

PIN: 07-01-02-208-044-0000

ADDRESS:  
1291 LEVERENZ ROAD  
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 #19-1-087

**ORDINANCE NO. 19 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-2-10:5 OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE  
MUNICIPAL CODE FOR THE PROPERTY LOCATED AT  
1291 LEVERENZ ROAD**

**WHEREAS**, Dhimitraq and Monika Marko (Owners and Petitioners) are the owners of the real property located at 1291 Leverenz Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B**; and

**WHEREAS**, the owners have petitioned the City of Naperville for approval of a variance to Section 6-2-10:5 (Accessory Buildings, Structures, and Uses of Land: Percentage of Rear Yard Occupied) to allow for the enclosure of existing pool on the Subject Property in excess of the 25% coverage permitted for detached accessory structures in the required rear yard; and,

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

**WHEREAS**, the Petitioner is proposing to enclose the pool and a portion of the attached patio resulting in an excess of 68.2sf coverage in the required rear yard, thereby necessitating a variance to Section 6-2-10:5 of the Naperville Municipal Code; and

**WHEREAS**, the encroachment is based on existing conditions previously permitted by the City and will not be a substantial detriment to the adjacent property; and

**WHEREAS**, on September 4, 2019 the Planning and Zoning Commission conducted a public hearing concerning PZC 19-1-087, and recommended approval of the Petitioner's 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 herein as though fully set forth. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to Section 6-2-10:5 (Accessory Buildings Structures, and Uses of Land: Percentage of Required Yard Occupied) of the Naperville Municipal Code is hereby granted to permit a pool enclosure, as depicted on **Exhibit D**, which would cover approximately 28.3% of the required rear yard, which exceeds the maximum 25% coverage permitted by Code.

**SECTION 3:** Any additional variances other than that approved by this Ordinance, as depicted on **Exhibit D**, shall require a separate variance to be processed.

**SECTION 4:** The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in

this Ordinance has been started within two (2) years from the effective date of this 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