

PIN: 01-22-303-054

ADDRESS:
5615 ROSINWEED LANE
NAPERVILLE, IL 60564

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 #19-1-101

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12 OF
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 5615 ROSINWEED LANE**

WHEREAS, Anthony Ducato ("**Petitioner**"), is the owner of real property located at 5615 Rosinweed Lane, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and has petitioned the City of Naperville for approval of a fence variance for said property; and

WHEREAS, the Subject Property is approximately 25,975 square feet, is currently zoned R1A (Low Density Single Family Residence District) and is improved with a single-family residence; and

WHEREAS, in March 2019 a fence permit was issued by the City to allow for the installation of a 6' tall privacy fence on the subject property and the fence was installed accordingly; and

WHEREAS, since installation of the 6' tall privacy fence, additional boards were added to portions of the fence in the rear yard increasing the height of the fence to 7' and 8' without the approval of a fence permit; and

WHEREAS, as indicated on the attached plat of survey, the 7' tall fence is located along the southern rear property line and a 12'-14' span of 8' tall fence is located along the western rear property line; and

WHEREAS, Municipal Code Section 6-2-12:1.4 (Fences) permits a maximum height of 6' solid style privacy fence to be located in the required rear and interior side yard, thereby, a variance is required to increase the permitted height of the fencing to 7' and 8' tall privacy fencing; and

WHEREAS, upon approval of the requested variance, fees will be assessed and doubled (minimum \$500) based upon the work to the fence that commenced without approval of a permit; and

WHEREAS, on October 16, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-101 and recommended approval of the request; and

WHEREAS, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and

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 6-2-12:1.4 (Fences) of the Naperville Municipal Code to allow for a 7' tall privacy fence along the southern rear property line and an approximately 12'-14' long span of 8' tall privacy fencing along the western rear property line to remain on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved.

SECTION 3: A fence permit application must be submitted upon granting approval of the Ordinance. Additional fees will be assessed and double (minimum \$500) and will be charged with the fence permit application due within 60 days of approval of the Ordinance.

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 Will County Recorder.

SECTION 7: 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 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk