

PIN: 08-28-409-075

ADDRESS:  
1821 APPALOOSA DRIVE  
NAPERVILLE, IL 60565

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 #17-1-095

ORDINANCE NO. 17 - \_\_\_\_\_

**AN ORDINANCE APPROVING A DEVIATION FROM UNIVERSITY HEIGHTS UNIT 4  
PLANNED UNIT DEVELOPMENT FOR THE PROPERTY LOCATED AT  
1821 APPALOOSA DRIVE**

**WHEREAS**, Hany Tadorus and Marina Hana (“Petitioner”) has petitioned the City of Naperville for approval of a deviation from the University Heights Unit 4 Planned Unit Development (PUD) in order to allow a patio to be located within the front yard setback on the property located at 1821 Appaloosa Drive, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** (“Subject Property”); and

**WHEREAS**, the University Heights Unit 4 PUD approved a 20’ front yard setback on the Subject Property; and

**WHEREAS**, Municipal Code Section 6-2-3:3.2 (Yard Requirements) allows patios, decks and porches to extend up to 5’ into the required front yard; and

**WHEREAS**, the Petitioner requests approval of a deviation to allow a patio which encroaches approximately 14.5’ into the front yard setback on the Subject Property; and

**WHEREAS**, on November 1, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-095, and recommended denial of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request meets the deviation standards as provided in **Exhibit C** attached hereto, 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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A Deviation to the University Heights Unit 4 PUD to allow a patio to encroach approximately 14.5' into the 20' front yard setback on the Subject Property, as depicted in **Exhibit B** attached to this Ordinance, is hereby approved, subject to the following condition:

- a) The patio shall comply with the Ranchview Estates Homeowners Association requirements as described in their letter dated August 21, 2017, attached hereto as **Exhibit D**.

**SECTION 3:** Any deviation other than that approved by this Ordinance shall require approval of a separate deviation.

**SECTION 4:** The deviation approved by this Ordinance shall expire unless 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:** The 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 6:** The City Clerk is authorized and directed to record this Ordinance with the Will 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.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk