

PIN: 08-19-107-030

ADDRESS:  
524 S BRAINARD ST  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170

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

PZC Case #23-1-107

**ORDINANCE NO. 24 - \_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE  
FROM SECTION 6-6B-7:1 (YARD REQUIREMENTS) TITLE 6 (ZONING  
REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE  
TO PERMIT A TWO-STORY ADDITION TO ENCROACH INTO  
THE REQUIRED REAR YARD AT 524 S. BRAINARD STREET**

**RECITALS**

1. **WHEREAS**, Thomas Budzik, 2800 S River Rd, Des Plaines, IL 60018 ("**Petitioner**"), has petitioned the City of Naperville for approval of a variance to Section 6-6B-7:1 of the Naperville Municipal Code for real property located at 524 S Brainard St, Naperville, IL, legally described on **Exhibit A** ("**Legal**") and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owners of the Subject Property are Scott & Erin Zimmer William, 524 S Brainard St, Naperville, IL ("**Property Owners**") and the Property Owners have authorized the Petitioner to submit the subject petition.

3. **WHEREAS**, the Subject Property is currently zoned R1-B (Medium Density Single-Family Residence District) and is improved with a single-family home with an attached garage.
4. **WHEREAS**, the Subject Property is unique in that it is an existing flag lot fronting Brainard Street with driveway access provided at the rear of the property, from Victoria Court.
5. **WHEREAS**, Section 6-6B-7:1 (Yard Requirements) of the Naperville Municipal Code requires , the Subject Property to maintain a required rear yard measuring approximately 21.8 feet in depth.
6. **WHEREAS**, the Property Owners propose an approximately 750 square foot, two-story addition to the single-family home that encroaches into the required rear yard as depicted on **Exhibit C** (“**Site Plan**”).
7. **WHEREAS**, the proposed addition is not parallel to the rear property line and the encroachment into the rear yard varies depending on where it is measured from.
8. **WHEREAS**, the Petitioner requests approval of a variance from Section 6-6B-7:1 (Yard Requirements) to allow the proposed two-story addition to encroach the required rear yard by approximately 3 feet when measured from the northern portion and approximately 5 feet1 inch when measured from the southern portion, resulting in approximately 85.72 square feet of the proposed addition being located in the required rear yard as depicted on **Exhibit C** (“**Site Plan**”).
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 D** (“Standards for Variances”) attached hereto.

10. **WHEREAS**, on January 17, 2024, the Planning and Zoning Commission conducted a public hearing to consider PZC 23-1-107 and recommended approval of the Petitioner’s request (approved 5-0).

11. **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 variance from Section 6-6B-7:1 (Yard Requirements) of the Naperville Municipal Code to allow the proposed two-story addition to encroach the required rear yard by approximately 3 feet when measured from the northern portion and approximately 5 feet 1 inch when measured from the southern portion, and to occupy approximately 85.72 square feet of the required rear yard, as depicted on the Site Plan attached hereto as **Exhibit C**, is hereby approved subject to the following condition:

- A. The 85.72 square feet of the two-story addition encroaching into the rear yard setback as depicted on the site plan shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total square footage of all detached accessory structures plus the new addition shall not exceed 25% of the required rear yard per Section 6-2-10.5 of the Naperville Municipal Code.

**SECTION 3:** The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

**SECTION 4:** This variance 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 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 7:** This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Scott A. Wehrl  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk