterfield, owner of the property located at 227 South Water Street for a variance from Batavia Zoning Code (City Code Title 10), Table 2.204, to allow a detached garage having an interior side setback that is less than the minimum required 10 feet, is hereby approved to allow said garage to have an interior side setback of five (5) feet on the property, a variance of five (5) feet, located at 227 South Water Street in the R4 Multi-Family Medium Density District, in general conformance with Exhibits “A” through “D” attached hereto.

Exhibit	Plan	Dated	Prepared by
A	Site Plan	No date	Gregory A. Norris, Architect
B	Floor Plan	“	“
C	Attic Plan	“	“
D	Garage Elevations	“	“

SECTION 2: That this Ordinance 20-33 shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-33

PRESENTED to the City Council of the City of Batavia, Illinois, this 4th day of May, 2020.

PASSED by the City Council of the City of Batavia, Illinois, this 4th day of May, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 4th day of May, 2020.

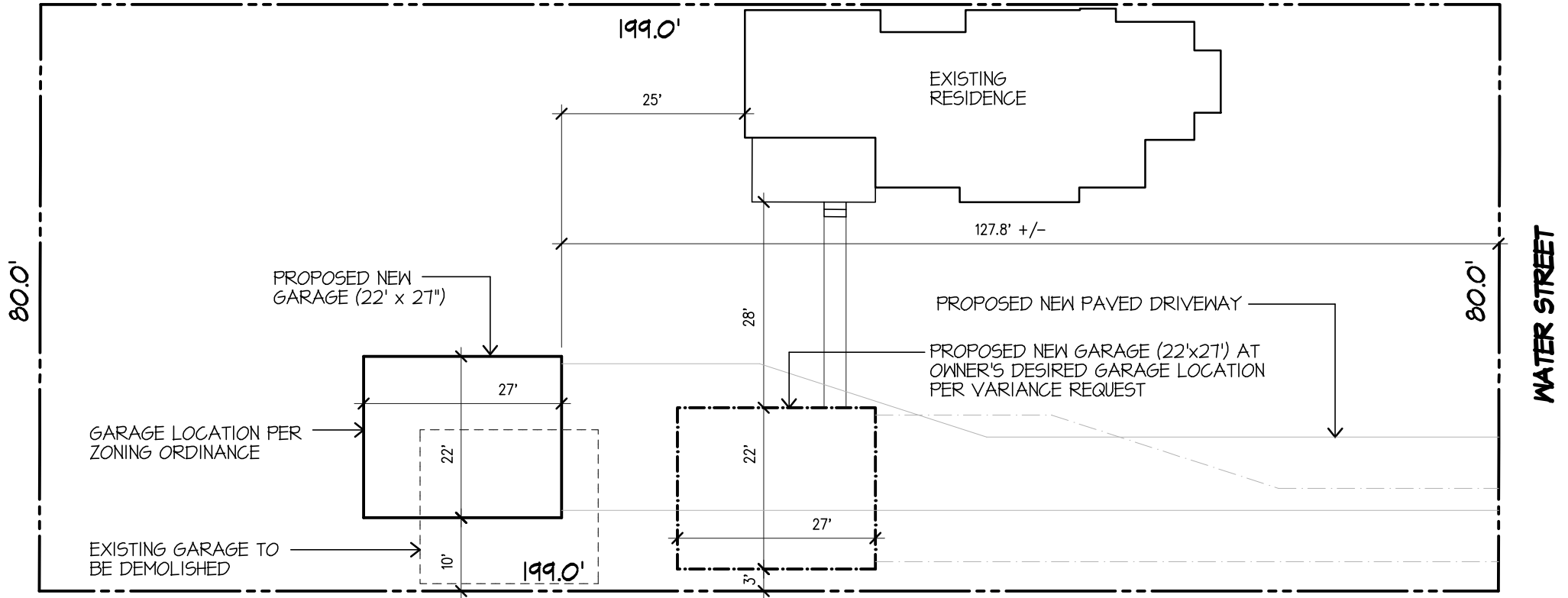
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Ellen Posledni, City Clerk

Exhibit A

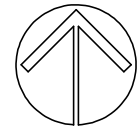


Carriage House 227 S Water St ~ Batavia, IL

SITE PLAN

SCALE: 1" = 20'-0"

AREA = 594 SQ FT



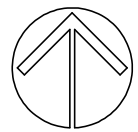
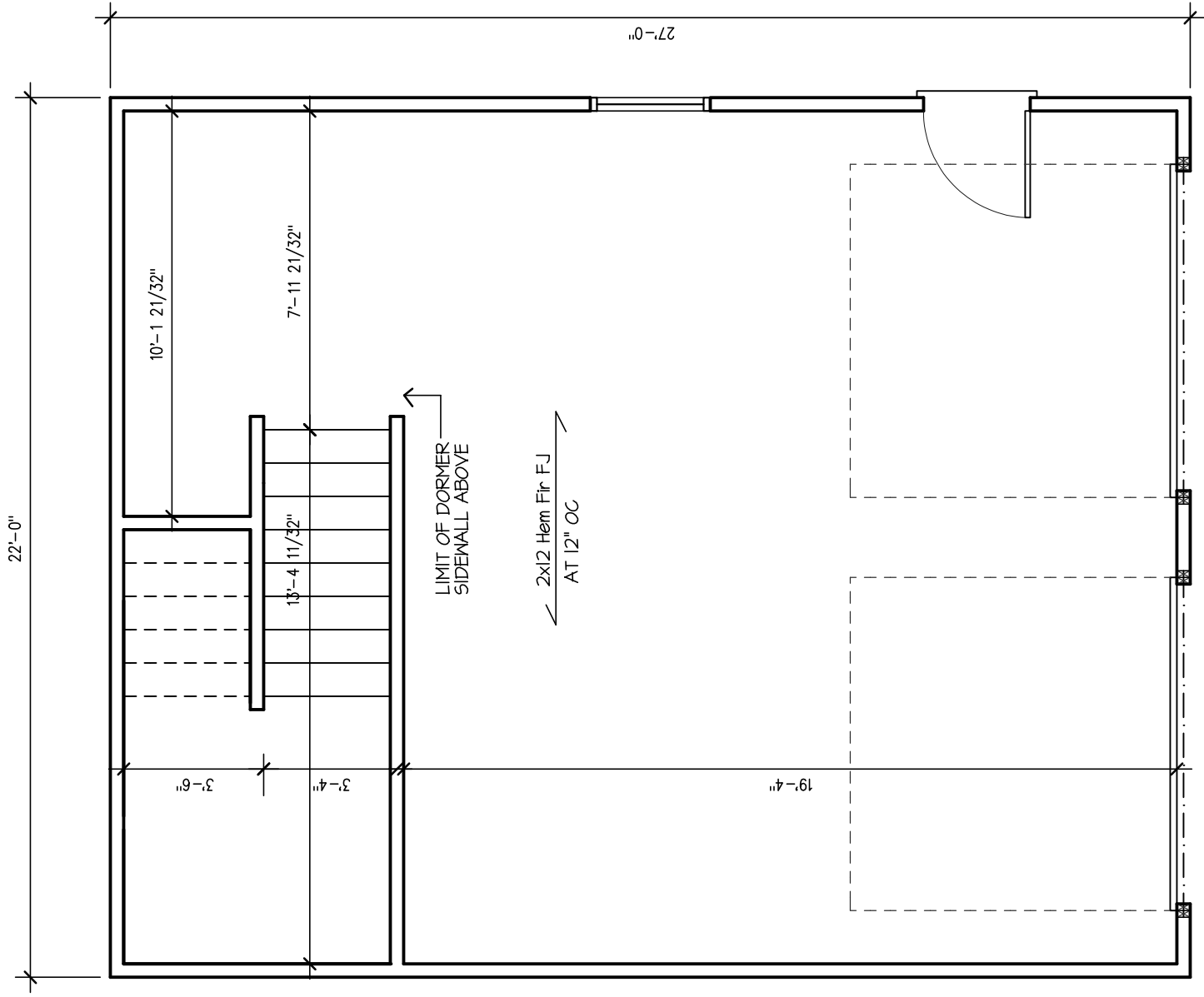
Gregory A. Norris, Architect

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Batavia, IL 630-336-4368

GAN 2019-20 February 26, 2020

Exhibit B



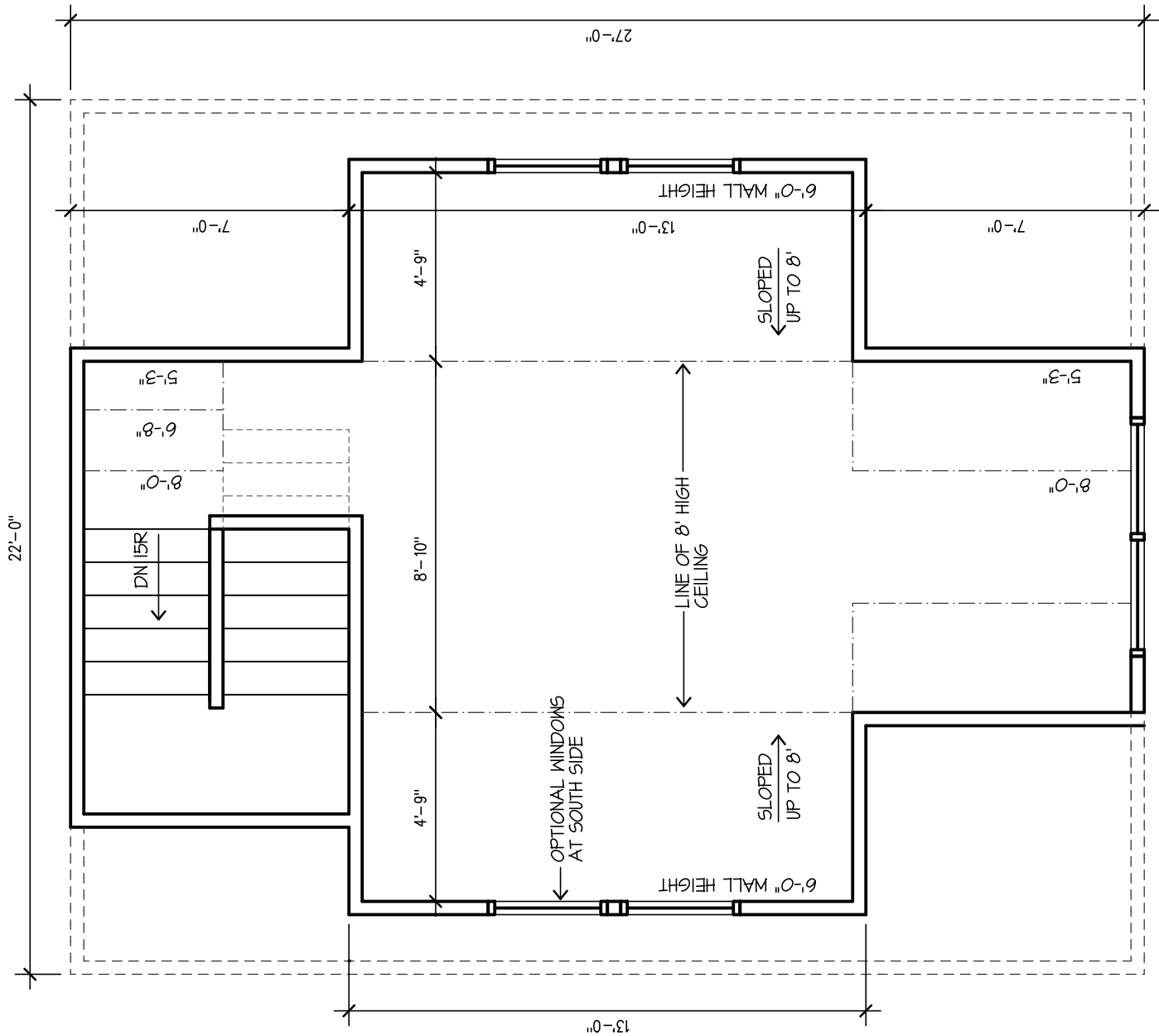
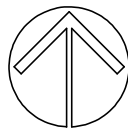
Carriage House 227 S Water St ~ Batavia, IL

FLOOR PLAN

SCALE: 1/4" = 1'-0" AREA = 594 SQ FT

Gregory A. Norris, Architect
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 Batavia, IL 630-336-4368
 GAN 2019-20 January 23, 2020

Exhibit C



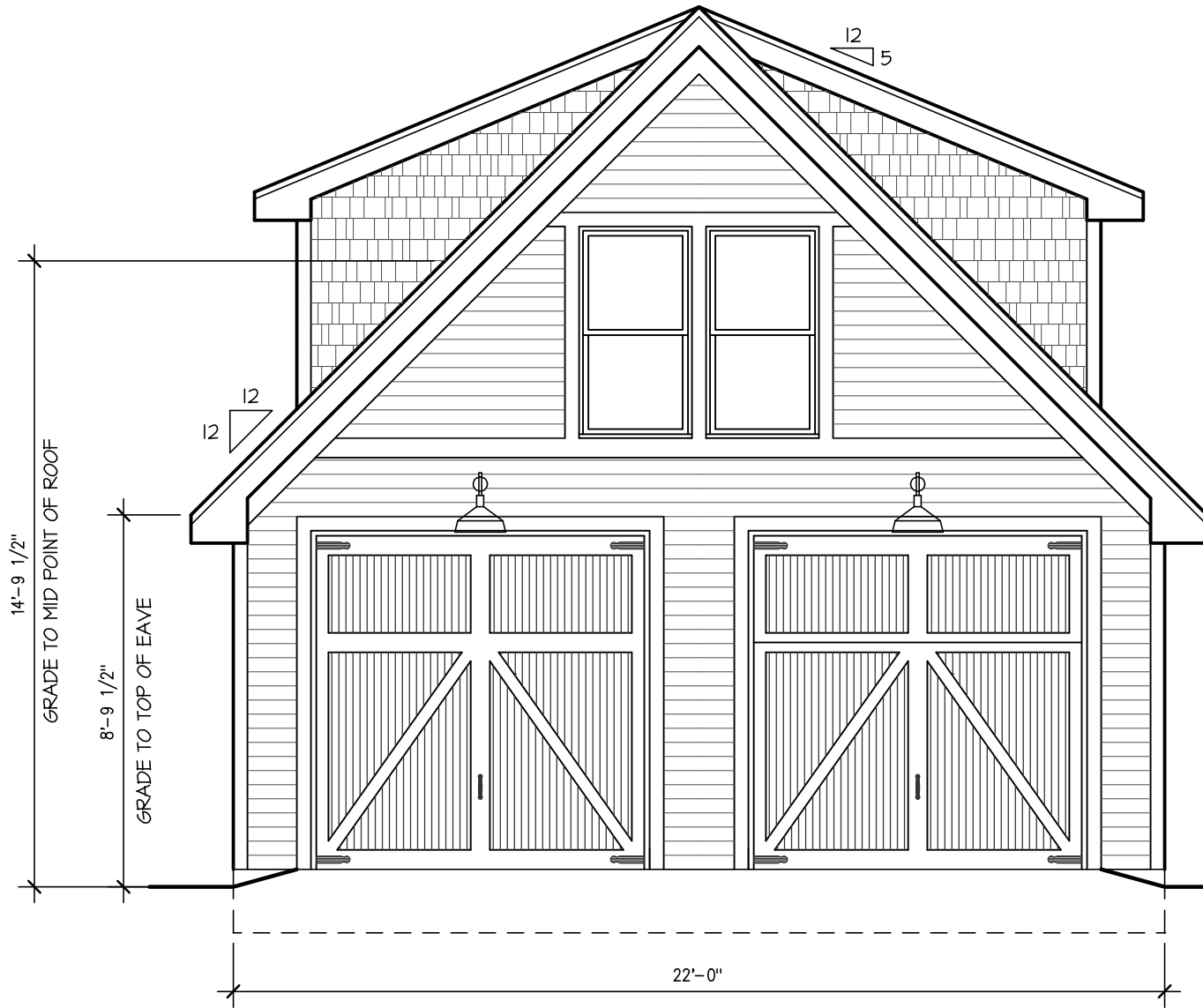
Carriage House 227 S Water St ~ Batavia, IL

ATTIC PLAN

SCALE: 1/4" = 1'-0"

Gregory A. Norris, Architect
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GAN 2019-20 January 23, 2020

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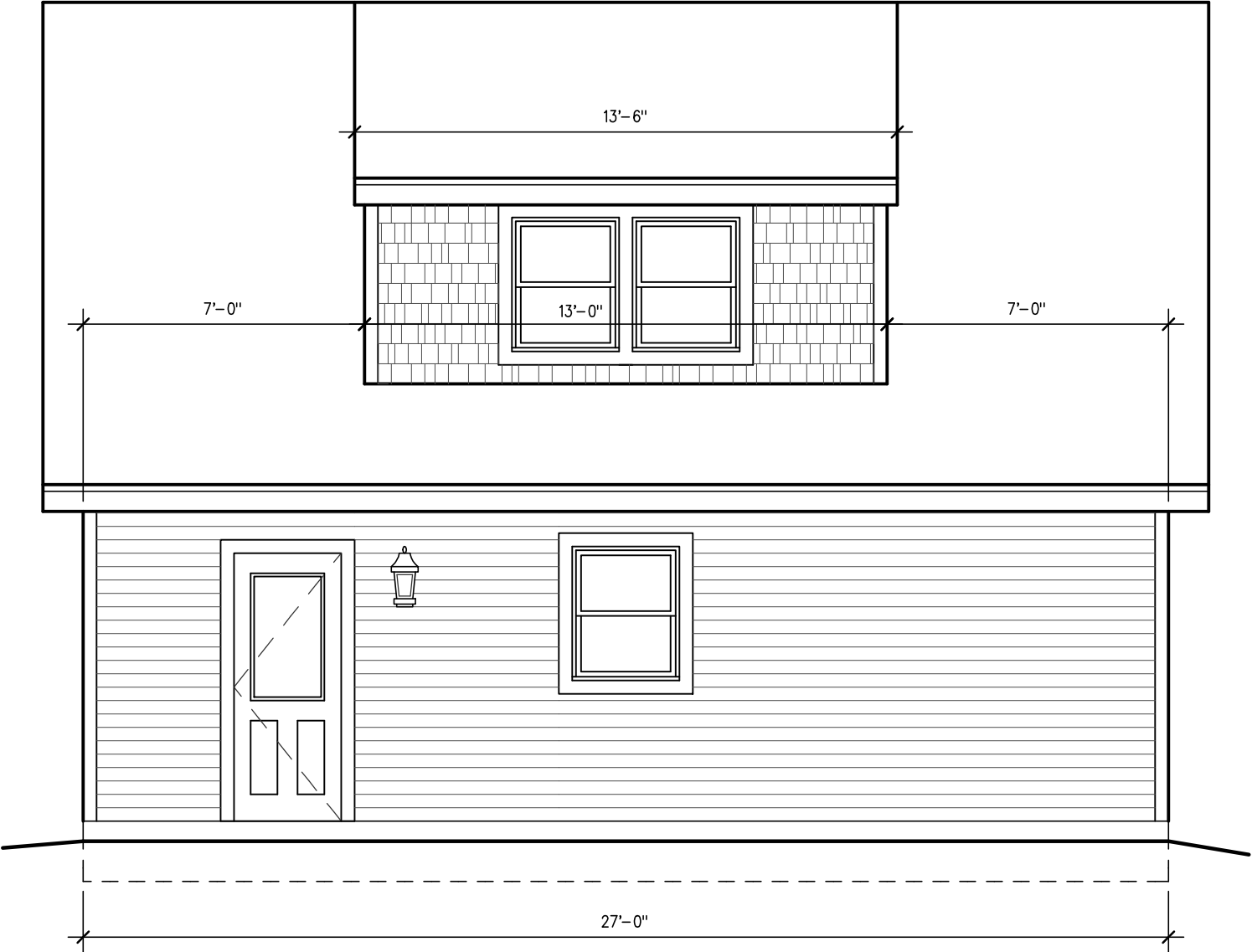


Carriage House 227 S Water St ~ Batavia, IL

EAST (FRONT) ELEVATION

SCALE: 1/4" = 1'-0"

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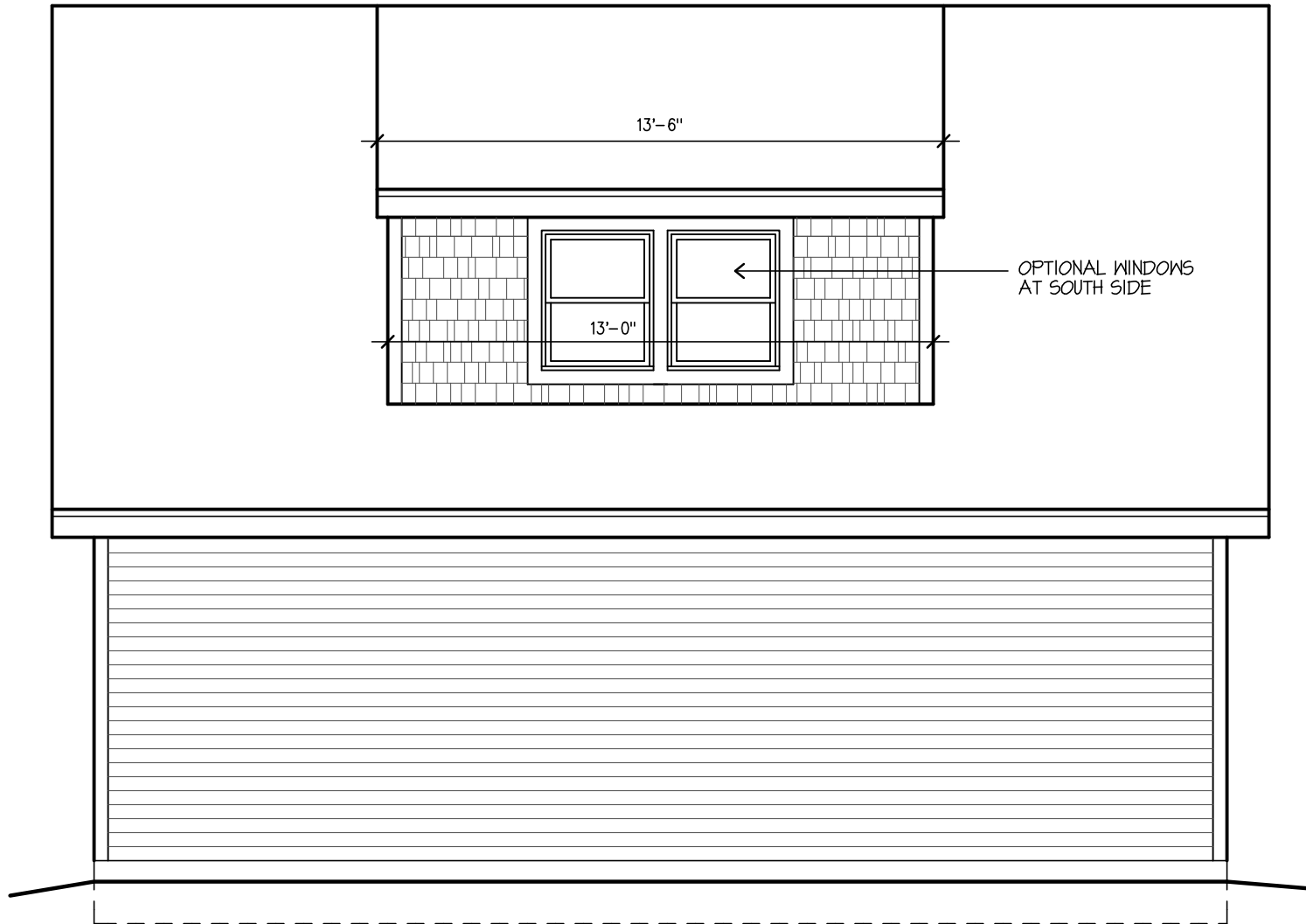


Carriage House 227 S Water St ~ Batavia, IL

NORTH (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"

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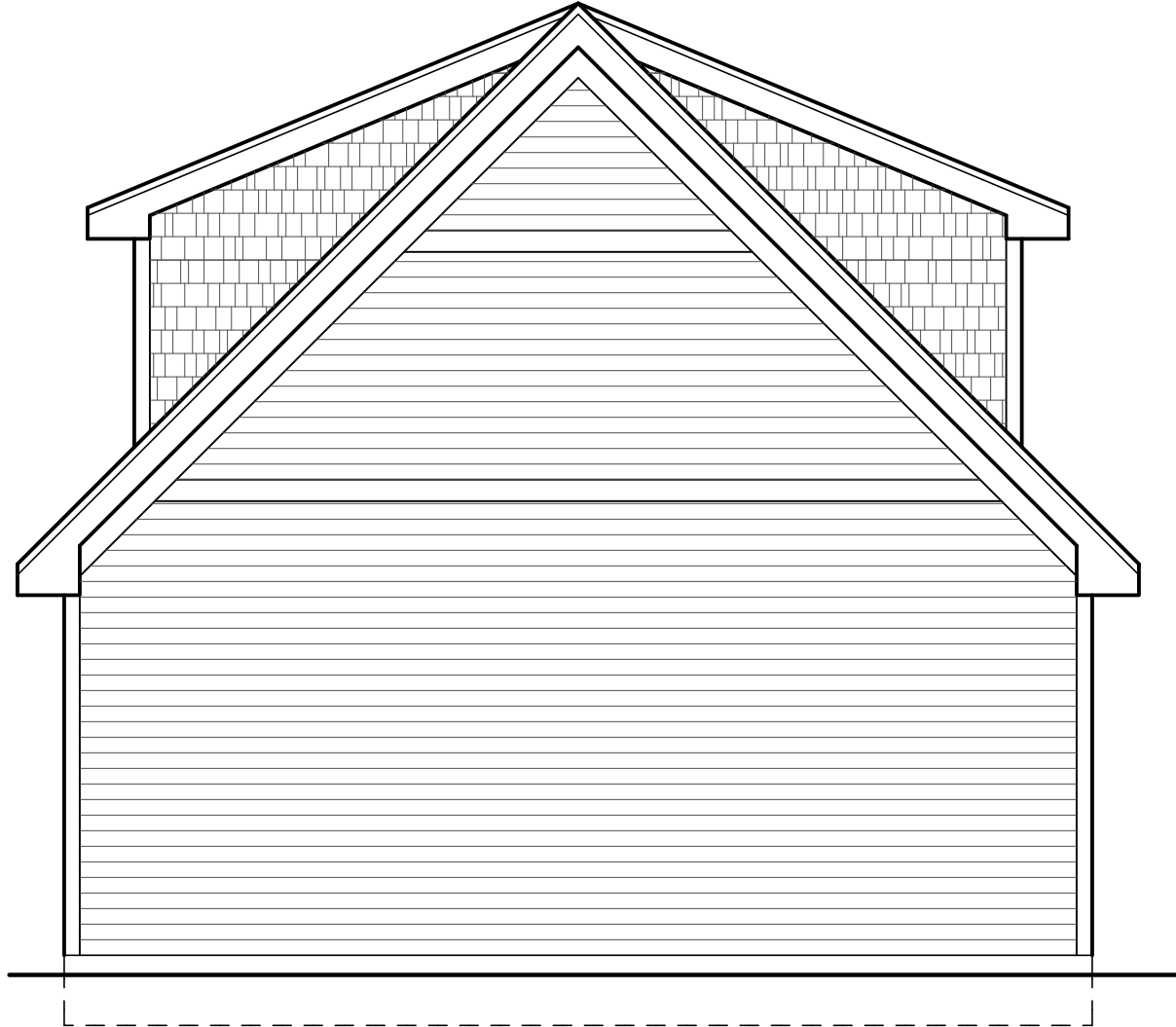


Carriage House 227 S Water St ~ Batavia, IL

SOUTH (LEFT) ELEVATION

SCALE: 1/4" = 1'-0"

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Carriage House 227 S Water St ~ Batavia, IL

WEST (REAR) ELEVATION

SCALE: 1/4" = 1'-0"