

CITY OF BATAVIA

DATE: November 29, 2016
TO: Plan Commission
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: Variation to the Subdivision Regulations to Not Require a Public Sidewalk
1327 Goldenrod Drive – Thomas and Deborah Doyle, Owners/Applicants

Background

The Subdivision Regulations (City Code Title 11) require sidewalks on both sides of each street, unless otherwise recommended by the Plan Commission and approved by the City Council. The City has long required sidewalks when approving new subdivisions. Where sidewalks are not present, the Subdivision Regulations require sidewalk construction as part of a new residence. While the Subdivision Regulations allow one to request a staff waiver to this requirement, the waiver request is only available where the property is more than 1,000 feet from existing parks, schools or a Pace Bus Route and more than 500 feet from an existing sidewalk.

The property located at 1327 Goldenrod Drive is in the Woodland Hills Subdivision that was unincorporated when subdivided and first developed. Kane County regulations did not require sidewalks at that time. Since incorporation of this area, the City had added sidewalks incrementally through past annual sidewalk programs and sidewalks have been added in select areas with new home construction.

Summary of Information Submitted by the Applicant

Mr. and Mrs. Doyle have been issued a building permit to construct a residence on this vacant property. The permit requires construction of a sidewalk along Goldenrod per the Subdivision Regulations. While the Doyles did not show a sidewalk with initial plan submittal, they revised the plans to show this sidewalk in order for the City to issue their building permit. It was not until the home was well underway that they raised concerns about this sidewalk. They are now seeking a variance from Subdivision Regulations Section 11-5-9 to not install the required sidewalk.

In their attached letter to the Community Development Department, Mr. and Mrs. Doyle note the relatively few areas in the vicinity that have sidewalks, and that installing a sidewalk for this one property would be out of place given the character of the neighborhood. The Doyles have offered to enter into an agreement with the City to assume the full cost for sidewalk installation when sidewalks are installed on Goldenrod Drive.

Staff Analysis

The Subdivision Regulations allows one to request a variance to the Regulations where undue hardship would result, and where there are peculiar conditions of the site or its surroundings where the variance would not destroy the intent of the regulations. The Doyles note the absence of sidewalks in the neighborhood and that a sidewalk on this one property would be out of place. They have not, however, identified any hardship with providing the sidewalk.

The Subdivision Regulations' requirement for sidewalks is consistent with the goals and policies of the Comprehensive Plan related to pedestrian safety. The Transportation Element stresses the importance of interconnecting sidewalks and trails in neighborhoods.

Staff acknowledges that there are no sidewalks on either side of Goldenrod Drive at this time. While the City does not currently have an annual new sidewalk installation program in place, the program may resume as revenue allows. The City has previously built sidewalks in the area, including completing the Woodland Hills Road sidewalk (from Wilson Street to Giese Road) within the past few years.

The subject property is one of 5 properties on the north side of Goldenrod between an existing sidewalk on the west side of Woodland Hills Road and the path along Kirk Road, both within 300 feet of the subject property. Please see the attached Goldenrod Drive air photo. Three (3) of the properties have residences, and the other is a vacant lot at the corner of Woodland Hills that could be improved with a residence. When the lot at the corner is developed, a sidewalk would be required and then there would be only 1 lot between the subject property and a sidewalk.

Goldenrod Drive presents an opportunity to eventually provide an east-west pedestrian link north of Pine Street between the Woodland Hills sidewalk and the Kirk path. Without a demonstrated hardship, and to expedite having the pedestrian link in place, the best option is to require the sidewalk with this new residence, per the Subdivision Regulations. The Doyles can install their sidewalk now, as shown on their approved building permit plans, at a cost that would be less than what they would pay or to reimburse the City for its cost to install the sidewalk in the future.

Staff Recommendation

Staff does not recommend approval of a variance to waive the sidewalk requirement.

Attachments

1. Letter from Mr. and Mrs. Doyle to City of Batavia, dated November 13, 2016
2. Plat of Survey
3. Goldenrod Drive air photo

- c Mayor and City Council
- Department Heads
- Applicant
- Media

November 13, 2016

City of Batavia
Application for a Subdivision Variance
1327 Goldenrod Drive

Community Development Department:

We are currently building a single family home at 1327 Goldenrod Drive. We are requesting that the requirement for a sidewalk be waived. The lot is in the Woodland Hills subdivision and is surrounded by the main access streets of Wilson, Pine, and Woodland Hills. These access streets have sidewalks and Woodland Hills is within 500 feet of our lot which is triggering the sidewalk requirement.

Other streets in the area include Rocksbury, Violet Ln., Wintergreen, Bluebell Ln., Aster Ct., Meadowrue, Foxglove, and Mayflower. On all of these streets, the only sidewalks can be found at the end of Bluebell LN, 1335-1338. No other properties on these streets have a sidewalk. Goldenrod is a dead end street with no sidewalks. We feel that a sidewalk on one property will be out of place and not conform to the neighborhood. We respectfully request that you grant this request for variance.

Scott Buening, Community Development Director, suggested that we address the issue of "cash in lieu" of the sidewalk. We would submit that a good solution would be for us to sign an agreement that we will agree to assume the full cost of any future sidewalk on our property at such time as sidewalks are installed on Goldenrod Drive.

Thank you for your consideration of this matter.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is for Thomas E. Doyle and the second is for Deborah F. Doyle. Both signatures are written in a cursive, flowing style.

Thomas E. Doyle
Deborah F. Doyle

PLAT OF SURVEY

LOT 17 (EXCEPT THE WESTERLY 5 FEET) IN BLOCK 9 OF ARTHUR T. MCINTOSH'S WOODLAND HILLS
IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1327 GOLDENROD DRIVE, BATAVIA, ILLINOIS.

Lot 11

104.70'

(110.00') 5' Utility Easement

89°49'25"

Westerly 5' Exception
to Lot 17
& 5' Utility Easement

Lot 16

(184.38')
184.39'

Lot 17

19,352.8
Square Feet,
more or less

9

Lot 18

184.61' (184.55')

Block

40' Building Line

(110.00')

105.14'

88°33'57"

STATE OF ILLINOIS)
COUNTY OF KENDALL)) SS

Goldenrod Drive

(66' Right of Way)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON MAY 8, 2015.

Michel C. Ensalaco



Scale: 1" = 20'

○=Found 3/4" Dia. Iron Pipe

⊙=Found 1/2" Dia. Iron Pipe

N = North E = East
S = South W = West

(XX.XX') = Record Distance
XX.XX' = Measured Distance

Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2016
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2016

TODD SURVEYING

Professional Land Surveying Services

"Cornerstone Surveying PC"

1304 Sunset Avenue, Suite E

Yorkville, IL 60560

Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client: Attorney Mary Ellen Hulce

Book #: 2251 | Drawn By: MD,ME2 | Plot #: 1811

Reference:

Field Work Completed: May 6, 2015

Rev. Date Rev. Description

Project Number:

2015-0506



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SOURCE: BATGIS, KANEGIS



1327 Goldenrod Drive

DATE: 11/18/2016