

PINs:
08-18-313-006

ADDRESS:
17 COURT PLACE

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 #17-1-023

ORDINANCE NO. 17 - _____

AN ORDINANCE GRANTING VARIANCES FROM SECTION 6-7I-5:2 (TU: AREA REQUIREMENTS), SECTION 6-9-2:4.3 (OFF-STREET PARKING FACILITIES), AND SECTION 6-2-10 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 17 COURT PLACE

WHEREAS, B3 Properties LLC (“Petitioner”) has requested approval of variances from Section 6-7I-5:2 (TU: Area Requirements), Section 6-9-2:4.3 (Off Street Parking Facilities), and a variance to Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code in order to construct a 3-unit townhome building on the property commonly known as 17 Court Place, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, the Subject Property is currently improved with a residentially styled office building and is zoned TU (Transitional Use District); and

WHEREAS, the Petitioner proposes to demolish the existing building and construct a 3-unit townhome building on the subject property; and

WHEREAS, the Petitioner requests a variance to permit 3 single-family attached dwelling units on the Subject Property with a lot area of approximately 11,422 square feet,

in lieu of the minimum 12,000 square feet required for 3 single-family attached dwelling units;
and

WHEREAS, the Petitioner proposes to locate the driveway within the required 5' side yard setback and has requested a variance to reduce the setback from 5' to 4'; and

WHEREAS, the Petitioner also requests a variance to permit 3 patios to be located in the front yard, 1 for each dwelling unit, in front of the townhome building; and

WHEREAS, on April 19, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-023, and recommended approval of the Petitioner's requests; and

WHEREAS, the requested variances meet the standards for variances as provided in **Exhibit C** attached hereto; and

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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-71-5:2 (TU: Area Requirements) of the Naperville Municipal Code is hereby granted to allow 3 single-family attached dwelling units to be located on the Subject Property with a lot area of approximately 11,422 square feet, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 3: A variance to Section 6-9-2:4.3 (Off Street Parking Facilities) of the Naperville Municipal Code is hereby granted to allow the driveway to be located 4' from the

north property line of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 4: A variance to Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code is hereby granted to allow 3 patios, 1 for each dwelling unit, to be located in the front yard of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 5: Any variance other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require approval of a separate variance.

SECTION 6: 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 7: These 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 8: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 9: 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