

PIN: 08-29-104-005

ADDRESS:
1248 OXFORD LANE
NAPERVILLE, IL 60540

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 #24-1-048

ORDINANCE NO. 24 -

**AN ORDINANCE GRANTING A VARIANCE
FROM SECTION 6-2-12:1.2 (FENCES: RESIDENCE DISTRICTS)
OF THE NAPERVILLE MUNICIPAL CODE IN ORDER TO INSTALL A FENCE FOR
THE PROPERTY LOCATED AT 1248 OXFORD LANE**

1. **WHEREAS**, Tammy L. Wolf as Trustee of the Tammy L. Wolf Trust Dated December 13, 2022 as Amended, 1248 Oxford Lane, Naperville, Illinois, 60540 is the owner (“**Owner**”) of real property located at 1248 Oxford Lane, Naperville, Illinois, 60540 legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Daniel S. Wolf and Tammy L. Wolf, 1248 Oxford Lane, Naperville, Illinois, 60540 (“**Petitioners**”) have petitioned the City of Naperville for approval of a variance from the Naperville Municipal Code in order to install a fence within the front yard that exceeds the permissible height allowance; and
3. **WHEREAS**, the Subject Property is currently zoned E2 (Medium Density Estate District) and is improved with a large single-family home; and
4. **WHEREAS**, Municipal Code Section 6-2-12:1.2 (Fences: Residence Districts) allows an open style fence up to 4’ in height at the front yard lot line; and

5. **WHEREAS**, the Petitioners have requested approval of a variance from Municipal Code Section 6-2-12:1.2 (Fences: Residence Districts) in order to allow a 5' tall open fence with accompanying 6'-8" masonry columns located in the front yard of the Subject Property as depicted on **Exhibit B**; and
6. **WHEREAS**, the proposed fencing consists of an open design detailed in **Exhibit C** ("**Fence Design**"); and
7. **WHEREAS**, on July 17, 2024, the Planning and Zoning Commission conducted a public hearing concerning PZC 24-1-048 and recommended approval of the Petitioners' request; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioners' request meets the Standards for Variances as provided in **Exhibit D** ("**Standards for Variances**") 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 herein.

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

SECTION 2: A variance from Municipal Code Section 6-2-12:1.2 (Fences: Residence Districts) to allow a 5' tall open fence with accompanying 6'-8" masonry columns located in the front yard of the Subject Property, as depicted on the Site Plan attached to this Ordinance as **Exhibit B** and the Fence Design attached to this Ordinance as **Exhibit C**, is hereby approved.

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: The 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 upon 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