

PINS:
07-12-214-013
07-12-209-024

PROPERTY ADDRESSES:
27W240 AND 27W280 BAUER ROAD
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 # DEV-0162-2025

ORDINANCE NO. 26- ____

AN ORDINANCE APPROVING A VARIANCE TO SECTION 6-2-10:5 (ACCESSORY
BUILDINGS, STRUCTURES AND USES OF LAND) OF THE NAPERVILLE
MUNICIPAL CODE
FOR THE BAUER ROAD DUPLEXES

RECITALS

1. **WHEREAS**, Hawkeye Property Holdings LLC, with offices at 522 N Washington Street, Naperville, IL 60563 (“**Owner**” and “**Petitioner**”), owns real property located at 27W240 and 27W280 Bauer Road, Naperville, IL 60563 which is legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and has petitioned the City of Naperville (“**City**”) for approval a variance to Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) to permit a maximum rear yard coverage of 45% to develop three duplex buildings, a driveway, and surface parking on the Subject Property.

2. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a variance pursuant to Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to exceed the maximum 25% permissible rear yard lot coverage and allow approximately 44%, or approximately 1,864 square feet, of the required 25-foot rear yard to be occupied by a roadway and parking spaces on the Subject Property as depicted on the Site Plan attached hereto as **Exhibit D** (“**Site Plan**”).
3. **WHEREAS**, the requested variance meets the Standards for Granting a Zoning Variance as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.
4. **WHEREAS**, on March 4, 2026, the Planning and Zoning Commission conducted a public hearing to consider the requested variance and recommended approval of the Petitioner’s request.
5. **WHEREAS**, in conjunction with the variance considered at the March 4, 2025 Planning and Zoning Commission meeting, the Planning and Zoning Commission considered the Final Landscape Plan, attached to this Ordinance as **Exhibit E** (“**Final Landscape Plan**”), and the Building Elevations, attached to this Ordinance as **Exhibit F** (“**Building Elevations**”).
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) for a variance to permit a maximum rear yard coverage of 45%, along with ordinances approving an annexation agreement for the Subject Property, annexation of the Subject Property, rezoning of the Subject Property to TU (Transitional Use District) upon annexation, and a preliminary/final plat of subdivision (together hereinafter referenced as the “**Bauer Road Duplexes Ordinances**”).

7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request for a variance 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 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to permit a maximum rear yard coverage of 45% as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

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

SECTION 4: The Final Landscape Plan, attached to this Ordinance as **Exhibit E**, is hereby approved for the Subject Property.

SECTION 5: The Building Elevations, attached to this Ordinance as **Exhibit F**, are hereby approved for the Subject Property.

SECTION 6: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance: (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 7: This variance shall be subject to revocation by the City for failure to comply with the provisions of the Bauer Road Duplexes Ordinances and all other applicable

provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 8: The City Clerk is authorized and directed to record certified copies of the Bauer Road Duplexes Ordinances, including their exhibits, with the DuPage County Recorder in the following order: (1) Annexation; (2) Annexation Agreement; (3) Rezoning; (4) Preliminary/Final Plat of Subdivision; and (5) Variance.

SECTION 9: If certified copies of the Bauer Road Duplexes Ordinances, with their exhibits, are not recorded with the DuPage County Recorder within one (1) year of their passage and approval by the Naperville City Council, said Bauer Road Duplexes Ordinances shall be null and void without any further action by the City.

SECTION 10: 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 DuPage County Recorder.

SECTION 11: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk