



Legislation Details (With Text)

**File #:** 21-0528      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 4/14/2021      **In control:** Planning and Zoning Commission

**On agenda:** 4/21/2021      **Final action:** 4/21/2021

**Title:** Conduct the public hearing to consider a variance to allow a deck to encroach into the rear yard setback at 1126 Starlite Court - PZC 21-1-030

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Zoning Variance Application, 2. Disclosure of Beneficiaries, 3. Legal Description, 4. Response to Standards, 5. Plat with Drawing, 6. Location Map

Date	Ver.	Action By	Action	Result
4/21/2021	1	Planning and Zoning Commission	approved	Pass

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Conduct the public hearing to consider a variance to allow a deck to encroach into the rear yard setback at 1126 Starlite Court - PZC 21-1-030

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, Community Planner

**ENTITLEMENTS REQUESTED:**

Approval of a variance to Section 6-6C-7:1 (R2: Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions) to allow for construction of a deck which encroaches into the required rear yard setback.

**BOARD/COMMISSION REVIEW:**

Official notice for the public hearing for PZC 21-1-030 was published in the Daily Herald on April 5, 2021.

**BACKGROUND:**

The property is located on Lot 26 of Midam’s addition to Brook Crossings Unit 5, which is generally located northwest of the intersection of Plainfield/Naperville Road and 95<sup>th</sup> Street, and is zoned R2 PUD (Single Family and Low Density Multiple Family Residence District - Planned Unit Development). The property is approximately 7,900 square foot and is improved with a single-family residence.

**DISCUSSION:**

The subject property is located in the R2 zoning district. Per Section 6-6C-7:1 of the Municipal Code, the R2 zoning district has a 25’ required rear yard setback. The Code provides an allowance for

patios, decks, and porches to extend up to 10' into the required rear yard setback. This results in a 15' permitted setback for attached decks at the subject property.

An attached deck currently exists on the subject property in the rear of the home. The petitioner, Jenna Hessel, on behalf of the property owner, Ryan Mazzone, is proposing to remove the existing deck and replace it with a larger deck which will encroach into the rear yard setback (beyond the 10' permitted allowance). The proposed deck is 17' by 14' (approximately 217 square feet given the shape of the deck). The variance request is to allow for the deck to encroach an additional 4'.

Staff conducted a review of the subject property and noted that the home is setback farther than the minimum required front yard setback. The minimum required front yard setback is 25' and the home is located 30.25' at the closest point to the front property line. This larger front yard setback reduces the depth of the rear yard which limits the area for accessory structures. Furthermore, the purpose of the yard requirements is to prevent the overcrowding of land and to preserve sight lines and the open nature of the rear yard. An open-air deck maintains the intention of an open rear yard and is viewed as an outdoor amenity that adds limited bulk.

The petitioner is requesting approval of a variance from Section 6-6C-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code to allow the proposed deck to encroach 14' into the 25' required rear yard setback (4' beyond the permitted 10' encroachment allowance). If approved, the deck would be located 11' from the rear property line. The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff concurs with the responses to the standards as submitted by the petitioner and recommends adoption by the Planning and Zoning Commission.

### **Key Takeaways**

- The subject property is zoned R2 and has a rear yard setback of 25'. Code provision 6-2-3:3.2 permits decks to encroach 10' into the rear yard setback, resulting in a permitted 15' setback.
- The owner wishes to construct a deck which is 11' from the rear property line. The variance is to allow the deck to encroach an additional 4' (beyond the permitted 10' encroachment allowance). Staff is in support of the variance request and recommends approval of the request.