

PINS: 08-07-101-009
08-07-101-010
08-07-101-011

ADDRESSES:
1508, 1512 and 1520 N LOOMIS STREET
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-011

ORDINANCE NO. 24 - ____

**AN ORDINANCE GRANTING A SETBACK VARIANCE
FROM SECTION 6-6A-7:1 (R1A: YARD REQUIREMENTS) OF
THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 1520 N LOOMIS STREET**

RECITALS

1. **WHEREAS**, William and Sonia Buchar (“**Petitioner**” and “**Owner**”), are the owners of real property located at 1508, 1512 and 1520 N Loomis Street, Naperville, Illinois, 60563, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and have petitioned the City of Naperville for approval of a rear yard setback variance for the Subject Property.
2. **WHEREAS**, the Subject Property is currently zoned R1A PUD (Low Density Single Family Residence District Planned Unit Development) and is improved with a two-story single-family residence, detached garage, and shed.

3. **WHEREAS**, the Owner and Petitioner plans to improve the single-family residence with a breezeway addition that connects the residence to the detached garage, and to construct a garage addition on the Subject Property, as depicted on **Exhibit C** (“**Site Plan**”).
4. **WHEREAS**, the breezeway addition connects the detached garage to the principal structure; and, upon connection to the principal structure, the garage becomes part of the principal structure and is required to comply with the R1A yard requirements as identified in Section 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code.
5. **WHEREAS**, in accordance with Municipal Code Section 6-6A-7:1 (Yard Requirements), a 30-foot rear yard setback is required for this property.
6. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance to 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code to allow the principal structure to be located approximately 23.85 feet from the rear property line for the Subject Property as depicted on **Exhibit C** (“**Site Plan**”).
7. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto.
8. **WHEREAS**, on April 3, 2024, the Planning and Zoning Commission considered the requested setback variance and recommended approval of the Petitioner’s request.
9. **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 (Yard Requirements) of the Naperville Municipal Code to allow the principal structure to be located approximately 23.85 feet from the rear property line for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit C**, is hereby approved, subject to the following condition:

- i. The Owner shall be required to resubdivide the Subject Property to address existing, nonconforming encroachments as depicted on **Exhibit C** through an administrative plat of subdivision in accordance with Section 7-2-5 (Administrative Plat Procedures) of the Naperville Municipal Code. Said plat shall be recorded with the DuPage County Recorder prior to issuance of any final occupancy permit.

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

SECTION 4: 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 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 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 8: 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