

PIN: 08-18-101-017

ADDRESS:  
715 CENTER STREET  
NAPERVILLE, IL 60563

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 #23-1-026

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE GRANTING SETBACK VARIANCES  
FROM SECTION 6-6C-7:1 (YARD REQUIREMENTS)  
FOR THE PROPERTY AT 715 CENTER STREET**

**RECITALS**

1. **WHEREAS**, Jay Nebor, PO Box 981, Mokena, Illinois 60448 (“**Owner and Petitioner**”), is the owner of real property located at 715 Center Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Owner and Petitioner has petitioned the City of Naperville for approval of variances from the Naperville Municipal Code in order to construct a single family home that does not meet the required interior side yard setback; and
3. **WHEREAS**, the Subject Property is currently zoned R2 (Single Family and Low Density Multiple-Family Residence District) and is currently unimproved; and

4. **WHEREAS**, on January 5, 2022, the City Council passed Ordinance 22-002 approving the This Is Not My Yard subdivision; and
5. **WHEREAS**, in accordance with Section 6-6C-7:1 (Yard Requirements) of the Naperville Municipal Code, subdivisions for which final plats were applied for on January 27, 1989, or thereafter, are required to provide an interior side yard setback of 16 feet total for 2 side yards with each side yard a minimum of 6 feet; and
6. **WHEREAS**, due to the resubdivision of the property through Ordinance 22-002, the post 1989 interior side yard setbacks of 16 feet total for 2 side yards with each side yard a minimum of 6 feet are required for the subject property; and
7. **WHEREAS**, the Owner and Petitioner proposes to construct a single-family home in compliance with the pre-1989 minimum interior side yard setback of 6' as depicted on **Exhibit B** (Site Plan); and
8. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, on May 3, 2023, the Planning and Zoning Commission considered the requested variances and recommended approval of the Owner and Petitioner's request; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Owner and 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance from Section 6-6C-7:1 (Yard Requirements) of the Naperville Municipal Code to allow for a reduction of the required interior side yard setback from 16 feet total with a minimum of 6 feet on each side to a minimum of 6.00 feet on each side for a single family home as depicted on the Site Plan attached to this ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** The variances 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 4:** These variances 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 upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk