

PIN: 07-13-322-005

ADDRESS:
415 RIVER BLUFF
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 #17-1-074

ORDINANCE NO. 17 -

**AN ORDINANCE GRANTING A VARIANCE
TO REDUCE THE REQUIRED INTERIOR YARD SETBACK
FOR THE PROPERTY LOCATED AT 415 RIVER BLUFF CIRCLE**

WHEREAS, Judith Wivell and Ron Szmurlo ("Owners and Petitioners") have petitioned the City of Naperville for approval of a variance to the interior side yard setback for the property legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is zoned R1A PUD (Low Density Single-Family Residence District) and is improved with half of a duplex structure and an associated driveway; and

WHEREAS, the Petitioners have requested approval of a variance from the interior yard setback requirement in order to construct a 150 square foot screened-in porch; and

WHEREAS, per Municipal Code 6-6A-7:1 (R1A: Yard Requirements) the interior side yard setback is 8 feet; and

WHEREAS, the proposed screened-in porch will encroach 3 feet into the required interior yard setback; and

WHEREAS, the encroachments resulting from the proposed screened-in porch will have minimal impact on the neighborhood streetscape, and will not be a substantial detriment to the adjacent property; and

WHEREAS, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

WHEREAS, on October 18, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-074, and recommended approval of the Petitioners request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioners 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance is hereby granted to allow for a 3ft encroachment into the 8ft interior yard setback in order to construct a screened-in porch on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 3: Any additional encroachments into the zoning setback other than that approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance to be processed.

SECTION 4: The variances 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 5: This variances 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 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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