

PIN: 07-13-103-005

ADDRESS:
214 N. Laird Street
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 #21-1-094

ORDINANCE NO. 21 -

AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-6B-7:1 (R1B: YARD REQUIREMENTS) AND SECTION 6-2-3:3.2 (YARD REQUIREMENTS: PERMITTED OBSTRUCTIONS IN REQUIRED YARDS) FOR A PORCH AT 214 N. LAIRD STREET

RECITALS

1. **WHEREAS**, Daniel and Jill Ignash ("Petitioners") own the real property located at 214 N. Laird Street, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("Subject Property") and have petitioned the City of Naperville for approval of a variance to construct a porch that encroaches into the corner side yard setback on the Subject Property; and
2. **WHEREAS**, the Subject Property is zoned R1B (Medium Density Single-Family Residence District) and is currently improved with a single-family structure; and
3. **WHEREAS**, Municipal Code Section 6-6B-7:1 (R1B: Yard Requirements) requires a 15' corner side yard setback; and
4. **WHEREAS**, Municipal Code Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions in Required Yards) permits a porch to encroach 5' into the required corner side yard setback; and

5. **WHEREAS**, the Petitioners have proposed to construct a porch that encroaches into the corner side yard setback a total of 6.75', thus requiring a variance from Section 6-6B-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code; and
6. **WHEREAS**, on October 6, 2021, the Planning and Zoning Commission conducted a public hearing to consider PZC 21-1-094 and recommended approval of the Petitioners' request; and
7. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Granting a Zoning Variance) of the Naperville Municipal Code, the requested variance meets the Standards for granting a Zoning Variance as provided in **Exhibit C** attached hereto; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioners' 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 variance to permit a porch that encroaches 6.75' into the 15' corner side yard setback, as depicted on the Site Plan attached hereto 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 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 _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.

City Clerk