



Legislation Details (With Text)

File #: 20-1245B **Version:** 2
Type: Ordinance **Status:** Passed
File created: 10/21/2020 **In control:** City Council
On agenda: 11/4/2020 **Final action:** 11/4/2020
Title: Pass the ordinance granting a variance to the rear yard setback requirement in order to construct a sunroom for the property located at 2843 Fairhauser Court - PZC 20-1-091

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 2843 Fairhauser Court, 2. Exhibit A Legal Description, 3. Exhibit B Site Plan and Plat of Survey, 4. Exhibit C Response to Standards, 5. Application, 6. Proposed Structure outside, 7. Proposed Structure inside, 8. Location Map, 9. Homeowner Comments, 10. Public comment 1, 11. Public comment 1 attachment, 12. Public comment 2, 13. PZC Meeting Minutes 10-21-20 DRAFT

Date	Ver.	Action By	Action	Result
11/4/2020	2	City Council	passed	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a variance to the rear yard setback requirement in order to construct a sunroom for the property located at 2843 Fairhauser Court - PZC 20-1-091

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Kathleen Russell, Community Planner

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission (PZC) considered this matter on October 21, 2020 and voted to recommend approval of the request with a condition that includes the sunroom in the calculation of percentage of the required rear yard that may be occupied by detached accessory structures (approved 6-0). Staff concurs with adopting the condition of approval if the variance is approved.

BACKGROUND:

The subject property is generally located northwest from the intersection of Niswender Dr. and Fairhauser Ct. and is zoned R1B (Medium Density Single-Family Residence District). The property is approximately 9,375 square feet and is improved with a single-family structure.

DISCUSSION:

The petitioner Zach Zielinski, as authorized by the property owners, Shabbir Ahmed and Ismat Jahan, is seeking to construct a sunroom as illustrated on the plat of survey. The petitioner is requesting approval of a variance from Section 6-6B-7:1 of the Naperville Municipal Code to allow the proposed sunroom to encroach approximately 5.5' into the 30' required rear yard setback. If approved, the sunroom would be approximately 12' deep by 12' wide (144 sq.ft. in size);

approximately 66 square feet of the proposed sunroom would be located in the required rear yard. The proposed sunroom would be put in the approximate location of an existing patio but with a reduced footprint.

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:

- While the existing patio is permitted to encroach into the required rear yard setback per the Zoning Code, once the structure is enclosed, it is required to comply with the setbacks applicable to the primary structure. Therefore, the proposed sunroom requires a variance as it encroaches 5.5' into the required 30' rear yard setback.

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. Staff recommends the following condition of approval if the requested variance is supported:

The 66 square feet of the sunroom 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 sunroom shall not exceed 25% of the required rear yard per Section 6-2-10.5.

Planning and Zoning Commission

The PZC considered this matter at its meeting on October 21, 2020. During the meeting, a comment was read into the record opposing the variance request with concern that it would set precedence and noted the existing rear yards are currently not very deep without structures encroaching. Adam Kingen and Shabbir Ahmed summarized the request.

The Commission asked for clarification on the type of roof, the amount of the existing patio that would be removed, future accessory structures in the rear yard, and if the variance requested was associated with an easement. The presenters confirmed the roof would be a shed style roof and noted a substantial amount of the existing patio would be removed. Staff confirmed the variance did not relate to an easement and that the proposed condition would limit the size of future accessory structures in the rear yard setback. The Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-091 subject to the following condition:

The 66 square feet of the sunroom 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 sunroom shall not exceed 25% of the required rear yard per Section 6-2-10.5 (approved 6-0). Staff concurs.

Key Takeaways

- The petitioner requests a variance to construct a sunroom that extends 5.5' into the 30' rear yard setback.
- The proposed sunroom would replace the existing patio and would have a smaller footprint than the existing patio. Although the variance is not substantial, if the variance is granted, staff recommends the inclusion of a condition of approval that factors the sunroom in the calculation of 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: 6 in favor; 0

opposed). The ordinance presented includes the recommended condition.

FISCAL IMPACT:

N/A