

PIN: 07-13-220-003

ADDRESS:
516 SPRING AVE.
NAPERVILLE, IL 60540

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

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-110

ORDINANCE NO. 24 - ____

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-10:3 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND)
OF THE NAPERVILLE MUNICIPAL CODE FOR A DETACHED
GARAGE AT 516 SPRING AVENUE**

RECITALS

1. **WHEREAS**, Paul and Claire Merryweather (“**Petitioners**” and “**Owners**”), 111 S. Ewing Street, Naperville, IL 60540, are the owners of real property located at 516 Spring Avenue, 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 a variance to the height limitation for a detached accessory structure at the Subject Property.
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is improved with a single-family residence.

3. **WHEREAS**, the Owners and Petitioners plan to remove an existing garage from the Subject Property; and, construct a new, 926 square-foot detached garage on the Subject Property, as depicted on **Exhibit B** (“**Site Plan**”).
4. **WHEREAS**, in accordance with Municipal Code Section 6-2-10:3 (Accessory Buildings, Structures and Uses of Land) the height limitation for accessory buildings, structures or uses is 18 feet.
5. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance to Section 6-2-10:3 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to allow a detached garage to be constructed to a height of 22 feet 10 inches for the Subject Property as depicted on **Exhibit C** (“**Elevation Drawings**”).
6. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit D** attached hereto.
7. **WHEREAS**, on November 20, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner’s request.
8. **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 6-2-10:3 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to allow a detached garage to be 22 feet 10 inches in height for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, and the Elevation Drawing attached hereto as **Exhibit C**, is hereby approved subject to the following condition:

- i. Prior to the City's issuance of a building permit for either the proposed detached accessory structure or the proposed driveway, the petitioner shall submit a Plat of Easement dedicating a 10-foot public utility and drainage easement along the south (rear) property line. Concurrent with submittal of the Plat of Easement, petitioner shall be required to submit an easement encroachment agreement to the City for that portion of the proposed driveway which will encroach into the 10-foot public utility and drainage easement along the south (rear) property line.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 4: The Elevation Drawing, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling elevation drawing for the detached garage.

SECTION 5: The variance 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 6: 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 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk