

PIN: 01-02-414-026

ADDRESS:
1126 STARLITE COURT
NAPERVILLE, IL 60564

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 #21-1-030

ORDINANCE NO. 21 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-3:3.2 AND SECTION 6-6C-7:1 OF THE NAPERVILLE
MUNICIPAL CODE FOR THE INSTALLATION OF A DECK
AT THE PROPERTY LOCATED AT 1126 STARLITE COURT**

RECITALS

1. **WHEREAS**, Jenna Hesselh (“**Petitioner**”), has petitioned the City of Naperville (“**City**”) for approval of variances to Section 6-6C-7:1 (R2: Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements: Permitted Obstructions) in order to construct a deck at the real property located at 1126 Starlite Court, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Ryan Mazzone (“**Owner**”) is the owner of the Subject Property and has authorized the Petitioner to submit the variance petition; and

3. **WHEREAS**, the Subject Property is currently zoned R2 PUD (Single Family and Low Density Multiple Family Residence District Planned Unit Development) and is improved with a single-family residence; and
4. **WHEREAS**, a deck currently exists on the Subject Property in the rear of the home; and
5. **WHEREAS**, the Petitioner proposes to remove the existing deck and replace it with a 17' by 14' deck which will encroach into the rear yard setback on the Subject Property; and
6. **WHEREAS**, per Section 6-6C-7:1, the R2 zoning district has a 25' required rear yard setback and Section 6-2-3:3.2 provides an allowance for patios, decks and porches to extend up to 10' into the required rear yard setback, thus resulting in a 15' permitted setback for attached decks at the Subject Property; and
7. **WHEREAS**, the proposed deck will be located 11' from the rear property line, 4' beyond the 10' permitted allowance triggering a variance; and
8. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-6C-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code to allow for a 17' by 14' deck on the Subject Property; and
9. **WHEREAS**, staff finds the hardship on the Subject Property is the location of the home on the lot which is setback further than the minimum required front yard setback which reduces the size of the rear yard and limits the available area for accessory structures; and

10. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

11. **WHEREAS**, on April 21, 2021, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner's request; and

12. **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 6-6C-7:1 and a variance from Section 6-2-3:3.2 of the Naperville Municipal Code to allow for a deck which encroaches 14' into the required rear yard setback for the Subject Property, as depicted on the Site Plan attached hereto 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: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

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: 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