

PINS:
08-18-406-006
08-18-405-007

ADDRESSES:
25 N. HUFFMAN STREET
818 E. FRANKLIN AVENUE
NAPERVILLE, IL 60540

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

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-014

ORDINANCE NO. 23 - ____

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-2-26:1
OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT
818 E. FRANKLIN AV AND 25 N. HUFFMAN ST (FRANKLIN FLATS)**

RECITALS

1. **WHEREAS**, Franklin Huffman LLC, 2117 Camellia Court, Naperville, IL 60565 (“**Petitioners**” and “**Property Owners**”), own certain property located at 25 N. Huffman Street, 818 E. Franklin Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single Family and Low-Density Multiple Family Residence District) and is improved with a single-family home at 25 N. Huffman Street and a single-family home and a detached garage at 818 E. Franklin Avenue; and

3. **WHEREAS**, the Petitioner proposes to demolish the existing structures and improve the properties with a duplex on each lot; and
4. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-2-26:1 (Teardown Infill Regulations) of the Naperville Municipal Code in order to increase the maximum permitted lot coverage of 35% to allow for the construction of a duplex building on each lot; and
5. **WHEREAS**, the Petitioner proposes to increase the maximum permitted lot coverage at 818 E. Franklin Avenue from 2,716 sf (35% lot coverage) to 3,179 sf (41% lot coverage); and
6. **WHEREAS**, the Petitioner proposes to increase the maximum permitted lot coverage at 25 N. Huffman Street from 2,905 sf (35% lot coverage) to 3,179 sf (38.4% lot coverage); and
7. **WHEREAS**, the proposed duplexes comply with the required setbacks and the maximum permitted height per the R2 zoning regulations; and
8. **WHEREAS**, the proposed duplexes will be attached horizontally (side by side) and feature a unique layout with a first floor primary bedroom that diversifies the City's housing stock which is identified as a goal in the City's Land Use Master Plan; and
9. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
10. **WHEREAS**, on June 7, 2023, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner's request; and

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 6-2-26:1 (Teardown/Infill Regulations) of the Naperville Municipal Code to allow for an increase to the maximum permitted lot coverage from 35% to 41% at 818 E. Franklin Avenue and 38.4% at 25 N. Huffman Street, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit D**, is hereby approved as the controlling site plan for the Subject Property.

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

SECTION 7: 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 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk