



Legislation Details (With Text)

**File #:** 19-1260B      **Version:** 1

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

**File created:** 12/19/2019      **In control:** City Council

**On agenda:** 1/21/2020      **Final action:** 1/21/2020

**Title:** Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit a 3-season room to encroach into the required rear setback at the subject property located at 2212 River Woods Dr., subject to certain conditions; or Option B: Concur with staff and deny the request for a variance to permit a 3-season room encroach into the required rear setback at the subject property located at 2212 River Woods Dr.- PZC 19-1-124.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2212 River Woods Ordinance, 2. Exhibit A- Legal Description, 3. Exhibit B- Plat of Survey, 4. Exhibit C- Standards, 5. Development Petition, 6. Disclosure of Beneficiaries, 7. Location Map, 8. Elevations, 9. Public Comment, 10. 12-18-19 PZC Minutes -DRAFT

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

**Option A:** Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit a 3-season room to encroach into the required rear setback at the subject property located at 2212 River Woods Dr., subject to certain conditions; or

**Option B:** Concur with staff and deny the request for a variance to permit a 3-season room encroach into the required rear setback at the subject property located at 2212 River Woods Dr.- PZC 19-1-124.

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on December 18, 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 7-0). While staff did 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 south of E. 87<sup>th</sup> St. and east of River Woods Drive and is zoned R1 (Low Density Single-Family Residence District). The property is approximately 0.37 acres and is improved with a single-family structure.

## **DISCUSSION:**

The petitioner and owner, Kimberly Wolf, is seeking to demolish the southern portion of the existing rear deck and construct a 3-season room as illustrated on the plat of survey. The petitioner is requesting approval of a variance from Section 6-6L-7:1 of the Naperville Municipal Code to allow the proposed 3-season room to encroach 11' into the 35' required rear yard setback. If approved, the enclosed porch would be approximately 21' deep by 21' wide (not factoring in existing bump-outs on the rear elevation) with approximately 235 square feet of the addition located in the required rear yard.

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Staff's comments with respect to the variance standards, based upon a review of the subject property and applicable Code provisions, are as follows:

- The required front setback is 30' whereas the house is setback 33.36'.
- The enclosed aspect of the structure is consistent with the primary structure's footprint; therefore, primary structure setbacks apply.
- The subdivision in the immediate vicinity consists of a variety of lot shapes and primary structure orientations; no consistent characteristic applies.
- The Oakridge Parkway (owned by the Park District) abuts most of the rear property line and the existing mature trees located on the subject property assist with screening.

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 City Council 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 235 square feet of the 3-season room 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 3-season room shall not exceed 25% of the required rear yard per Section 6-2-10.5.*

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

The Planning and Zoning Commission considered this matter at their meeting on December 18, 2019. No member of the public spoke about the petition. The Planning and Zoning Commission inquired about condition of approval. Staff responded that it limits future lot coverage in the required rear yard setback. The Petitioner indicated that the condition of approval was acceptable. The Commission moved to adopt the findings of fact as presented by the Petitioner and pass PZC 19-1-124. The motion passed (approved 7:0).

### ***Key Takeaways***

- The petitioner requests a variance to construct a 3-season room that extends 11' into the 35' rear yard setback.
- Staff does not support the requested variance as the 3-season room is not consistent with the underlying Code requirements. If the variance is granted, staff recommends the inclusion of a condition of approval that factors the 3-season room in the calculation of percentage of the required rear yard that may be occupied by detached accessory structures.
- The PZC did support the requested variance, subject to certain conditions (vote: 7 in favor; 0

opposed).

**FISCAL IMPACT:**

N/A