

PIN: 07-12-418-010

ADDRESS:
915 N. WEBSTER STREET
NAPERVILLE, IL 60563

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 #24-1-105

ORDINANCE NO. 24 -

**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 915 N. WEBSTER STREET**

RECITALS

1. **WHEREAS**, Mathieson House, LLC., d/b/a M House, 710 E. Ogden Avenue, #250, Naperville, IL 60563 (“**Petitioner**” and “**Owner**”) is the owner of real property located at 915 N. Webster Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and has petitioned the City of Naperville to grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the Subject Property.
2. **WHEREAS**, the Subject Property was platted in 1925 (Ogden Avenue Addition to Naperville recorded in DuPage County as Document R1925-192270) with a 40 ft. building line and is improved with a single-family structure.
3. **WHEREAS**, the Subject Property is zoned R1B (Medium Density Single-Family Residence District), which requires a 30 ft. front yard setback.

4. **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.
5. **WHEREAS**, the 40 ft. platted building setback is not consistently applied to all the properties located on N Webster Street between 10th Avenue and Ogden Avenue as the adjacent Naperville Heights Subdivision begins mid-block and does not have a 40 ft. platted setback. Single-family homes constructed in the Naperville Heights Subdivision are subject to the underlying R1B zoning district's required setback of 30ft.
6. **WHEREAS**, the Petitioner intends to construct a two-story single-family residence at the Subject Property which will encroach into the 40 ft. platted setback to a point of 30 ft. from the front lot line.
7. **WHEREAS**, pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto.
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 deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code is hereby granted to allow for a 10 ft. encroachment into the 40 ft. platted building line for the purpose of constructing a new two-story single-family residence on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**. Approval of this deviation is subject to compliance with the Site Plan approved in Section 3 below.

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: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance and/or deviation to be processed.

SECTION 5: The deviation approved by this Ordinance shall expire unless a building 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 6: 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 7: 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 8: This Ordinance shall be in full force and effect upon its passage and approval.

SECTION 9: The City Clerk is authorized and directed to record this Ordinance, including all exhibits hereto, with the DuPage County Recorder.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk