



Legislation Details (With Text)

**File #:** 21-0525B      **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 granting a variance to permit a sunroom to encroach into the rear yard setback at 1163 Timberlane Court - PZC #21-1-024

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - 1163 Timberlane Court, 2. Exhibit A - Legal description, 3. Exhibit B - Plat of survey, 4. Exhibit C - Responses to the variance standards, 5. Application, 6. Proposed structure photo and elevations, 7. Disclosure of beneficiaries, 8. Location map, 9. 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 granting a variance to permit a sunroom to encroach into the rear yard setback at 1163 Timberlane Court - PZC #21-1-024

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, Community Planner

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission (PZC) considered this matter on April 21, 2021 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 7-0). Staff concurs with adopting the condition of approval if the variance is approved.

**BACKGROUND:**

The subject property is generally located northeast from the intersection of North Charles Avenue and Timberlane Court and is zoned R1A PUD (Low Density Single-Family Residence District Planned Unit Development). The property is approximately 11,688 square feet and is improved with a single-family structure.

**DISCUSSION:**

The Petitioner, Murphy’s Landscape and Design, as authorized by the property owners, Thomas Gadfort and Ruth S. Vandewater, is seeking to construct a sunroom as illustrated on the plat of survey. The Petitioner is requesting approval of a variance from Section 6-6A-7:1 of the Naperville Municipal Code to allow the proposed sunroom to encroach approximately 8ft into the 25ft required

rear yard setback. If approved, the sunroom would be approximately 15ft deep by 18ft wide (270 sqft in size); approximately 81 sqft of the proposed sunroom would be located in the required rear yard.

### **Findings of Fact**

The Petitioner's responses to the Standards for Granting a Variance are included in the Development Petition. 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 City Council 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 81 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 the variance request on April 21, 2021. George Murphy, Murphy's Landscape and Design, presented the request. There was no public comment. The Commission confirmed that the structure would not encroach in any easements. Additionally, the Commission asked if there were any existing structures in the proposed locations. The Petitioner noted there is a patio in the location of the proposed sunroom. The Commission moved to adopt the findings of fact as presented by the Petitioner and approve PZC 21-1-024 subject to the following condition:

*The 81 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 7-0). Staff concurs.*

### **Key Takeaways**

- The Petitioner requests a variance to construct a sunroom that extends 8ft into the 25ft rear yard setback.
- 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 the percentage of the required rear yard that may be occupied by detached accessory structures. The ordinance presented includes the recommended condition.
- The PZC supported the requested variance, subject to certain conditions (vote: 7 in favor; 0 opposed).

### **FISCAL IMPACT:**

N/A