

PINs: 07-01-17-205-061, 07-01-17-205-062, 07-01-17-205-063

ADDRESS:
4040, 4042, and 4044 ASHWOOD PARK COURT
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 #20-1-055

ORDINANCE NO. 20 -

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12:1.4 OF
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR
THE PROPERTY LOCATED AT 4040-4044 ASHWOOD PARK COURT (LOT 3)**

Recitals

1. **WHEREAS**, Crestview Builders, Jeff Mara, and Ben & Karen Willingham (“**Petitioners**”), are the owners of real property located at 4040-4044 Ashwood Park Court, 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
2. **WHEREAS**, the Subject Property is approximately 20,645 square feet, is currently zoned R3A (Medium Density Multiple-Family Residence District) with a Conditional Use for a Planned Unit Development, and is improved with a three-unit townhome; and

3. **WHEREAS**, as indicated on the attached grading plan, the 8' tall privacy-style fence is proposed along the eastern rear of the townhome next to the public sidewalk; and
4. **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 8' tall privacy fencing; and
5. **WHEREAS**, on August 5, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-055 and recommended approval of the request; and
6. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit C** attached hereto; and
7. **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 herein. 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 an 8' tall privacy fence along the eastern end of the townhome building on Lot 3 of Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, 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 Will 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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk