

**PIN: 08-18-304-002
08-18-304-006**

**ADDRESS: 115 E. Benton 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 # 17-1-049

**ORDINANCE NO. 17 -
AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-12:1 OF TITLE 6 (FENCES; RESIDENCE DISTRICT) OF THE
NAPERVILLE MUNICIPAL CODE TO ALLOW FOR A 12' FENCE TO BE
CONSTRUCTED IN THE REAR YARD AND A 6' OPEN FENCE TO BE
CONSTRUCTED IN THE FRONT AND CORNER SIDE YARD FOR THE PROPERTY
LOCATED AT 115 E. BENTON AVENUE**

WHEREAS, Brian Person ("Petitioner") has petitioned the City of Naperville for a variance at the real property located at 115 E. Benton Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B**; and

WHEREAS, the owner of the Subject Property is the Catholic Diocese of Joliet; and

WHEREAS, the Subject Property is presently zoned R2 (Single Family and Low Density Multiple Family Residence District) in the City of Naperville and currently serves as a surface parking lot that is used by Saints Peter and Paul church and school; and

WHEREAS, the petitioner is seeking increased fence height in order to provide a safety barrier for the school; and

WHEREAS, the petitioner proposes to remove and replace the existing 12' tall chain link fence on the west property line, otherwise known as the rear yard, with a new 12' tall chain link fence, which is in excess of the height allowance per code Section 6-2-12:1.4; and

WHEREAS, the petitioner proposes to place a 6' tall ornamental iron fence with 6' 4" tall masonry piers spaced evenly between the fencing on the east property line, otherwise known as the front yard, and on the south property line, otherwise known as the corner side yard in excess of the height allowance allowed per code Section 6-2-12:1.2; and

WHEREAS, on June 7, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-049, and recommended approval of the Petitioner's request; and

WHEREAS, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

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 herein as though fully set forth.

SECTION 2: A variance to Section 6-2-12:1 (Fences; Residence District) of the Naperville Municipal Code to allow for a 12' tall fence to be constructed on the west property line and a 6' tall open fence to be constructed on the east and south property lines, as depicted on **Exhibit D**, is hereby approved..

SECTION 3: The variance approved by this Ordinance shall expire unless a permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

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

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk