



## Legislation Details (With Text)

**File #:** 21-0528B      **Version:** 1

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

**File created:** 4/22/2021      **In control:** City Council

**On agenda:** 5/4/2021      **Final action:** 5/4/2021

**Title:** Pass the ordinance approving a variance to allow a deck to encroach into the required rear yard setback at 1126 Starlite Court - PZC 21-1-030

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Plat w Drawing, 4. Exhibit C - Response to Standards, 5. Zoning Variance Application, 6. Disclosure of Beneficiaries, 7. Location Map, 8. PZC Meeting Minutes 4-21-21 DRAFT

Date	Ver.	Action By	Action	Result
5/4/2021	1	City Council	passed	

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance approving a variance to allow a deck to encroach into the required rear yard setback at 1126 Starlite Court - PZC 21-1-030

**DEPARTMENT:** Transportation, Engineering and Development

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

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

The Planning and Zoning Commission (PZC) conducted review of PZC 21-1-030 on April 21, 2021 and provided a positive recommendation on the request (approved 7,0). Staff concurs.

#### **BACKGROUND:**

The property is located on Lot 26 of Midam's addition to Brook Crossings Unit 5, generally located northwest of the intersection of Plainfield/Naperville Road and 95<sup>th</sup> Street, and is zoned R2 PUD (Single Family and Low Density Multiple Family Residence District - Planned Unit Development). The property is approximately 7,900 square foot and is improved with a single-family residence.

#### **DISCUSSION:**

The subject property is located in the R2 zoning district. Per Section 6-6C-7:1 of the Municipal Code, the R2 zoning district has a 25' required rear yard setback. The Code provides an allowance for patios, decks, and porches to extend up to 10' into the required rear yard setback. This results in a 15' permitted setback for attached decks at the subject property.

An attached deck currently exists on the subject property in the rear of the home. The petitioner, Jenna Hesseln, on behalf of the property owner, Ryan Mazzone, is proposing to remove the existing

deck and replace it with a larger deck which will encroach into the rear yard setback (beyond the 10' permitted allowance). The proposed deck is 17' by 14' (approximately 217 square feet given the shape of the deck). The variance request is to allow for the deck to encroach an additional 4'.

Staff conducted a review of the subject property and noted that the home is setback farther than the minimum required front yard setback. The minimum required front yard setback is 25' and the home is located 30.25' at the closest point to the front property line. This larger front yard setback reduces the depth of the rear yard which limits the area for accessory structures. Furthermore, the purpose of the yard requirements is to prevent the overcrowding of land and to preserve sight lines and the open nature of the rear yard. An open-air deck maintains the intention of an open rear yard and is viewed as an outdoor amenity that adds limited bulk.

The petitioner is requesting approval of a variance from Section 6-6C-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code to allow the proposed deck to encroach 14' into the 25' required rear yard setback (4' beyond the permitted 10' encroachment allowance). If approved, the deck would be located 11' from the rear property line. The petitioner's responses to the Standards for Granting a Variance are included in the attachments. Staff concurs with the responses to the standards as submitted by the petitioner and recommends adoption by the City Council.

### ***Planning and Zoning Commission Review***

The PZC reviewed PZC 21-1-030 on April 21, 2021. Chairman Hanson inquired if the deck would encroach into any easements on the property. Given the deck will be setback 11' from the rear property, staff clarified the deck would not be located within the 10' rear yard easement. No public testimony on the request was provided. The PZC closed the public hearing and provided a positive recommendation (approved 7,0).

### ***Key Takeaways***

- The subject property is zoned R2 and has a rear yard setback of 25'. Code provision 6-2-3:3.2 permits decks to encroach 10' into the rear yard setback, resulting in a permitted 15' setback.
- The owner wishes to construct a deck which is 11' from the rear property line. The variance is to allow the deck to encroach an additional 4' (beyond the permitted 10' encroachment allowance). Staff and the PZC are in support of the variance request and recommend approval of the ordinance.

### **FISCAL IMPACT:**

N/A