

PIN: 07-14-416-024

ADDRESS:
247 CLAREMONT DR.
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 #24-1-069

ORDINANCE NO. 24 -

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-2-10:5 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 247 CLAREMONT DRIVE

RECITALS

1. **WHEREAS**, Nick and Jackie Hinz, 247 Claremont Dr, Naperville, IL 60540 (“**Petitioners**” and “**Owners**”), have petitioned the City of Naperville for approval of a variance to Section 6-2-10:5 of the Naperville Municipal Code for the real property located at 247 Claremont Dr., Naperville, Illinois, 60540 legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).
2. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is improved with a two-story single-family residence.
3. **WHEREAS**, Municipal Code Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) prohibits detached accessory

buildings or structures from occupying more than 25% of a required rear yard, or a total of four hundred eighty (480) square feet, whichever is greater.

4. **WHEREAS**, the Subject Property has a required rear yard of 2,473 square feet; therefore, a maximum coverage of 618.25 square feet is permitted in the rear 30' of the subject property.
5. **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 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to allow an inground pool, spa, patio, and pavilion with fireplace to cover 755 square feet of the Subject Property's rear yard, as depicted on **Exhibit B**, exceeding the permitted 618.25 square feet of rear yard lot coverage.
6. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
7. **WHEREAS**, on August 21, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of Petitioners' request.
8. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioners' 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 to Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) of the Naperville Municipal Code to permit an inground pool, spa, patio, and pavilion with fireplace to occupy 755 square feet of the required yard, as depicted on the site plan attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- i. Any additional structures which increase the percentage of the rear yard occupied on the Subject Property beyond 30.5% in the future will be subject to review and approval of a new variance request.

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 DuPage 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. 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 8: 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