

PIN: 08-18-119-001

ADDRESS:
410 E. 8TH AVENUE
NAPERVILLE, IL 60563

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 #22-1-027

ORDINANCE NO. 22 -

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-6A-7
(R1A/YARD REQUIREMENTS) OF THE NAPERVILLE MUNICIPAL
CODE FOR THE PROPERTY LOCATED AT
410 E 8TH AVENUE**

RECITALS

1. **WHEREAS**, Puneet Gupta and Kajel Seth Gupta ("**Petitioners**"), have petitioned the City of Naperville for approval of a variance to Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code for the real property located at 410 E 8th Avenue, Naperville, Illinois, 60563, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owners of the property are Puneet Gupta and Kajel Seth Gupta as co-trustees of the Gupta Joint Revocable Trust dated February 18, 2019 ("**Owners**"); and
3. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and the Petitioner plans to construct a new, single-family home at the property;
and

4. **WHEREAS**, Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code requires a minimum of a 30-foot corner side yard setback for single-family detached dwellings in the R1A zoning district; and
5. **WHEREAS**, the subject property is a corner lot, Section 6-2-3:4 (Yard Requirements/Corner Lot), allows the property owner of corner lots to select which street side shall be considered the front yard and which street side shall be the corner yard; and
6. **WHEREAS**, the Petitioner has indicated that the yard adjacent to the 8th Avenue is the corner yard, requiring this yard to have a 30 feet setback; and
7. **WHEREAS**, the Petitioner requests approval of a variance to Section 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code to decrease the required corner side yard setback to 15 feet, as illustrated on **Exhibit C** (“**Site Plan**”), to provide additional separation from the existing home located on the property directly south of the subject property; and
8. **WHEREAS**, on May 18, 2022, the Planning and Zoning Commission considered the Petitioner’s variance requests and recommended approval of Petitioner’s requests; and
9. **WHEREAS**, the City Council of the City of Naperville has determined that 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 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 6-6A-7 (R1A/Yard Requirements) of the Naperville Municipal Code to decrease the required corner side yard setback to 15 feet, as depicted on **Exhibit C** (“**Site Plan**”), is hereby approved.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit C**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 4: The variances 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 _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk