



## Legislation Details (With Text)

**File #:** 19-384      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 4/12/2019      **In control:** Planning and Zoning Commission

**On agenda:** 4/17/2019      **Final action:**

**Title:** Conduct the public hearing to consider a variance to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster -PZC 19-1-028

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Application, 2. Location Map, 3. Legal Description, 4. Plat of Survey, 5. Architectural plan and elevations, 6. Standards

Date	Ver.	Action By	Action	Result
4/17/2019	1	Planning and Zoning Commission	accept	Pass

### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster -PZC 19-1-028

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Scott Williams, AICP

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

Official notice for the public hearing for PZC 19-1-028 was published in the Daily Herald on April 1, 2019.

#### **BACKGROUND:**

The subject property is generally located on the west side of Webster approximately 103 feet south of West 14<sup>th</sup> Avenue and is zoned R1B (Medium Density Single-Family Residence District). The property is approximately 0.14 acres and is improved with a single-family structure.

#### **DISCUSSION:**

The existing single-family structure was granted occupancy in July of 2018. The petitioner, James Gehl, recently submitted a permit to demolish the existing rear stoop and to construct an enclosed rear porch with an attached deck. Per Section 6-2-3:3.2 of the Municipal Code, decks are permitted to encroach 10' into the rear yard setback.

The new enclosed porch will match the setback of the deck; however, it must comply with the 30' rear yard setback required in the R1B district since it is enclosed. Therefore, the petitioner is requesting approval of a variance from Section 6-6B-7:1 of the Naperville Municipal Code to allow the proposed enclosed porch to encroach 9' into the 30' required rear yard setback. If approved, the enclosed

porch would be 12' deep by 12' wide (144 square feet) and align with the proposed attached deck.

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

- Although the lot was platted in 1922, the primary structure was recently constructed under the current zoning code.
- The sides of the structure consist of (but are not limited to) knee-walls, screening and vinyl inserts. The enclosed aspect of the structure is consistent with the primary structure's footprint; therefore, primary structure setbacks apply.
- The majority of the homes on the block, with one exception, do not encroach into the rear yard setback. The essential character of the community consists mainly of detached garages and other accessory structures.
- The accessory structures mentioned in the submitted standards are defined separately in the code and are governed by a different set of bulk requirements.

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 108 square feet of the enclosed 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 enclosed porch shall not exceed 480 square feet in size per Section 6-2-10.5.*

### **Key Takeaways**

- The petitioner requests a variance to construct an enclosed porch that extends 9' into the 30' rear yard setback.
- Staff does not support the requested variance as the enclosed porch is not consistent with the underlying Code requirements. If the variance is granted, staff recommends the inclusion of a condition of approval that includes the enclosed porch in the calculation of percentage of the required rear yard that may be occupied by detached accessory structures.