

PIN: 08-30-109-012

ADDRESS:
104 TRITON LANE
NAPERVILLE, IL 60540

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 #22-1-125

ORDINANCE NO. 23 - _____

AN ORDINANCE GRANTING SETBACK VARIANCES
FROM SECTION 6-6A-7:1 (YARD REQUIREMENTS) AND A DRIVEWAY TAPER
VARIANCE FROM SECTION 6-9-2:12.1.1 (RESIDENTIAL DRIVEWAY DESIGN) OF
THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY AT 104 TRITON LANE

RECITALS

1. **WHEREAS**, Elizabeth Braham Spencer Trust, 104 Triton Lane, Naperville Illinois, 60540 ("**Owner and Petitioner**"), is the owner of real property located at 104 Triton Lane, 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 an attached garage that does not meet the required corner side yard setback, the required rear yard setback, and the required driveway taper distance; and

3. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single Family Residence District) and is improved with a single family home; and
4. **WHEREAS**, on January 21, 1980, the City Council passed Ordinance 80-005 amending the zoning code, rendering the existing home nonconforming in regard to setbacks; and
5. **WHEREAS**, in accordance with Section 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code, a 30 foot corner side yard setback is required for this property; and
6. **WHEREAS**, the Owner and Petitioner proposes to construct an attached two car garage that has a 11.2 foot setback from the corner side property line as depicted on **Exhibit B** (Site Plan); and
7. **WHEREAS**, in accordance with Section 6-64-7:1 (Yard Requirements) of the Naperville Municipal Code, a rear yard setback that is 25% of the lot depth not to exceed 30 feet is required; and
8. **WHEREAS**, the Owner and Petitioner proposes to construct an attached two car garage that has a 20.9 foot setback from the rear property line as depicted on **Exhibit B** (Site Plan); and
9. **WHEREAS**, in accordance with Section 6-9-2:12.1.1 (Residential Driveway Design) of the Naperville Municipal Code, increased driveway widths are permitted to maintain their width for fifteen (15) feet, as measured from the front or corner side yard line toward the property line. After fifteen (15) feet, the driveway must taper to no greater than the maximum permitted driveway width; and

10. **WHEREAS**, the Owner and Petitioner proposes to construct a driveway that maintains its additional width for 28 feet measured from the corner side setback line as depicted on **Exhibit B** (Site Plan); and
11. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
12. **WHEREAS**, on April 6, 2023, the Planning and Zoning Commission considered the requested variances and recommended approval of the Owner and Petitioner's request; and
13. **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 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code to allow for a reduction of the required corner side yard setback from 30 feet to 11.2 feet for an attached garage as depicted on the Site Plan attached to this ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A variance from Section 6-6A-7:1 (Yard Requirements) of the Naperville Municipal Code to allow for a reduction of the required rear yard setback from 30 feet to 20.9 feet for an attached garage as depicted on the Site Plan attached to this ordinance as **Exhibit B**, is hereby approved.

SECTION 4: A variance from Section 6-9-2:12.1.1 (Residential Driveway Design) of the Naperville Municipal Code to allow a driveway to maintain its additional width for 28 feet measured from the required corner side setback line, as depicted on the Site Plan attached to this ordinance as **Exhibit B**, is hereby approved.

SECTION 5: 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 6: 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 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: 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 10: 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