

PIN:
07-13-421-011

ADDRESS:
235 WEST JEFFERSON AVENUE
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 #22-1-080

ORDINANCE NO. 22 - ___

AN ORDINANCE APPROVING A VARIANCE TO THE PARKING REQUIREMENTS IN SECTION 6-9-3:6 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS) FOR THE PROPERTY LOCATED AT 235 WEST JEFFERSON AVENUE (THE ALICE CHIN TEAM)

RECITALS

1. **WHEREAS**, Alice Chin (“**Owner**”), 1124 Tuthill Rd, Naperville, IL 60563, is the owner of real property located at 235 West Jefferson Avenue, Naperville, Illinois, 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Don Brown (“**Petitioner**”), President of Brownstone Homes, 4712 Pershing Ave, Downers Grove, Illinois 60515, has petitioned the City of Naperville for a variance to the off street parking requirements in Section 6-9-3:6 of the Naperville Municipal Code in order to permit a reduction in the number of off street parking spaces required for a professional office at the Subject Property; and
3. **WHEREAS**, the Owner has authorized the Petitioner to submit this request; and

4. **WHEREAS**, the Subject Property is zoned TU (Transitional Use) and is currently improved with an office and detached garage; and
5. **WHEREAS**, Petitioner intends to use the Subject Property for a professional office; and
6. **WHEREAS**, the total number of off street parking spaces required per the Municipal Code based on the use and size of the space is six (6) parking spaces; and
7. **WHEREAS**, Petitioner proposes to have three (3) parking spaces, resulting in a parking deficit of three (3) spaces; and
8. **WHEREAS**, Petitioner described that the maximum number of employees and customers on site shall be three (3) people and a majority of the business is conducted off-site and a majority of employees work remotely in **Exhibit C**; and
9. **WHEREAS**, the details provided indicate that sufficient parking will be available on the Subject Property for the proposed real estate professional office; and
10. **WHEREAS**, Petitioner's request meets the standards for granting variance as provided in **Exhibit C** attached hereto; and
11. **WHEREAS**, on December 7, 2022, the Planning and Zoning Commission conducted a public hearing to consider PZC 22-1-080 and recommended approval of Petitioner's request; and
12. **WHEREAS**, the City Council of the City of Naperville has determined that 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 Section 6-9-3:6 (Schedule of Off Street Parking Requirements) to reduce the number of required off-street parking spaces from six (6) to three (3) spaces, as depicted on the Site Plan attached hereto as **Exhibit B** is hereby approved, subject to the following conditions:

- i. If the City's Zoning Administrator determines that the Petitioner's parking needs cannot be accommodated within the parking on the subject property, the Petitioner shall take adequate measures to meet the parking needs, including but not limited to formally assigning/reserving parking spaces for each employee, establishing an overflow parking location off-site, or constructing additional parking spaces, which shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate the owner's parking needs may result in the City's revocation of the parking deviation.
- ii. The exterior parking space must be striped.

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 _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk