

PIN: 08-18-329-003

ADDRESS:
526 EAST CHICAGO AVENUE
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE/COMMUNITY SERVICES DEPT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-029

ORDINANCE NO. 24 - ____

**AN ORDINANCE GRANTING VARIANCES
FROM SECTION 6-2-10 (ACCESSORY STRUCTURE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE TO PERMIT A DETACHED GARAGE
FOR THE PROPERTY LOCATED AT 526 EAST CHICAGO AVENUE**

RECITALS

1. **WHEREAS**, Courtney Naumes, 526 East Chicago Avenue, Naperville, IL 60540 (“**Petitioner**”), has petitioned the City of Naperville, 400 South Eagle Street, Naperville, IL 60540 (“**City**”) for approval of variances to Section 6-2-10:1 and Section 6-2-10:5 of the Naperville Municipal Code in order to permit a detached garage at the real property located at 526 East Chicago Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Courtney and Troy Naumes (“**Owners**”) are the owners of the Subject Property and have authorized the Petitioner to submit the variance petition; and

3. **WHEREAS**, the Subject Property is currently zoned R1B (Medium Density Single-Family Residence District); and
4. **WHEREAS**, the Subject Property is a uniquely shaped lot due to a jog in the rear property line along the southern portion of the property, and
5. **WHEREAS**, an approximately 308 square foot detached garage currently exists on the Subject Property in the rear of the property; and
6. **WHEREAS**, a detached garage is defined as an accessory structure and is subject to the Accessory Buildings, Structures and Uses of Land regulations located in Section 6-2-10 of the Naperville Municipal Code; and
7. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of variances from Section 6-2-10:1, and Section 6-2-10:5 of the Naperville Municipal Code to replace the existing detached, one-car garage with a detached, two-car garage that is 672 square feet in size and 17'-9-7/16" in height as shown on the Site Plan, attached to this Ordinance as **Exhibit C ("Site Plan")**, and the Building Elevations, attached to this Ordinance as **Exhibit D ("Building Elevations")**; and
8. **WHEREAS**, the proposed modifications require approval of the following variances:
 - a. A variance to Section 6-2-10:1 (Accessory Structures: Location) to permit a detached garage to encroach 3' into the 5' setback at a distance of 2' from the east property line; and
 - b. A variance to Section 6-2-10:5 (Accessory Structures: Percentage of Required Yard Occupied) to permit a detached garage which exceeds the maximum 480 square feet permitted for detached accessory structures in the

required rear yard setback by 164 square feet for a total of 644 square feet in the required rear yard setback; and

9. **WHEREAS**, the property is not currently a legal lot of record and administrative approval of a subdivision plat is required to record the property as such; and

10. **WHEREAS**, on June 5, 2024, the Planning and Zoning Commission conducted a public hearing to consider PZC 24-1-029 and recommended approval of the Petitioner's request, and

11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's variance requests meet the Standards for Variance as provided in **Exhibit E ("Response to Standards")** 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: The following variances, as depicted on the Site Plan attached hereto as **Exhibit C**, are hereby approved subject to the condition that the petitioner submit a Plat of Subdivision for the subject property which shall be recorded prior to issuance of any City building permits for the detached garage:

- a. A variance to Section 6-2-10:1 (Accessory Structures: Location) to permit a detached garage to encroach 3' into the 5' setback at a distance of 2' from the east property line; and

- b. A variance to Section 6-2-10:5 (Accessory Structures: Percentage of Required Yard Occupied) to permit a detached garage which exceeds the maximum 480 square feet permitted for detached accessory structures in the required rear yard setback by 164 square feet for a total of 644 square feet in the required rear yard setback; and

SECTION 3: The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

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 from and after 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