



## Legislation Text

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File #: 20-1245, Version: 1

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### PLANNING AND ZONING COMMISSION AGENDA ITEM

#### **ACTION REQUESTED:**

Conduct the public hearing to consider a variance to allow a sunroom to encroach into the rear yard setback at 2843 Fairhauser Ct. - PZC #20-1-091

**DEPARTMENT:** Transportation, Engineering and Development

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

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

Official notice for the public hearing for PZC 20-1-091 was published in the Daily Herald on October 5, 2020.

#### **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](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH6REDI_ARTBR1MEDESIMIREDI_6-6B-7YARE) 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 deck, but the sunroom will be a reduction in footprint from the existing deck.

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 deck 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. 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 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.*

**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 deck and would have a smaller footprint than the existing deck. 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.