

**PINS:**  
07-13-106-006  
07-13-106-007

**ADDRESSES:**  
231 & 241 N. WEST ST  
NAPERVILLE, IL

**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 #23-1-132

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

**AN ORDINANCE GRANTING VARIANCES FROM SECTIONS 5-10-3:5.2.4.1  
AND 6-2-10:5 OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE SUBJECT PROPERTY LOCATED AT 231 & 241 N. WEST ST.**

**RECITALS**

1. **WHEREAS**, C&M Land, LLC, an Illinois limited liability company, 159 Sea Hammock Way, Ponte Vedra Beach, FL 32082 (“**Petitioner**”) has petitioned the City of Naperville for approval of a fence variance and a rear yard lot coverage variance for the real property located at 231 and 241 N. West Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”) in order to resubdivide the Subject Property into two lots (“**Lot 1**” and “**Lot 2**”) and construct two duplexes on Lot 1.
2. **WHEREAS**, C & M Land L.L.C., an Illinois limited liability company, with an office at 231 N. West St., Lower Unit, Naperville, IL 60540 (as to 241 N. West Street);

and Michael R. Jones, Trustee of the Michael R. Jones Declaration of Trust dated December 29, 2005, and Cathy Henderson Jones, Trustee of the Cathy Henderson Jones Declaration of Trust dated December 29, 2005, of 159 Sea Hammock Way, Ponte Vedra Beach, FL 32082 (as to 231 N. West Street) (“**Owner**”), are the owners of the Subject Property.

3. **WHEREAS**, the Subject Property is zoned R2 (Single-family and Low Density Multiple-family Residence) and is improved with a single-family residence on Lot 1 and a duplex on Lot 2.
4. **WHEREAS**, the Petitioner proposes to demolish the single-family residence on Lot 1 in order to construct two (2) new duplexes.
5. **WHEREAS**, the existing duplex on Lot 2 will remain on site with no plans for redevelopment.
6. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 5-10-3:5.2.4.1 (Landscaping and Screening) of the Naperville Municipal Code to eliminate the requirement for a fence along the rear property line.
7. **WHEREAS**, the existing six (6) foot fence maintained by the development to the west of the Subject Property provides sufficient screening.
8. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land) of the Naperville Municipal Code to permit an increase in allowable rear yard lot coverage from 25% to

approximately 64% for the proposed access drive as depicted on the site plan attached hereto as **Exhibit C** (“**Site Plan**”).

9. **WHEREAS**, the increase in rear yard lot coverage does not add visual bulk to the Subject Property as the encroachment is comprised of an access drive that provides necessary access to garage parking for future duplex residents.

10. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit D** attached hereto.

11. **WHEREAS**, on April 17, 2024, the Planning and Zoning Commission considered the PZC 23-1-132 and recommended approval of the Petitioner’s requests.

12. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s requests 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 5-10-3:5.2.4.1 (Landscaping and Screening) of the Naperville Municipal Code to eliminate the requirement for a fence along the rear property line, is hereby approved.

**SECTION 3:** A variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land) of the Naperville Municipal Code to permit an increase in the maximum allowable rear yard lot coverage from 25% to 64% as depicted in the Site Plan attached to this Ordinance as **Exhibit C**, is hereby approved.

**SECTION 4:** The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 5:** The Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved for the Subject Property.

**SECTION 6:** The Building Elevations, attached to this Ordinance as **Exhibit F**, are hereby approved for the Subject Property.

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

**SECTION 10:** 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 DuPage County Recorder.

**SECTION 11:** 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.

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Scott A. Wehrli  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk