

PIN: 08-18-131-008

ADDRESS:  
228 4TH 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 #22-1-012

**ORDINANCE NO. 22 - \_\_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-2-3:3.2 (YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 228 4TH AVENUE**

**RECITALS**

1. **WHEREAS**, Archadeck of Chicagoland (“**Petitioner**”), has petitioned the City of Naperville for approval of a variance to Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code for the property located at 228 4th Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the owner of the Subject Property is Bridget Deatruck (“**Owner**”); and
3. **WHEREAS**, the Subject Property is zoned R2 (Single Family and Low Density Multiple-Family Residence District) which requires a minimum 25-foot front yard setback for single-family detached dwellings; and

4. **WHEREAS**, the existing home does not comply with the front yard setback as it is located approximately 18' from the front property line with an attached front porch located approximately 11' from the front property line; and
5. **WHEREAS**, the home is subject to Section 6-2-19 (Existing Building and Structures) which specifies that restoration of noncomplying buildings or structures which exceed more than 50% of the replacement cost must comply with all regulations; and
6. **WHEREAS**, the Petitioner plans to replace the existing nonconforming front porch in-kind triggering the need for a variance; and
7. **WHEREAS**, Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code allows patios, decks and porches to extend up to 5-feet into front or corner side yards; and
8. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-2-3:3.2 (Yard Requirements) of the Naperville Municipal Code to allow a porch to extend more than 5-feet into the required front yard, as illustrated on **Exhibit B**; and
9. **WHEREAS**, on April 6, 2022, the Planning and Zoning Commission considered the variance request and recommended approval of Petitioner's request; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner's request meets the variance standards as provided in **Exhibit C** attached hereto and 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 6-2-3:3.2 (Yard Requirements) to allow a porch to extend more than 5 feet into the required front yard, as depicted on **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:** 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 6:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**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.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk