

PINS:
07-13-101-017
07-13-103-022

ADDRESSES:
243 N LAIRD ST.
NAPERVILLE, IL 60540

AND;

244 N LAIRD ST.
NAPERVILLE, IL 60540

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 #24-1-112

ORDINANCE NO. 24 - _____

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-12:1.6 (FENCES) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTIES LOCATED AT 243-244 N LAIRD STREET**

RECITALS

1. **WHEREAS**, Luke Fonash, 244 N Laird St., Naperville, IL 60540 ("**Petitioner**"), has petitioned the City of Naperville on behalf of the Burlington Woods Estates Homeowner's Association for approval of a variance in order to construct a fence that exceeds the allowable height limitation on the subject properties located at 243-244 N Laird Street, Naperville, IL 60540.
2. **WHERAS**, Luke Fonash is the owner of real property located at 244 N Laird Street, Naperville, Illinois, 60540; and, Hoang Nguyen is the owner of real property located

at 243 N Laird Street, Naperville, Illinois, 60540, (“**Owners**”) legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Properties**”).

3. **WHEREAS**, the Subject Properties are currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and are improved with single-family residences.
4. **WHEREAS**, the Petitioner, as authorized by the Owners, plans to replace an existing 12-foot, non-conforming fence on the north side of the Subject Properties, as depicted on **Exhibit B** (“**Site Plan**”).
5. **WHEREAS**, the existing fence abuts the Burlington Northern and Santa Fe Railway, a non-residential use.
6. **WHEREAS**, in accordance with Municipal Code Section 6-2-12:1.6 (Fences), Fences up to nine (9) feet in height shall be permitted along any residential property line which abuts a non-residential use or abuts a major arterial right-of-way.
7. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance to Section 6-2-12:1.6 (Fences) of the Naperville Municipal Code to allow a 12-foot fence to be installed along the northern boundary of the Subject Properties as depicted on **Exhibit B** (“**Site Plan**”).
8. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
9. **WHEREAS**, on November 20, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner’s request.

10. 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: A variance from Section 6-2-12:1.6 (Fences) of the Naperville Municipal Code to allow a 12-foot fence to be constructed at the Subject Properties, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved subject to the following condition:

- i. Future repair or replacement of the 12-foot fence along the north boundary of the Burlington Woods Estates subdivision, in part or in whole, shall be permitted without additional variances provided that the location of said repaired/replaced fence is consistent with that depicted on **Exhibit D** ("**Fence Location**") and that the height of said repaired/replaced fence does not exceed 12 feet.

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. 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 Recorder in which the Subject Property is located within.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk