

PIN: 08-18-126-006

ADDRESS:  
203 CENTER 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 #21-1-036

**ORDINANCE NO. 21 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-2-10:5 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND:  
PERCENTAGE OF REQUIRED YARD OCCUPIED) OF THE NAPERVILLE MUNICIPAL  
CODE TO CONSTRUCT A CARPORT AT  
203 CENTER STREET**

**RECITALS**

1. **WHEREAS**, Lynn Baron and Patrick Rubald, 203 Center Street, Naperville, IL 60540 (“**Owners and Petitioners**”), are the owners of real property located at 203 Center Street, Naperville, Illinois, 60540 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 Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) of the Naperville Municipal Code; and
2. **WHEREAS**, the Subject Property is zoned R2 (Single-Family and Low Density Multiple Family Residence District) and is improved with a single-family structure and detached garage; and

3. **WHEREAS**, Municipal Code Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) allows for a maximum coverage of 25% of the required yard or 480 square feet, whichever is greater; and
4. **WHEREAS**, work was conducted on the carport without a permit and a subsequent stop work order was issued; and
5. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, Petitioners request approval of a variance from Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) of the Naperville Municipal Code to allow the existing garage and proposed carport to cover 798 square feet, as depicted on **Exhibit C**, exceeding the permitted 480 square feet coverage in the required yard; and
6. **WHEREAS**, on July 21, 2021, the Planning and Zoning Commission considered the requested percentage of required yard occupied variance and recommended approval of Petitioners' request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioners' request meets the variance standards as provided in **Exhibit D** 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 6-2-10:5 of the Naperville Municipal Code to permit a detached garage and carport to occupy 798 square feet of the required yard, as depicted on the site plan attached to this Ordinance as **Exhibit C**, is hereby approved.

**SECTION 3:** The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 4:** Petitioners shall be required to apply for a building permit, pay all fees associated with the permit and inspections as well as the work without a permit fee within 60 days from the effective date of this Ordinance.

**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 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:** 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 8:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 9:** 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