PIN:
07-13-207-001

ADDRESS:
26 WEST 8th AVENUE
NAPERVILLE, IL 60653

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 #20-1-058**

## ORDINANCE NO. 20-__

### AN ORDINANCE GRANTING A VARIANCE
### TO SECTION 6-9-2:12 (OFF STREET PARKING FACILITIES) IN ORDER
### TO EXPAND A DRIVEWAY WITHOUT TAPERING AT 26 WEST 8th AVENUE

### RECITALS

1. **WHEREAS,** Karl Pennings ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to expand the driveway without tapering on the subject property located at 26 W. 8th Ave., Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

2. **WHEREAS,** Karl and Lindsay Pennings are the owners of the Subject Property; and

3. **WHEREAS,** the Subject Property is zoned R1B (Medium Density Single Family) and is currently improved with a single-family residence; and

4.  **WHEREAS,** Municipal Code section 6-9-2:12 (Off Street Parking Facilities) permits driveways to widen to allow for a 9ft by 18ft auxiliary space, but must taper after 15ft measured from the front or corner side yard setback.; and

5.  **WHEREAS**, the Petitioner has proposed to expand the driveway without tapering, thus requiring a variance from section 6-9-2:12 of the Naperville Municipal Code; and

6.  **WHEREAS,** on August 5, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-058 and recommended approval of the Petitioner's 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 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 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:** The variance to permit a driveway expansion without tapering as depicted on the Site Plan attached to this Ordinance as **Exhibit B**, is hereby approved.

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

**SECTION 8**: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2020.

_____
Steve Chirico
Mayor

ATTEST:

_____
Pam Gallahue, Ph.D.
City Clerk