

PIN: 07-26-217-014

ADDRESS:
947 MORTONSBERRY DRIVE
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 #23-1-028

ORDINANCE NO. 23 - _____

AN ORDINANCE GRANTING A FENCE VARIANCE
FROM SECTION 6-2-12 OF THE NAPERVILLE MUNICIPAL CODE
FOR THE FRONT/CORNER SIDE YARD SETBACK LOCATED AT
947 MORTONSBERRY DRIVE

RECITALS

1. **WHEREAS**, Christopher Skubic, 947 Mortonsberry Drive, Naperville, Illinois (“**Petitioner**” and “**Owner**”), is the owner of real property located at 947 Mortonsberry Drive, 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 fence variance for said property; and
2. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single-Family Residence District) and is improved with a single-family home on an approximate 17,665 square foot lot; and
3. **WHEREAS**, the Petitioner proposes to replace the existing four-foot open fence on the Subject Property with a five-foot privacy fence that includes a ten (10) inch

decorative lattice attached to the top of a fifty (50) inch solid vinyl fence as depicted on **Exhibit C** (“**Fence Elevation**”); and

4. **WHEREAS**, pursuant to Section 6-2-12 (Fences) of the Naperville Municipal Code, a five (5) foot tall fence must be located behind the required thirty (30) foot front and corner side yard setback; and
5. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requested approval of a variance from Section 6-2-12:1.3 (Fences) of the Naperville Municipal Code to allow a fence to be located on the front/corner side property line on the Subject Property, thereby located within the required front/corner side yard setback; and
6. **WHEREAS**, on June 7, 2023, the Planning and Zoning Commission considered the requested fence variance and recommended approval of the Petitioner’s request approved unanimously 8-0; and
7. **WHEREAS**, following the Planning and Zoning Commission meeting, the Petitioner revised their variance request to set back the proposed fence ten (10) feet from the front/corner side property line, as depicted on **Exhibit D** (“**Site Plan**”), in consideration of neighbor concerns raised at the meeting; and
8. **WHEREAS**, the requested variance meets the amended Standards for Variances as provided in **Exhibit E** attached hereto; and
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 6-2-12:1.3 (Fences) of the Naperville Municipal Code to allow for a five-foot privacy fence to be located at a setback of ten (10) feet from the front/corner side yard property line for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 3: The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

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. 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 _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrl
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk