

**PIN:
02-06-407-001**

**ADDRESS:
2703 WOLF RIVER COURT
NAPERVILLE IL 60565**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #18-1-084

ORDINANCE NO. 18- __

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12:1 (FENCES:
RESIDENCE DISTRICTS) FOR THE FENCE AT
2703 WOLF RIVER COURT**

WHEREAS, Jeffrey Stacey ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to construct a fence in the corner side yard and front yard on the subject property located at 2703 Wolf River Court, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Jeffrey and Rachel Stacey are the owners of the Subject Property; and

WHEREAS, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is currently improved with a single-family home and attached garage; and

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

WHEREAS, the Petitioner wishes to construct a 6' tall, solid style fence in the required corner side yard and front yard on the Subject Property as depicted on **Exhibit B**; and

WHEREAS, on October 17, 2018, the Planning and Zoning Commission conducted a public hearing to consider the Petitioner's request for the Subject Property and recommended approval of the request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit C** attached hereto and 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to permit a 6' tall solid style fence in the required corner side yard and front 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 Will 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 _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk