

**PINS:**  
07-13-421-020  
07-13-421-019

**ADDRESSES:**  
204 & 212 W. VAN BUREN AVE  
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 #24-1-035

**ORDINANCE NO. 24 - \_\_\_\_**

**AN ORDINANCE APPROVING A PRELIMINARY/FINAL PLAT OF SUBDIVISION, OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE, AND VARIANCES TO SECTION 6-7I-5:1 (AREA REQUIREMENTS) AND SECTION 6-2-10:5 (ACCESSORY BUILDINGS, STRUCTURES, AND USES OF LAND) OF THE NAPERVILLE MUNICIPAL CODE FOR 204 AND 212 W. VAN BUREN AVENUE (LOTS 2 AND 3 OF THE LAUREL SUBDIVISION)**

**RECITALS**

1. **WHEREAS**, TriFox Propertiez LLC, an Illinois limited liability company, 2145 W McLean Avenue, Chicago, IL 60647 ("**Owner**"), is the owner of real property located at 204 and 212 W. Van Buren Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, with the consent of the Owner, Lakewest Custom Homes, Ltd., 1309 N. Loomis Street, Naperville, IL 60563 ("**Petitioner**") has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision and variances to Section 6-7I-5:1 (Area Requirements) and Section 6-2-10:5 (Accessory Buildings,

Structures, and Uses of Land) of the Naperville Municipal Code for the Subject Property.

3. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision to resubdivide the Subject Property into four lots fronting Webster Street and redevelop the properties with four single-family homes.
4. **WHEREAS**, the Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision creates four lots that range in size from 4,790 square feet to 5,348 square feet; and, Section 6-71-5:1 (Area Requirements) of the Naperville Municipal Code requires lots to be used for single-family detached dwellings to maintain a minimum lot size of 6,000 square feet.
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 6-71-5:1 (Area Requirements) of the Naperville Municipal Code to reduce the minimum lot area from 6,000 square feet per lot to a minimum lot area ranging from approximately 4,790 square feet to 5,348 square feet per lot as depicted on **Exhibit B**.
6. **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 permit an increase in allowable rear yard lot coverage from 25% to approximately 75% for the proposed access drive as depicted on the site plan attached hereto as **Exhibit C** (“Site Plan”).

7. **WHEREAS**, the increase in rear yard lot coverage does not add visual bulk to the Subject Property as the encroachment is comprised of an access drive that provides necessary access to garage parking for future residents.
8. **WHEREAS**, the Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision includes a 20-foot cross access easement that runs parallel to the west property line and over the shared access drive to ensure access to garage parking for future residents.
9. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit D** attached hereto.
10. **WHEREAS**, an Owner's Acknowledgement and Acceptance Agreement between the City and Owner is included with the Ordinance as **Exhibit E** ("OAA").
11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests should be approved 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 6-71-5:1 (Area Requirements) of the Naperville Municipal Code to reduce the minimum lot area from 6,000 square feet per lot to a minimum lot area ranging from approximately 4,790 square feet to 5,348 square feet per lot as depicted on **Exhibit B**, is hereby approved.

**SECTION 3:** The Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 4:** The Owner's Acknowledgement and Acceptance Agreement, attached to this Ordinance as **Exhibit E**, is hereby approved.

**SECTION 5:** A variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land) of the Naperville Municipal Code to permit an increase in the maximum allowable rear yard lot coverage from 25% to 75% as depicted in the Site Plan attached to this Ordinance as **Exhibit C**, is hereby approved subject to the condition that the 20-foot cross access easement that runs parallel to the west property line and over the shared access drive as depicted on **Exhibit B** be maintained.

**SECTION 6:** The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

**SECTION 7:** The Landscape Plan, attached to this Ordinance as **Exhibit F**, is hereby approved for the Subject Property.

**SECTION 8:** 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 9:** The 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 10:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 11:** The City Clerk is authorized and directed to record this Ordinance, the Preliminary/Final Plat of Subdivision for Lots 2 and 3 of The Laurel Subdivision, and the Owners Acknowledgement and Acceptance Agreement, approved by this Ordinance, with the DuPage County Recorder.

**SECTION 12:** 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 DuPage County Recorder.

**SECTION 13:** 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