

**PIN: 07-01-108-010**

**ADDRESS:  
2631 SWEETBROOM ROAD  
NAPERVILLE, IL 60564**

**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 #17-1-032**

**ORDINANCE NO. 17 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-2-10:5 OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE  
MUNICIPAL CODE FOR THE PROPERTY LOCATED AT  
2631 SWEETBROOM ROAD**

**WHEREAS**, Marji Szwaya (Owner and Petitioner) is the owner of the real property located at 2631 Sweetbroom Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B**; and

**WHEREAS**, Marji Szwaya (Owner and Petitioner), has petitioned the City of Naperville for approval of a variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land: Percentage of Rear Yard Occupied) to allow for an existing game court to remain on the Subject Property in excess of the 25% coverage permitted for detached accessory structures in the required rear yard; and,

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

**WHEREAS**, the Petitioner constructed the game court on the Subject Property without a permit from the City of Naperville; upon review of the game court post-installation, the City

determined that the game court covers approximately 31% of the required rear yard, thereby necessitating a variance to Section 6-2-10:5 of the Naperville Municipal Code; and

**WHEREAS**, the encroachment resulting from the existing game court has minimal impact on the neighborhood streetscape and will not be a substantial detriment to the adjacent property; and

**WHEREAS**, on May 17, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-032, and recommended approval of the Petitioner's request; and

**WHEREAS**, the requested variance meets the Standards for Variances 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 herein as though fully set forth.

**SECTION 2:** A variance to 6-2-10:5 (Accessory Buildings Structures, and Uses of Land; Percentage of Required Yard Occupied) of the Naperville Municipal Code to permit an existing 753 square foot game court in excess of the maximum 25% coverage allowed per code to remain in place as approved. As constructed, the game court covers approximately 31% of the required rear yard, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby granted.

**SECTION 3:** Any additional encroachments into the zoning setback other than that approved by this Ordinance as depicted on **Exhibit B**, shall require a separate variance to be processed.

**SECTION 4:** The variance 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 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 Will County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk