

PIN: 01-02-413-014

ADDRESS:
2714 GATESHEAD DRIVE
NAPERVILLE, IL 60564

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 #21-1-075

ORDINANCE NO. 21 -

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12:1 OF
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 2714 GATESHEAD DRIVE**

WHEREAS, Jonathan A. Segura (“**Petitioner**”), is the owner of real property located at 2714 Gateshead 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 variance in order to construct a fence within the required corner side yard setback; and

WHEREAS, the Subject Property zoned R2 PUD (Single-Family and Low Density Multiple-Family Residence District Planned Unit Development) and is improved with a single-family residence; and

WHEREAS, the Subject Property has a required corner side yard setback of 15’; and

WHEREAS, Municipal Code Section 6-2-12:1.1 (Fences: Residence District) allows a privacy fence up to 3’ in height in the required corner side yard; and

WHEREAS, Municipal Code Section 6-2-12:1.2 (Fences: Residence District) allows an open style fence up to 4' in height in the required corner side yard; and

WHEREAS, the Petitioner wishes to construct a 6' privacy-style fence within the required corner side yard on the Subject Property as depicted on **Exhibit B**; and

WHEREAS, the proposal requires a variance for the proposed height and design and location of the fencing; and

WHEREAS, on August 4, 2021, the Planning and Zoning Commission conducted a public hearing to consider PZC 21-1-075 and recommended approval of the request; and

WHEREAS, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to permit a 6' privacy-style fence within the required corner side yard, as depicted on the Plat of Survey attached to this Ordinance as **Exhibit B**, 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 _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk