

PIN: 08-29-106-010

**ADDRESS:
1219 OLESEN DRIVE
NAPERVILLE, IL 60540**

**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 #19-1-107

ORDINANCE NO. 19- __

AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12:1.1 AND SECTION 6-2-12:1.2 (FENCES: RESIDENCE DISTRICTS) IN ORDER TO INSTALL A FENCE FOR THE PROPERTY LOCATED AT 1219 OLESEN DRIVE

WHEREAS, Marvin Fagel and Shelley Fagel ("Owners") have petitioned the City of Naperville for approval of a variance in order to construct a fence within the front yard setback on the subject property located at 1219 Olesen Drive, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is located on the west side of Olesen Drive, just north of Hobson Road; and

WHEREAS, the R1A zoning district has a front yard setback of 30'; and

WHEREAS, Municipal Code Section 6-2-12:1.1 (Fences: Residence District) allows a privacy fence up to 3' in height in the required front yard; and

WHEREAS, Municipal Code Section 6-2-12:1.2 (Fences: Residence District) allows an open style fence up to 4' in height in the required front yard; and

WHEREAS, the Petitioner wishes to construct a 4' 6" tall steel open fence with 5 piers that are 5' 6" tall and 2' in width; and

WHEREAS, the proposed fencing will be located in the required front yard on the Subject Property as depicted on **Exhibit B** and further detailed in the Site Plan labeled as **Exhibit C**; and

WHEREAS, the proposal requires a variance for the proposed height, design and location of the fencing; and

WHEREAS, on November 6, 2019, the Planning and Zoning Commission conducted a public hearing to consider the Petitioner's request for the Subject Property and recommended approval of the request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit D** 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 herein as though fully set forth herein. All Exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to permit a 4' 6" steel open style fence with 5' 6" tall brick piers in the required front yard, as depicted on the Plot Plan attached to this Ordinance as **Exhibit B** and on the Site Plan as **Exhibit C**, is hereby approved.

SECTION 3: 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 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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: 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