

PIN: 01-01-404-022

ADDRESS:
440 HAWLEY COURT
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 #18-1-089

ORDINANCE NO. 18 -

**AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE CORNER SIDE YARD
SETBACK IN THE R1A DISTRICT PURSUANT TO SECTION 6-6A-7:1 OF TITLE 6
(ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 440 HAWLEY COURT**

WHEREAS, Todd Nelmark ("Petitioner) has petitioned the City of Naperville to grant a variance from Section 6-6A-7:1 (R1A District: Yard Requirements) of the Naperville Municipal Code for the real property located at 440 Hawley Court, Naperville, Illinois legally described on Exhibit A and depicted on Exhibit B ("Subject Property"); and

WHEREAS, Todd and Julie Nelmark are the owners of the Subject Property; and

WHEREAS, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is improved with a two story single-family residence with an attached two car garage; and

WHEREAS, the Subject Property is a corner lot and R1A requires a 30' corner side yard setback; and

WHEREAS, the Petitioner intends to construct an addition to the existing two car attached garage on the Subject Property which will encroach 3'9" into the 30' required corner side yard to a point 26'3" from the corner side yard lot line; and

WHEREAS, the requested 3'9" encroachment will have minimal impact on the neighborhood streetscape and will not be a substantial detriment to the adjacent property; and

WHEREAS, the requested variance meets the standards for granting a variance as provided in **Exhibit C** attached hereto; and

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

SECTION 2: A variance to Section 6-6A-7:1 (R1A District: Yard Requirements) of the Naperville Municipal Code is hereby granted to allow a 3'9" encroachment into the 30' required corner side yard for the purpose of constructing an addition to the existing garage on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**.

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

SECTION 4: Any additional encroachments into the zoning setback other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance to be processed.

SECTION 5: The variance 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 6: 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 7: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

SECTION 8: 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 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk