

PIN: 08-29-407-011

ADDRESS:
1541 FENDER ROAD
NAPERVILLE, IL

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 #21-1-001

ORDINANCE NO. 21 - _____

**AN ORDINANCE GRANTING A FRONT YARD SETBACK VARIANCE
FROM SECTION 6-6A-7:1 OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 1541 FENDER ROAD**

RECITALS

1. **WHEREAS**, Ralph Lambka (“**Owner** and **Petitioner**”), is the owner of real property located at 1541 Fender Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and has petitioned the City of Naperville for approval of a front yard setback variance for said property; and
2. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single Family Residence District) which requires a 30’ front yard setback and is improved with a single-family house and attached garage; and
3. **WHEREAS**, the Petitioner proposes to construct an addition to the front-loaded garage that is 6’ wide to the north, 19.26’ in depth to the east and encroaches 12’ into the 30’ front yard setback; and

4. **WHEREAS**, a 30' building setback line is platted on the subject property; and
5. **WHEREAS**, per Section 7-1-13:2.1 (Platted Setbacks and Building Lines) of the Naperville Municipal Code, when a platted building setback line is the same as the required setback for the zoning district, the applicant is required to seek approval of a variance to the zoning regulations; and
6. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-6A-7:1 (Low Density Single Family Residence District: Yard Requirements) of the Naperville Municipal Code to permit an addition to be located 18' from the front property line on the Subject Property; and
7. **WHEREAS**, the Subject Property is unique given the front property line is setback 29.60' from the edge of the curb; and
8. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, on February 17, 2021 the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner's request; and
10. **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 6-6A-7:1 (Low Density Single Family Residence District: Yard Requirements) of the Naperville Municipal Code to allow for an addition which encroaches 12' into the 30' front yard setback for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

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 5: 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 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 DuPage 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 _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk