

PIN: 08-18-304-002  
08-18-304-006

PROPERTY ADDRESS:  
115 E. Benton Avenue  
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 DEV-0096-2025

**ORDINANCE NO. 25 - \_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE  
FROM SECTION 6-2-12:1.2 (FENCES; RESIDENCE DISTRICT) OF THE NAPERVILLE  
MUNICIPAL CODE TO ALLOW FOR A 6' OPEN FENCE TO BE CONSTRUCTED IN  
THE FRONT YARD FOR THE PROPERTY LOCATED AT  
115 E. BENTON AVENUE**

**RECITALS**

1. **WHEREAS**, Brad Drendel ("**Petitioner**") has petitioned the City of Naperville for a variance at the property located at 115 E. Benton Avenue Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owner of the Subject Property is the Catholic Diocese of Joliet.
3. **WHEREAS**, the Subject Property is currently zoned R2 (Single Family and Low Density Multiple Family Residence District) and currently serves as a surface parking lot that is used by Saints Peter and Paul church and school.

4. **WHEREAS**, the Petitioner is seeking increased fence height in order to provide a safety barrier for the school.
5. **WHEREAS**, the Petitioner proposes to construct a 6' tall ornamental iron fence with 6' 4" tall masonry columns spaced evenly between the fencing on the east property line, otherwise known as the front yard in excess of the height allowance allowed per code section 6-2-12:1.2.
6. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto.
7. **WHEREAS**, on August 20, 2025, the Planning and Zoning Commission considered the requested fence variance and recommended approval of the Petitioner's request.
8. **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 6-2-12:1.2 (Fences: Residence Districts) of the Naperville Municipal Code to allow for a 6' fence to be constructed in the front yard 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 DuPage County Recorder.

**SECTION 7:** If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

**SECTION 8:** 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 9:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn C. Portner  
City Clerk