

PIN: 08-19-400-006

**ADDRESS:
722 WOODLAWN AVENUE
NAPERVILLE, IL 60540**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #21-1-128

ORDINANCE NO. 22 - _____

**AN ORDINANCE GRANTING A DEVIATION FROM
SECTION 7-1-13 (PLATTED SETBACKS AND BUILDING LINES)
OF TITLE 7 (SUBDIVISION REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 722 WOODLAWN AVENUE**

RECITALS

1. **WHEREAS**, Jeffrey Goldstone and Kimberly Goldstone, are the owners ("**Owners**") of real property located at 722 Woodlawn Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mathieson House, LLC d/b/a M House ("**Petitioner**") has been authorized by the Owner to submit a petition to the City of Naperville ("**City**") in order to establish the lot as a legal lot of record and grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the Subject Property; and

1. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement, annexation, and rezoning to R1A upon annexation for the Subject Property (hereinafter cumulatively referenced herein as the “**722 Woodlawn Avenue Ordinances**”); and
3. **WHEREAS**, the R1A zoning district has an interior side yard setback of 20 total for both interior side yards, with each side yard a minimum of 8 feet; and
4. **WHEREAS**, the Subject Property was originally platted as part of Lot 1 in Block 10 within the Arthur T. McIntosh and Company’s Naperville Estates Subdivision in 1927 with a 33’ building line; and
5. **WHEREAS**, Lot 1 has since been subdivided and the orientation of the Subject Property has changed such that compliance with the platted building line would create a 33’ interior side yard setback which greatly exceeds the underlying zoning district setback; and
6. **WHEREAS**, the Petitioner intends to demolish the existing single-family residence and construct a new single-family residence on the Subject Property which will encroach into the 33’ platted building line; and
7. **WHEREAS**, per Section 7-1-13 (Platted Setbacks and Building Lines), where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations of the Naperville Municipal Code, the more restrictive requirement shall apply; and

8. **WHEREAS**, the Petitioner requests a deviation from the existing 33' platted building line on the interior side (west) property to permit the new single family home to be constructed per the underlying zoning district interior side yard setback requirements; and
9. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Granting a Zoning Variance) of the Naperville Municipal Code, the requested variance meets the Standards for granting a Zoning Variance as provided in **Exhibit C** attached hereto; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code is hereby granted to allow for an encroachment into the 33' platted building line for the purpose of constructing a single-family residence on the Subject Property. The proposed single-family residence will be in compliance with the required R1A interior side yard setback.

SECTION 3: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance shall require a separate variance and/or deviation to be processed.

SECTION 4: The deviation approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if: (1) a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started, or (2) the use specified in this Ordinance has commenced.

SECTION 5: This deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk