

PIN: 08-19-108-008

ADDRESS:
525 E. HILLSIDE RD
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 #22-1-124

ORDINANCE NO. 23 - _____

AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-6B-7 AND DEVIATION TO
SECTION 7-1-13 OF THE NAPERVILLE MUNICIPAL CODE
FOR 525 E. HILLSIDE ROAD

RECITALS

1. **WHEREAS**, Alexander P. and Kelsey E. Lewis ("**Owners**") are the owners of real property located at 525 E. Hillside Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Civil & Environmental Consultants, Inc. ("**Petitioner**") has petitioned the City, on behalf of the Owners, to grant a setback variance and a deviation to the platted building setback in order to construct a new single-family residence on the Subject Property; and
3. **WHEREAS**, the Subject Property is zoned R1B (Medium Density Single-Family Residence District) with a 30' front yard setback per Section 6-6B-7:1 (R1B District: Yard Requirements) of the Naperville Municipal Code; and

4. **WHEREAS**, the Subject Property is also subject to a 30' platted setback in the front yard per the Moser Highlands Plat of Subdivision which is recorded as Document No. 1954-728128 with the Recorder's Office of DuPage County; and
5. **WHEREAS**, in the Fall of 2022, the City issued permit 22-2695 to allow the demolition of the existing one-story brick & frame single-family residence on the Subject Property and permit 22-2696 to allow the construction of a new single-family residence on Subject Property; and
6. **WHEREAS**, due to an error in the engineering process after permit approval, the foundation of the new single-family residence was installed in the incorrect location, encroaching into both the front yard setback and the platted setback; and
7. **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 6-6B-7:1 (R1B District: Yard Requirements) of the Naperville Municipal Code to permit a portion of the new single-family residence to encroach 3.88' into the required 30' front yard setback on the Subject Property; and
8. **WHEREAS**, pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code, the Petitioner requests approval of a deviation from Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code to permit a portion of the new single-family residence to encroach 3.88' into the required 30' platted setback on the Subject Property; and
9. **WHEREAS**, the requested variance and deviation meet the Standards for Variances and Standards for Deviations as provided in **Exhibit C** attached hereto; and

10. **WHEREAS**, on January 18, 2023, the Planning and Zoning Commission considered PZC 22-1-124 and recommended approval of the Petitioner's requests; and

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

SECTION 2: A variance to Section 6-6B-7:1 (R1B District: Yard Requirements) of the Naperville Municipal Code reduce the required R1B front yard setback from 30' to 26.12' for the Subject Property, as depicted on the Spot Survey attached hereto as **Exhibit B**, is hereby approved.

SECTION 3: A deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code to reduce the platted setback from 30' to 26.12' for the Subject Property, as depicted on the Spot Survey attached hereto as **Exhibit B**, is hereby approved.

SECTION 4: The Spot Survey, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

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 this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner and Owners shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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 _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk