

**PIN:
07-011-530-202-4000**

**ADDRESS:
2843 Fairhauser Ct.
Naperville, IL 60564**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #20-1-091

ORDINANCE NO. 20- __

**AN ORDINANCE GRANTING A VARIANCE
TO SECTION 6-6B-7:1 (R1B: YARD REQUIREMENTS)
FOR A SUNROOM AT 2843 FAIRHAUSER COURT**

RECITALS

1. **WHEREAS**, Zach Zielinski ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to construct a sunroom that encroaches into the rear yard setback on the subject property located at 2843 Fairhauser Court, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Shabbir Ahmed and Ismat Jahan are the owners of the Subject Property; and
3. **WHEREAS**, the Subject Property is zoned R1B (Medium Density Single-Family Residence District) and is currently improved with a single-family structure; and

4. **WHEREAS**, Municipal Code Section 6-6B-7:1 (R1B: Yard Requirements) requires a sunroom to be setback 30' from the rear property line; and
5. **WHEREAS**, the Petitioner wishes to construct a sunroom on the Subject Property at a distance of 24.5' from the rear property line, as depicted on **Exhibit B**, thus requiring a variance from Section 6-6B-7:1 of the Naperville Municipal Code; and
6. **WHEREAS**, on October 21, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-091 and recommended approval of the Petitioner's request with the condition that the 66 square feet of the sunroom encroaching into the rear yard setback shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures plus the proposed sunroom shall not exceed 25% of the required rear yard per Section 6-2-10:5; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit C** attached hereto and 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 to permit a screened in porch that encroaches 5.5' into the 30' required rear yard setback, as depicted on the Plat of Survey attached to this Ordinance as **Exhibit B**, is hereby approved, subject to the following condition:

- a. The 66 square feet of the sunroom approved by this Ordinance shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures constructed at the Subject Property plus the proposed sunroom shall not exceed 25% of the required rear yard per Section 6-2-10:5.

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: 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 7: The City Clerk is authorized and directed to record this Ordinance with the Will County Recorder.

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

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk