

PIN:
07-01-15-400-002-0000

PROPERTY ADDRESS:
10826-10846 S. BOOK ROAD
NAPERVILLE, IL 60564

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case # DEV-0033-2025

ORDINANCE NO. 25- ____

**AN ORDINANCE APPROVING A VARIANCE TO MUNICIPAL CODE SECTION
6-6A-7:1 (YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL CODE FOR
THE PROPERTY LOCATED AT 10826-10846 S. BOOK ROAD
(THE RESERVES OF SADDLE CREEK)**

RECITALS

1. **WHEREAS**, Doug Overstreet, with a mailing address of 7245 Regal Oak Court, Yorkville, IL 60560 ("**Petitioner**"), has petitioned the City of Naperville ("**City**") for approval of a variance to Section 6-6A-7:1 (Yard Requirements) to reduce the required rear yard setback on Lot 14 of the Reserves of Saddle Creek Subdivision in order to construct fourteen (14) single-family homes, to be known as "The Reserves of Saddle Creek", for real property located at 10826-10846 S. Book Road, Naperville, Illinois, 60564 and legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").

2. **WHEREAS**, Book Road 1006600 LLC, with offices at 7245 Regal Oak Court, Yorkville, IL 60560 (**“Owner”**), is the owner of the Subject Property and has authorized the Petitioner to submit the request.
3. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a variance pursuant to Section 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code to reduce the required rear yard setback from 28.2 feet to 20 feet for Lot 14 of the Reserves of Saddle Creek Subdivision.
4. **WHEREAS**, the requested variance meets the Standards for Granting a Zoning Variance as provided in **Exhibit C** (**“Response to Standards”**) attached hereto.
5. **WHEREAS**, on July 16, 2025, the Planning and Zoning Commission conducted a public hearing to consider the requested variance and recommended approval of the Petitioner’s request.
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (**“Ordinance”**) for a variance to the rear yard setback, along with ordinances approving an annexation agreement for the Subject Property, annexation of the Subject Property, rezoning of the Subject Property to R1A (Low Density Single Family Residence District), a preliminary/final plat of subdivision with a subdivision deviation from the ninety-percent rule, and a deviation from the City’s Design Manual for Public Improvements (hereinafter cumulatively referenced herein as the **“The Reserves of Saddle Creek Ordinances”**).
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request for a variance 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 from Section 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code to reduce the required rear yard setback from 28.2 feet to 20 feet for Lot 14 of the Reserves of Saddle Creek Subdivision, as depicted on the Site Plan attached hereto as **Exhibit B** ("**Site Plan**"), is hereby approved subject to the following condition:

- a. A six-foot tall privacy fence or minimum six-foot tall evergreen landscaping is required to be maintained along the rear property line of Lot 14 in perpetuity.

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: The Final Landscape Plan, attached to this Ordinance as **Exhibit D** ("**Final Landscape Plan**"), is hereby approved for the Subject Property.

SECTION 5: 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 6: This variance shall be subject to revocation by the City 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, together with the exhibits attached hereto, with the Will County Recorder.

SECTION 8: If this Ordinance and the variance it approves is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 9: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Will County Recorder.

SECTION 10: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk