

**PIN:
07-12-406-003**

**ADDRESS:
1322 N. EAGLE STREET
NAPERVILLE IL 60563**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #19-1-066

ORDINANCE NO. 19- __

**AN ORDINANCE GRANTING VARIANCES
TO SECTION 6-6B-7:1 (R1B: YARD REQUIREMENTS) AND SECTION 6-2-3:3.2
(YARD REQUIREMENTS: PERMITTED OBSTRUCTIONS IN REQUIRED YARDS)
FOR AN ENCLOSED IN PORCH AND ATTACHED PATIO AT 1322 N. EAGLE STREET**

WHEREAS, Bear Hoyer ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to construct an enclosed porch and attached patio that encroaches into the rear yard setback on the subject property located at 1322 N. Eagle Street, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Bear Hoyer is the owner of the Subject Property; and

WHEREAS, the Subject Property is zoned R1B (Medium Density and Single-Family Residence District) and is currently improved with a single-family structure; and

WHEREAS, Municipal Code Section 6-6B-7:1 (R1B: Yard Requirements) requires an enclosed porch to be located 30' setback from the rear property line; and

WHEREAS, Municipal Code Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions in Required Yards) requires a patio to be located 20' setback from the rear property line; and

WHEREAS, the Petitioner constructed an enclosed porch and attached patio on the Subject Property as depicted on **Exhibit B** without the required building permits and in conflict with zoning setbacks, thus requiring variances from Section 6-6B-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code; and

WHEREAS, on July 17, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-066 and recommended approval of the Petitioner's request with the condition that the 180 square feet of the enclosed porch and attached patio encroaching into the rear yard setbacks shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures plus the proposed enclosed porch shall not exceed 480 square feet in size per Section 6-2-10:5; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance 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. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Variances to permit a screened in porch that encroaches 12' into the 30' required rear yard setback and an attached patio that encroaches 2' into the 20' required rear yard setback as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved, subject to the following conditions:

- a. The 180 square feet of the enclosed porch and attached patio approved by this Ordinance shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures constructed at the Subject Property plus the proposed enclosed porch shall not exceed 480 square feet in size per Section 6-2-10:5.
- b. The petitioner will apply for and receive approval of a building permit with permit fees assessed and doubled (\$500 minimum) based upon the structures construction without a permit.

SECTION 3: 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 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: 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.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk