



Legislation Details (With Text)

**File #:** 24-0443B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/19/2024      **In control:** City Council

**On agenda:** 5/7/2024      **Final action:** 5/7/2024

**Title:** Pass the ordinance approving a variance to allow a covered front porch to encroach the required front yard by more than five feet at the property located at 19 N. Main St. - PZC 23-1-127

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal, 3. Exhibit B - Subject Property, 4. Exhibit C - Site Plan, 5. Exhibit D - Standards for Variances, 6. Petition, 7. 4-17-2024 DRAFT PZC Minutes

Date	Ver.	Action By	Action	Result
5/7/2024	1	City Council	passed	

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving a variance to allow a covered front porch to encroach the required front yard by more than five feet at the property located at 19 N. Main St. - PZC 23-1-127

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** John Scopelliti, Assistant Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered PZC 23-1-127 on April 17, 2024, and recommended approval of the request (approved 7-0). Staff concurs.

**BACKGROUND:**

The property is zoned R2 (Single-Family and Low Density Multiple Family Residence District) and is located at 19 N. Main St. The petitioner, also the property owner, is Jared Heglin, 19 N. Main St, Naperville, IL 60540. The subject property is approximately 4,960.7 square feet in size, and is improved with a single-family home and a detached garage in the rear of the property. The single-family home is considered an existing, non-conforming structure as it is set back approximately 10.5 feet from the front property line, when the R2 zoning district requires a minimum front yard setback of 25 feet.

**DISCUSSION:**

The required front yard for the R2 zoning district is 25 feet but Section 6-2-3:3.2 allows patios, decks and porches to extend five feet into the required front yard. Therefore, a front porch can be set back 20 feet from the front property line and still be compliant with the Naperville Municipal Code. The single-family home located on the subject property is considered an existing non-conforming home as it is approximately 10.5 feet from the front property line.

The petitioner, Jared Heglin, is proposing an approximately 55.77 square foot covered front porch to be located in the front of the single-family home as illustrated in the attachments. The proposed covered porch is located in a recessed area of the home's front façade and therefore does not encroach any further into the front yard than the existing structure. The petitioner is requesting approval of a variance from Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code to allow the proposed covered front porch to encroach approximately 14.5 feet into the 25-foot required front yard as depicted in the attachments. This encroachment results in a porch that is setback approximately 10.5 feet from the front property line instead of 20 feet as required per Section 6-2-3:3.2 of the Municipal Code. The proposed covered front porch is compliant with the R2 required interior side yard (6 feet) and does not exceed the height maximum for accessory structures (18 feet).

The setback requirements that are established in the Naperville Municipal Code for both attached and detached accessory structures are intended to preserve a majority of the front yard for open space and the character of a neighborhood. The petitioner's proposed encroachment results from the existing home already encroaching the required front yard.

To mitigate the impacts of the encroachment, the petitioner has ensured the design of the proposed covered front porch maintains the existing character of the home and neighborhood, including maintaining similarity with other covered front porch layouts found in the neighborhood. Based on the subject property's existing configuration and compatibility with the surrounding neighborhood, staff finds the variance request to be appropriate and recommends approval of the request.

#### *Findings of Fact*

The petitioner's responses to the Standards for Granting a Variance can be found in the attachments. Upon review, the Planning and Zoning Commission and staff agree with the variance findings and recommend their adoption by City Council.

#### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission conducted the public hearing to consider PZC 23-1-127 on April 17, 2024. No public comments were voiced during the public hearing.

After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of the petitioner's request as presented (approved 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

#### **FISCAL IMPACT:**

N/A