



Legislation Details (With Text)

File #: 19-384B **Version:** 1
Type: Ordinance **Status:** Passed
File created: 4/18/2019 **In control:** City Council
On agenda: 5/7/2019 **Final action:** 5/7/2019

Title: Concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster, subject to certain conditions; or

Concur with staff and deny the request for a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster - PZC 19-1-028.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1331 Webster Ordinance, 2. Exhibit A Legal Description, 3. Exhibit B Plat of Survey, 4. Exhibit C Standards, 5. Location Map, 6. Architectural plan and elevations, 7. Application, 8. 4.17.19 PZC Minutes DRAFT

Date	Ver.	Action By	Action	Result
5/7/2019	1	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster, subject to certain conditions; or

Concur with staff and deny the request for a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster - PZC 19-1-028.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Scott Williams, AICP

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on April 17, 2019 and voted to recommend approval of the request with a condition that includes the enclosed porch in the calculation of percentage of the required rear yard that may be occupied by detached accessory structures. (approved 7-2). While staff does not recommend approval of the variance, staff does concur with adopting the condition of approval if the variance is approved.

BACKGROUND:

The subject property is generally located on the west side of Webster approximately 103 feet south of

West 14th Avenue and is zoned R1B (Medium Density Single-Family Residence District). The property is approximately 0.14 acres and is improved with a single-family structure.

DISCUSSION:

Planning and Zoning Commission

The Planning and Zoning Commission considered this matter at their meeting on April 17, 2019. One resident provided testimony objecting to the variance by stating there were no unique conditions causing a hardship. The Planning and Zoning Commission inquired about internal access to the porch and whether the addition was heated. The Petitioner stated there would be internal access and would be used in the warmer months. The Planning and Zoning Commission asked staff about a nearby enclosed porch potentially encroaching into the required rear yard setback. The majority of the Commissioners stated they would support the petition if the condition of approval was adopted and noted that a deck could be constructed without a variance. Commissioners Bansal and Losurdo indicated they would not support the petition because they did not see a hardship. The Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-028 subject to the following condition:

The 108 square feet of the enclosed porch encroaching into the rear yard setback shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures plus the proposed enclosed porch shall not exceed 480 square feet in size per Section 6-2-10.5. (approved 7-2).

Staff Review

The existing single-family structure was granted occupancy in July of 2018. The petitioner, James Gehl, recently submitted a permit to demolish the existing rear stoop and to construct an enclosed rear porch with an attached deck. Per Section 6-2-3:3.2 of the Municipal Code, decks are permitted to encroach 10' into the rear yard setback.

The new enclosed porch will match the setback of the deck; however, it must comply with the 30' rear yard setback required in the R1B district since it is enclosed. Therefore, the petitioner is requesting approval of a variance from Section 6-6B-7:1 of the Naperville Municipal Code to allow the proposed enclosed porch to encroach 9' into the 30' required rear yard setback. If approved, the enclosed porch would be 12' deep by 12' wide (144 square feet) and align with the proposed attached deck.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff does not concur with all the responses to the standards submitted by the petitioner. Staff's comments with respect to the variance standards, based upon a review of the subject property and applicable Code provisions are as follows:

- Although the lot was platted in 1922, the primary structure was recently constructed under the current zoning code.
- The sides of the structure consist of (but are not limited to) knee-walls, screening and vinyl inserts. The enclosed aspect of the structure is consistent with the primary structure's footprint; therefore, primary structure setbacks apply.
- The majority of the homes on the block, with one exception, do not encroach into the rear yard setback. The essential character of the community consists mainly of detached garages and other accessory structures.
- The accessory structures mentioned in the submitted standards are defined separately in the code and are governed by a different set of bulk requirements.

The setback and lot coverage requirements that are established for both attached and detached accessory structures are intended to preserve a portion of a residential rear yard for open space. Accordingly, should the variance be approved, staff does concur with the condition recommended by the Planning and Zoning Commission in order to retain open space in the rear yard.

Key Takeaways

- The petitioner requests a variance to construct an enclosed porch that extends 9' into the 30' rear yard setback.
- Staff does not support the requested variance as the enclosed porch is not consistent with the underlying Code requirements. If the variance is granted, staff recommends the inclusion of the condition recommended by the PZC.
- The PZC did support the requested variance, subject to certain conditions (vote: 7 in favor; 2 opposed).

FISCAL IMPACT:

N/A