

PIN: 08-19-203-001

ADDRESS:
406 S. JULIAN STREET
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 #21-1-145

ORDINANCE NO. 22 -

AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-6A-7 (R1A/YARD REQUIREMENTS) AND SECTION 6-2-3:3.2 (YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 406 S. JULIAN STREET

RECITALS

1. **WHEREAS**, Legacy Woods, LLC, 624 Wellner, Naperville, IL 60540 (**Owners and Petitioners**), are the owners of real property located at 406 S. Julian Street, Naperville, Illinois, 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (**Subject Property**), and have petitioned the City of Naperville for approval of variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code; and
2. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and the Petitioner plans to construct a new, single-family home fronting Julian Street on the property; and

3. **WHEREAS**, Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code requires a minimum of a 30-foot corner side yard setback for single-family detached dwellings in the R1A zoning district; and
4. **WHEREAS**, Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code allows patios, decks and porches to extend up to 5-feet into front or corner side yards; and
5. **WHEREAS**, the Subject Property is approximately 65 feet wide at the front yard setback line; and, per the Petitioner, with a required corner side yard setback of 30 feet and a required interior side yard setback of 8 feet per Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code, the proposed single-family home would be restricted to an undesirable width of only 27 feet; and
6. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code to decrease the required corner side yard setback to 15 feet at the point of greatest encroachment, as well as a variance to Section 6-2-3:3.2 (Yard Requirements) to allow two porches to extend more than 5 feet into the required corner side yard, as illustrated on **Exhibit C** (“**Site Plan**”); and
7. **WHEREAS**, the Petitioner proposes two porches that extend more than 5 feet into the required corner side yard - a wraparound porch at the front of the house (“**Porch 1**”); and, a side entrance near the garage (“**Porch 2**”) as depicted in **Exhibit C**; and
8. **WHEREAS**, Porch 2 measures less than 5 feet deep and does not extend beyond the outer building walls of the home along Porter Avenue; however, Porch 1 exceeds a 5-foot depth (measuring approximately 7.5 feet deep) and encroaches approximately 20

feet into the required corner side yard, resulting in a wraparound porch that is only setback 10.71 feet from the property line at the point of greatest encroachment; and

9. **WHEREAS**, Porch 2 meets the Standards for Granting a Variance provided in **Exhibit D** attached hereto; however, no exceptional hardship is identified to support a variance for Porch 1 since the proposed home will be new construction with an already reduced corner side yard, and there is ample porch space available in other locations on the Subject Property; and
10. **WHEREAS**, due to the curvature of the Subject Property line along Porter Avenue, **Exhibit C** (“**Site Plan**”) also reflects a minimal increase in the maximum allowable driveway width at the property line beyond what is permitted by Title 9 (Public Ways and Property) of the Naperville Municipal Code; and
11. **WHEREAS**, on March 16, 2022, the Planning and Zoning Commission considered the Petitioner’s variance requests and recommended approval of Petitioner’s requests; and
12. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner’s request meets the variance standards as provided in **Exhibit D** attached hereto, with the exception of a variance to Section 6-2-3:3.2 (Yard Requirements) for Porch 1, and 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 to Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code to decrease the required corner side yard setback to 15 feet at the point of greatest encroachment, as depicted on **Exhibit C** (“**Site Plan**”), is hereby approved.

SECTION 3: A variance to Section 6-2-3:3.2 (Yard Requirements) to Porch 2 to extend more than 5 feet into the required corner side yard, as depicted on **Exhibit C** (“**Site Plan**”), is hereby approved.

SECTION 4: A variance to Section 6-2-3:3.2 (Yard Requirements) to Porch 1 to extend more than 5 feet into the required corner side yard, as depicted on **Exhibit C** (“**Site Plan**”), is hereby denied.

SECTION 5: An increase in the maximum allowable driveway width at the property line beyond what is permitted by Title 9 (Public Ways and Property) of the Naperville Municipal Code, as depicted on **Exhibit C** (“**Site Plan**”), is hereby approved.

SECTION 6: The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property, with the exception of the Porch 1 design.

SECTION 7: The variances 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 8: 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 9: 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 10:The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 11: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