

PIN: 08-18-408-004

ADDRESS:  
24 SOUTH COLUMBIA STREET  
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 #21-1-059

**ORDINANCE NO. 21 -**

**AN ORDINANCE GRANTING A SETBACK VARIANCE FROM  
SECTION 6-6C-7:1 (R2: YARD REQUIREMENTS) AND SECTION 6-2-3:3.2  
(PERMITTED OBSTRUCTIONS IN REQUIRED YARDS) OF THE NAPERVILLE  
MUNICIPAL CODE TO CONSTRUCT A FRONT PORCH AT  
24 SOUTH COLUMBIA STREET**

**RECITALS**

1. **WHEREAS**, Michael Moyer and Sarah Lucibello ("**Owners**"), 24 South Columbia Street, Naperville, Illinois 60540 own real property located at 24 South Columbia Street Naperville, Illinois 60540 and have authorized the Petitioner to submit the petition for the Subject Property; and
2. **WHEREAS**, Michael Moyer ("**Petitioner**") has petitioned the City of Naperville for approval of a variance to Section 6-6C-7:1 (R2: Yard Requirements) and Section 6-2-3:3.2 (Permitted Obstructions In Required Yards) of the Naperville Municipal Code in order to construct a front porch that encroaches into the front yard setback on the

property located at 24 South Columbia Street, Naperville, Illinois 60540 legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and

3. **WHEREAS**, the Subject Property is zoned R2 (Single-Family and Low Density Multiple Family Residence District) and is improved with a single-family structure and detached garage; and
4. **WHEREAS**, Municipal Code Section 6-6C-7:1 (R2: Yard Requirements) and Section 6-2-3:3.2 (Permitted Obstructions In Required Yards) require a front porch to be setback 20’ from the front property line; and
5. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-6C-7:1 (R2: Yard Requirements) and Section 6-2-3:3.2 (Permitted Obstructions In Required Yards) of the Naperville Municipal Code to allow a front porch attached to the primary structure on the Subject Property to be 17’ 10” from the front property line, as depicted on **Exhibit C**; and
6. **WHEREAS**, given the property’s location in the Historic District, a Certificate of Appropriateness was required for the front porch and addition to the primary facade, as set forth in Municipal Code Section 6-11-6 (Certificate of Appropriateness); in addition, the Historic Preservation Commission is required to provide a recommendation on the variance requested; and
7. **WHEREAS**, on May 27, 2021, the Historic Preservation Commission approved Certificate of Appropriateness 21-1720 for the changes depicted in the elevations in **Exhibit D**, and recommended approval of the setback and permitted obstructions in required yards variance request; and

8. **WHEREAS**, the variance is only required for the front porch improvement; and
9. **WHEREAS**, on June 2, 2021, the Planning and Zoning Commission considered the front setback and permitted obstructions in required yards variance request and recommended approval of the Petitioner's request; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit E** 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 Section 6-6C-7:1 and Section 6-2-3:3.2 of the Naperville Municipal Code to permit a porch that encroaches 2' 2" into the 20' required front yard setback, as depicted on the site plan attached to this Ordinance as **Exhibit C**, is hereby approved.

**SECTION 3:** The Site Plan, attached to this Ordinance as **Exhibit C** and the Elevations, attached to this Ordinance as **Exhibit D**, are hereby approved as the controlling site plan and elevations 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 DuPage County Recorder.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk