

PIN: 02-04-102-044

ADDRESS:
2255 LOTUS COURT
NAPERVILLE, IL 60565

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 #24-1-113

ORDINANCE NO. 24 - ____

**AN ORDINANCE GRANTING A SETBACK VARIANCE
FROM SECTION 6-2-3:3.2 (YARD REQUIREMENTS) OF THE NAPERVILLE
MUNICIPAL CODE FOR THE
PROPERTY LOCATED AT 2255 LOTUS COURT**

RECITALS

1. **WHEREAS**, Joel Kristianson, Renovation Creations, LLC, 11s516 McGrath Lane, Naperville, IL 60564 ("**Petitioner**"), has petitioned the City of Naperville for approval of a variance to the yard requirements for the Subject Property.
2. Brent and Indre Pemberton ("**Owners**") are the owners of real property located at 2255 Lotus Court, Naperville, Illinois, 60565, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
3. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single Family Residence District) and is improved with a single-family residence.

4. **WHEREAS**, the Owners and Petitioner plan to replace an existing deck on the Subject Property; and, to construct a new deck attached to the rear of the home, as depicted on **Exhibit B** (“**Site Plan**”).
5. **WHEREAS**, in accordance with Naperville Municipal Code Section 6-6A-7:1 (Yard Requirements, R1A), a 30-foot required rear yard setback is applied to this property.
6. **WHEREAS**, in accordance with Naperville Municipal Code Section 6-2-3:3.2 (Yard Requirements), patios, decks and porches may extend five (5) feet into the required front yard or corner side yard and ten (10) feet into the required rear yard.
7. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance to Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code to allow a deck to extend 15 feet into the required rear yard for the Subject Property as depicted on **Exhibit B** (“**Site Plan**”).
8. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
9. **WHEREAS**, on November 20, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner’s request.
10. **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 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code to allow a deck to extend 15 feet into the required rear yard for the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit B**, 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