



## Legislation Details (With Text)

**File #:** 22-0416B      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 4/8/2022      **In control:** City Council

**On agenda:** 4/19/2022      **Final action:**

**Title:** Pass the ordinance granting a variance to Section 6-2-3:3.2 for a front porch at 228 4th Avenue - PZC 22-1-012

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat of Survey with drawing, 4. Exhibit C - Response to standards, 5. Variance Application, 6. Location Map, 7. PZC Meeting Minutes 4-6-22 DRAFT

Date	Ver.	Action By	Action	Result
4/19/2022	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance granting a variance to Section 6-2-3:3.2 for a front porch at 228 4<sup>th</sup> Avenue - PZC 22-1-012

**DEPARTMENT:** Transportation, Engineering and Development

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

#### **BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered PZC 22-1-012 on April 6, 2022 and provided a positive recommendation on the request (approved 6,0).

#### **BACKGROUND:**

The subject property is generally located on the south side of 4<sup>th</sup> Avenue and is zoned R2 (Single Family and Low Density Multiple-Family Residence District). The property is approximately 5,597 square feet and is improved with a single-family detached structure and detached garage. The petitioner, Archadeck of Chicagoland, on behalf of the property owner, Bridget Deatrck, is requesting approval of a variance to permit replacement of a front porch at the subject property.

#### **DISCUSSION:**

The required front yard setback for the R2 zoning district is 25 feet. Section 6-2-3:3.2 (Yard Requirements) of the Municipal Code provides property owners with flexibility to construct patios, decks and porches that extend up to 5 feet into front or corner side yards.

The existing home is setback approximately 18' from the front property line with an attached front porch located 11' from the front property line. Accordingly, the existing home and front porch does not

comply with the setback requirements and is subject to Section 6-2-19 (Existing Buildings and Structures). Section 6-2-19 identifies the repairs and alterations permitted for buildings or structures which do not comply with the yard requirements. These regulations specify that restoration of noncomplying buildings or structures which exceed more than 50% of the replacement cost must comply with all regulations. Given the petitioner is proposing complete removal and replacement of the existing front porch, a variance is required.

The front porch is 7' deep by 20' wide. The petitioner is requesting approval of a variance from Section 6-2-3:3.2 of the Naperville Municipal Code to allow the front porch to encroach 14' into the 25' front setback resulting in a porch which is located 11' from the front property line. Staff is in support of the petitioner's request given the proposal calls for an in-kind replacement of an existing front porch. Additionally, several homes along the block have front porches which are setback at similar distances from the front property line. Staff finds the proposed variance is consistent with the other homes along the block.

***Findings of Fact***

The petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. Upon review, staff and the Planning and Zoning Commission agree with the petitioner's findings and recommends their adoption by the City Council.

***Planning and Zoning Commission***

The PZC considered PZC 22-1-012 on April 6, 2022. No members of the public provided testimony on the request. The PZC closed the public hearing and provided a positive recommendation on the request (approved 6,0).

***Key Takeaways***

- The petitioner requests a variance to allow a front porch which is 7' deep and extends 14' into the 25' front yard setback
- Staff and the PZC are in support of the variance request finding it to be consistent with the setback of other homes along the block and the front porch is an in-kind replacement of the existing front porch.

**FISCAL IMPACT:**

N/A