

**PINs:**  
**07-13-320-016**

**ADDRESS:**  
**724 JACKSON AVENUE**  
**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 #18-1-136**

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING A VARIANCE FROM THE INTERIOR SIDE YARD  
SETBACK REQUIREMENTS PURSUANT TO SECTION 6-6B-7:1 OF  
TITLE 6 (ZONING) OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE PROPERTY LOCATED AT 724 JACKSON AVE**

**WHEREAS**, Lenahan Builders Inc. ("Petitioner"), has petitioned the City of Naperville for approval of an interior side yard setback variance for real property located at 724 Jackson Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, Richard W. Wake as Trustee of the Richard W. Lake Living Trust dated December 11, 2006 is the owner of the Subject Property; and

**WHEREAS**, the Subject Property is currently zoned R1B (Medium Density Single-Family District) and is improved with a single-family residence; and

**WHEREAS**, in conjunction with the current request, the petitioner is also requesting approval of an Ordinance granting approval of a Preliminary/Final Plat of Subdivision, titled "D&K Wake Resubdivision", with a variance to Section 7-4-4:2.4 (Land Use: Ninety Percent

Rule) in order to subdivide the current lot into two lots to create a new buildable lot, attached hereto as **Exhibit D**; and

**WHEREAS**, upon approval of the Preliminary/Final Plat of Subdivision, the post-1989 interior side yard setback requirement of 16' total for 2 side yards, with a minimum of 6' required for each side yard will apply to both lots; and

**WHEREAS**, the existing single-family home was constructed in accordance with the R1B pre-1989 interior side yard setback requirement of 6' per side and, therefore, will not comply with the post-1989 R1B zoning district interior side yard setback requirements; and

**WHEREAS**, the existing single-family home will be located approximately 6' from the newly established east and west property lines of Lot 1 as depicted **Exhibit D** for a total interior side yard setback of 12', which is 4' below the post-1989 interior side yard setback requirement per the R1B zoning district standards, thereby triggering the variance request; and

**WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

**WHEREAS**, on September 4, 2019, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-136, and recommended approval of the Petitioner's request; 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from Section 6-6B-7:1 (R1B: Setback Requirements) of the Naperville Municipal Code in order to reduce the required post-1989 interior side yard setback requirements and permit the existing single-family home to be located 6' from the east and west property lines of Lot 1, as depicted on **Exhibit B** and **Exhibit D**, 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:** 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 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.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk