

PIN: 08-19-214-025

**ADDRESS:
716 WEHRLI 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 #18-1-134

ORDINANCE NO. 18 -

**AN ORDINANCE GRANTING A DEVIATION FROM
SECTION 7-1-13 (PLATTED SETBACKS AND BUILDING LINES) OF TITLE 7
(SUBDIVISION REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 716 WEHRLI DRIVE**

WHEREAS, Scott Mathieson ("Petitioner") has petitioned the City of Naperville to grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 716 Wehrli Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Ojas and Radhika Shah are the Owners ("Owners") of the Subject Property; and

WHEREAS, the Subject Property is currently improved with a single-family residence; and

WHEREAS, the Subject Property was platted in 1955 as Lot 3 in Block 5 of Moser Highlands Unit No. 3 Subdivision with a 30' platted building line along Wehrli Drive; and

WHEREAS, the Petitioner requests a deviation to Section 7-1-13 (Platted Setbacks and Building Lines) in order to demolish the existing single-family residence and construct a new single-family residence at a distance of 15' from Wehrli Drive; and

WHEREAS, the Subject Property is zoned R1B (Medium Density Single-Family Residence District), which requires a 30' front yard setback and a 15' corner side yard setback; and

WHEREAS, per Section 6-2-3:4 (Yard Requirements), the owner of a corner lot may determine which street side of the lot shall be considered the front yard and which street side of the lot shall be considered the corner side yard; and

WHEREAS, the 30' platted setback line on the Subject Property restricts the use of Wehrli Drive to the front yard and Wright Street to the corner side yard; and

WHEREAS, the Petitioner is requesting said deviation in order to utilize Wright Street as the front yard and Wehrli Drive as the corner side yard; and

WHEREAS, pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code the requested deviation meets the standards for granting a subdivision deviation 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code is hereby granted to permit the construction of a new single-

family residence that will encroach 15' into the 30' platted building line on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**. Approval of said deviation is subject to compliance with the Site Plan approved in Section 3 below and is conditioned upon the following:

1. The new single-family residence must maintain the R1B front yard setback of 30' along the Wright Street yard.

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: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance and/or deviation to be processed.

SECTION 5: The deviation approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 6: This deviation 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 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: 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