



## Legislation Details (With Text)

**File #:** 21-1535B      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/3/2021      **In control:** City Council  
**On agenda:** 12/21/2021      **Final action:** 12/21/2021  
**Title:** Pass the ordinance granting a variance to permit a three-season porch that encroaches into the rear yard setback at 720 Roanoake Court - PZC 21-1-124

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 720 Roanoake Court Final, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C- Response to Standards, 5. Application and Disclosure of Beneficiaries, 6. Plat of Survey, 7. Vicinity Map, 8. Location Map, 9. Code Variance Letter From Petitioner, 10. PZC Draft Minutes

Date	Ver.	Action By	Action	Result
12/21/2021	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Pass the ordinance granting a variance to permit a three-season porch that encroaches into the rear yard setback at 720 Roanoake Court - PZC 21-1-124

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Ashley Green, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered this matter on December 1, 2021 and voted to recommend approval of the request with a condition that includes the three-season porch in the calculation of percentage of the required rear yard that may be occupied by detached accessory structures (approved 9-0). Staff concurs with adopting the condition of approval if the variance is approved.

**BACKGROUND:**

The subject property is zoned R1A (Low Density Single-Family Residence District). The 10,592-square foot property is currently improved with a single-family residence.

**DISCUSSION:**

The Petitioner is seeking to construct a three-season porch as illustrated on the site plan and requesting approval of a variance from Section 6-6A-7:1 of the Naperville Municipal Code to allow the proposed three-season porch to encroach approximately 8' into the required rear yard setback. The rear yard setback in the R1A district is 25% of the lot depth not to exceed 30'. The required rear yard setback is calculated to be 27' for the subject property. The proposed three-season porch is 14' by 16' (224 sq ft); approximately 129 sq ft of the proposed three-season porch would be located in the

rear yard setback.

The Petitioner's responses to the Standards for Granting a Variance are included as an attachment. 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. If the Planning and Zoning Commission determines that the Standards for Granting a Variance are met, staff recommends adding the following condition of approval to this variance to further the intent of the Zoning Ordinance to preserve such open space:

*The 129 square feet of the three-season 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 three-season porch shall not exceed 25% of the required rear yard per Section 6-2-10:5.*

The existing deck that currently encroaches into the rear yard will be removed prior to construction of the three-season porch. Of the approximately 3,747 square feet in the required rear yard, the portion of the three-season porch within the rear yard setback would total approximately 129 square feet, or 3.4% of the required rear yard. An existing brick paver patio that is not shown on the plat of survey is exempt from inclusion in this calculation under 6-2-10:5 as the portion within the rear yard setback is less than 500 square feet.

### **Planning and Zoning Commission**

The PZC considered the variance request on December 1, 2021. There was no public comment. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 21-1-124 subject to the following condition:

*The 129 square feet of the three-season 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 three-season porch shall not exceed 25% of the required rear yard per Section 6-2-10:5. (approved 9-0). Staff concurs.*

### **Key Takeaways**

- The Petitioner requests a variance to construct a three-season porch that extends 8' into the 27' rear yard setback.
- Although the variance is not substantial, if the variance is granted, staff recommends the inclusion of a condition of approval that factors the three-season porch into the calculation of the percentage of the required rear yard that may be occupied by detached accessory structures.
- The PZC supported the requested variance, subject to certain conditions (vote: 9 in favor; 0 opposed). Staff concurs.

### **FISCAL IMPACT:**

N/A