

PINs: 08-18-211-005

ADDRESS:
204 N. HUFFMAN STREET
NAPERVILLE, IL

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

BRB Case #104
PZC Case 20-1-057

ORDINANCE NO. 20 -

AN ORDINANCE GRANTING VARIANCES FROM SECTION 5-2C-3 (EXTERIOR WALL CONSTRUCTION) OF TITLE 5 (BUILDING REGULATIONS) AND SECTION 6-2-26:4 (TEARDOWN/INFILL REGULATIONS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 204 N. HUFFMAN STREET

RECITALS

1. **WHEREAS**, Lakewest Custom Homes, Ltd. ("Petitioner") has petitioned the City of Naperville ("City") for approval of variances to Section 5-2C-3 and Section 6-2-26:4 in order to construct a duplex on the property located at 204 N. Huffman Street, Naperville, Illinois which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Milton and Marisa Charter are the owners ("Owners") of the Subject Property; and
3. **WHEREAS**, Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Municipal Code requires that a minimum of 50% of the exterior wall construction for all duplexes shall be constructed of solid masonry, face brick,

manufactured concrete stone veneer (1½” inch thickness) set individually into mortar bed, or other masonry products as approved by the City Council; and

4. **WHEREAS**, the Petitioner requests a variance to Section 5-2C-3 (Exterior Wall Construction) to construct the proposed duplex with fiber cement siding and full bed masonry stone reducing the required amount of masonry from 50% to approximately 1.2% masonry materials; and
5. **WHEREAS**, on August 19, 2020, the Building Review Board (BRB) the requested variance, BRB Case 104, and recommended approval of the Petitioner’s request; and
6. **WHEREAS**, the proposed building materials satisfy the intent of Section 5-2C-3 (Exterior Wall Construction) to provide durable materials on duplex buildings; and
7. **WHEREAS**, the Petitioner additionally requests approval of a variance from Municipal Code Section 6-2-26:4 (Tear Down/Infill Regulations: Height Limitations) to allow for construction of a 3-story duplex; and
8. **WHEREAS**, Section 6-2-26:4 (Tear Down/Infill Regulations: Height Limitations) establishes regulations for infill duplexes and states the maximum height shall be 2 ½ stories, not to exceed 35’, with a maximum peak roof height of 40’ as measured from the datum point to the highest point of the roof; and
9. **WHEREAS**, given the slope of the property, the basement ceiling height is 5.27 feet above the datum point and is considered to be a story as defined in Section 6-1-6 (Definitions) of the Naperville Municipal Code and;
10. **WHEREAS**, the proposed duplex will have a peak height of 39.14’ and a mean height of 32.31’ in compliance with the required maximum heights; and

11. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
12. **WHEREAS**, on September 3, 2020, the Planning and Zoning Commission considered the requested variance and recommended approval of the Petitioner's request; and
13. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's variance requests should be granted as provided herein subject to the terms and conditions set forth in this Ordinance.

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 here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Naperville Municipal Code to reduce the required masonry materials on a multi-family building from 50% to approximately 1.2% in order to construct a duplex on the Subject Property, as depicted on the Building Elevations attached as **Exhibit D**, is hereby granted.

SECTION 3: A variance to Section 6-2-26:4 (Tear Down/Infill Regulations: Height Limitations) of Title 6 (Zoning Regulations) of the Naperville Municipal Code to permit construction of a duplex on the Subject Property which is 3 stories in height, as depicted on the Building Elevations attached as **Exhibit D**, is hereby granted.

SECTION 4: The Building Elevations attached to this Ordinance as **Exhibit D**, are hereby approved.

SECTION 5: 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 6: The City Clerk is directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 7: 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, PhD
City Clerk