

PIN: 07-13-410-012

ADDRESS:
19 N MAIN ST
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-127

ORDINANCE NO. 24 - _____

**AN ORDINANCE GRANTING A VARIANCE
FROM SECTION 6-2-3:3.2 (YARD REQUIREMENTS) TITLE 6 (ZONING
REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
TO PERMIT A COVERED FRONT PORCH TO ENCROACH INTO
THE REQUIRED FRONT YARD AT 19 N. MAIN STREET**

RECITALS

1. **WHEREAS**, Jared Heglin, 19 N Main St, Naperville, IL 60540 ("**Petitioner**" and "**Owner**"), has petitioned the City of Naperville for approval of a variance to Section 6-2-3:3.2 of the Naperville Municipal Code to allow a covered front porch to encroach into the required front yard by more than five feet for real property located at 19 N Main St, Naperville, Illinois, legally described on **Exhibit A** ("**Legal**") and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owners of the Subject Property are Jared & Melissa Heglin, 19 N Main St, Naperville, IL ("**Property Owners**").

3. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple Family Residence District) and is improved with an existing, non-conforming single-family home that is set back approximately 10.5 feet from the front property line, when the R2 zoning district requires a minimum front yard setback of 25 feet per Section 6-6C-7 (R2/Yard Requirements) of the Naperville Municipal Code.
4. **WHEREAS**, Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code allows patios, decks and porches to extend five feet into the required front yard; therefore, a front porch can be set back twenty feet from the front property line and be compliant with the Naperville Municipal Code.
5. **WHEREAS**, the Property Owners propose an approximately 55.77 square foot, covered front porch that encroaches approximately 14.5 feet into the 25-foot required front yard as depicted on **Exhibit C** (“**Site Plan**”).
6. **WHEREAS**, the proposed covered front porch is located in a recessed area of the home’s front façade and therefore does not encroach any further into the front yard than the existing structure.
7. **WHEREAS**, the Petitioner requests approval of a variance from Section 6-2-3:3.2 (Yard Requirements) to allow the proposed covered front porch to encroach approximately 14.5 feet into the 25-foot required front yard as depicted on **Exhibit C** (“**Site Plan**”).
8. **WHEREAS**, this encroachment results in a porch that is set back approximately 10.5 feet from the front property line instead of 20 feet as required per Section 6-2-3:3.2 of the Municipal Code.

9. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Granting a Zoning Variance) of the Naperville Municipal Code, the requested variance meets the Standards for granting a Zoning Variance as provided in **Exhibit D** (“**Standards for Variances**”) attached hereto.
10. **WHEREAS**, on April 17, 2024, the Planning and Zoning Commission conducted a public hearing to consider PZC 23-1-127 and recommended approval of the Petitioner’s request (approved 7-0).
11. **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 variance from Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code to allow a covered front porch to encroach approximately 14.5 feet into the 25-foot required front yard, as depicted on the Site Plan attached hereto as **Exhibit C**, is hereby approved.

SECTION 3: The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

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. 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 7: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk