



Legislation Details (With Text)

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Title: Deny the request for a variance from Section 6-6C-7:1 to allow a screened in porch to encroach into the rear yard setback at 1224 Stonebriar Court -PZC 18-1-078

Sponsors:

Indexes:

Code sections:

Attachments: 1. Application, 2. Disclosure of Beneficiaries, 3. Legal Description, 4. Standards, 5. Plat of Survey, 6. Existing Porch, 7. Proposed Screened-in Porch, 8. Location Map, 9. HOA Approval, 10. 10.17.18 PZC Minutes DRAFT, 11. Public Comment

Date	Ver.	Action By	Action	Result
11/20/2018	1	City Council	approved	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Deny the request for a variance from Section 6-6C-7:1 to allow a screened in porch to encroach into the rear yard setback at 1224 Stonebriar Court -PZC 18-1-078

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered PZC 18-1-078 on October 17, 2018. The Commission voted to approve the request and the request was denied (1-4). Staff concurs with the PZC's recommendation of denial.

BACKGROUND:

The property is located on Lot 4 of the Hobson Villas, which is generally located northwest of the intersection of Wehrli Road and 75th Street, and is zoned R2 (Single Family and Low Density Multiple Family Residence District). The property is approximately 0.13 acres and is improved with a duplex and attached open-air deck.

DISCUSSION:

Planning and Zoning Commission

The public hearing before the Planning and Zoning Commission (PZC) was held on October 17, 2018. One member of the public, a Hobson Villas Board Member and one of the original owners, spoke in support of the request stating the Board approves and supports the screened in porch addition. The majority of the Commissioners found the request did not meet the standards for granting a zoning variance as there was no hardship on the property and voted against the request.

Chairperson Martinez voted for the variance request, finding that the request met the variance standards. A motion was made to approve the variance request which failed (vote: 1 in favor; 4 opposed).

Staff Review

Currently, the subject property is improved with a duplex and an attached open-air deck that is located approximately 10' from the rear property line, encroaching 15' into the 25' rear yard setback. Per Section 6-2-3:3.2 of the Municipal Code, decks are permitted to encroach 10' into the rear yard setback. While permitted in conjunction with construction of the duplex in 2004, the current deck is considered nonconforming due to its 15' encroachment into the required rear yard (vs. 10' encroachment that is permitted by code).

The petitioner, Charles J. Bellock, is proposing to extend the roof on the rear of the duplex to cover the existing deck and construct a screened in area. The new screened in deck will maintain the same footprint as the existing deck; however, once it becomes a roof and enclosed structure, it must comply with the 25' rear yard setback required in the R2 district. Therefore, the petitioner is requesting approval of a variance from Section 6-6C-7:1 of the Naperville Municipal Code to allow the proposed screened deck area to encroach 15' into the 25' required rear yard setback. If approved, the screened-in porch would be 16' deep by 11.58' wide (185 square feet) and encroach 15' into the rear yard setback.

The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff does not concur with 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:

Variance Standard #1: The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.

Staff Comments: The R2 district has a minimum rear yard setback of 25'. The Code provides an allowance for patios, decks, and porches to extend up to 10' into the rear yard setback as an outdoor amenity and given the limited bulk that they add to the rear yard. The proposed screened in porch is not considered to be a deck given that it is an enclosed roof structure and is therefore required to meet the 25' setback. The proposed screened in porch, extending 15' into the rear yard setback, far exceeds permitted setback allowance and does not maintain the intention of an open rear yard.

Variance Standard #2: Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.

Staff Comments: The subject property is zoned R2. It is not unique from other properties in the same zoning district and strict enforcement of the R2 setback requirements does not result in a hardship.

Variance Standard #3: The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

Staff Comments: The petitioner has submitted several photos of existing properties in the

neighborhood that have screened in porches. Staff conducted review of these properties and determined that the majority of the existing screened in porches comply with the setback requirements and are ground level screened in porches. Staff finds the petitioner's proposed screened in porch adds additional bulk to the existing subject property given the screened in porch is not at ground level. In addition, the majority of the improvements in the subdivision are open air decks, not screened in porches.

Based on this information, and the overall proposal, staff recommends denial of the variance request to enclose an existing open-air deck and create a screened-in porch that encroaches into the rear yard setback. Should City Council support the proposal, they should direct staff to prepare an ordinance approving the variance for consideration at a future meeting.

Key Takeaways

- The petitioner requests a variance to convert the existing deck into a screened in porch that extends 15' into the 25' rear yard setback.
- Staff does not support the requested variance as the screened in porch is not consistent with the underlying Code requirements and does not meet the standards for a hardship.
- The PZC did not support the requested variance (vote: 1 in favor; 4 opposed).

FISCAL IMPACT:

N/A