



DocId:20209923

Tx:40586474

PIN: 08-19-403-039

**ADDRESS:
923 WATERCRESS DR.
NAPERVILLE, IL 60540**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

**(RETURN TO:)
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

**KATHLEEN V. CARRIER
RECORDER
DUPAGE COUNTY, IL
08/26/2024 01:10 PM
DOC NO. R2024-049524**

COPY

PZC Case #24-1-060

ORDINANCE NO. 24 - 082

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-10:5 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND)
OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 923 WATERCRESS DRIVE**

RECITALS

1. **WHEREAS**, Scott Lucchetti, 28W490 95th St., Naperville, IL 60567__ (**"Petitioner"**), has petitioned the City of Naperville for approval of a variance to Section 6-2-10:5 of the Naperville Municipal Code for the real property located at 923 Watercress Dr., Naperville, Illinois, 60540 legally described on **Exhibit A** and depicted on **Exhibit B** (**"Subject Property"**).
2. **WHEREAS**, the owner of the Subject Property is Kevin Lorenz, 923 Watercress Dr., Naperville, IL 60540,___ (**"Property Owner"**).
3. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is improved with a two-story single-family residence.

EXHIBIT C

4. **WHEREAS**, Municipal Code Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) allows for a maximum coverage of 25% of the required yard or 480 square feet, whichever is greater.
5. **WHEREAS**, given the property is approximately 82.83' in width and has a 30' rear yard setback, a maximum coverage of 621.23 square feet is permitted in the rear 30' of the subject property.
6. **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 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to allow the existing pool and patio, and the proposed pavilion with fireplace to cover 790.8 square feet of the Subject Property's rear yard, as depicted on **Exhibit B**, exceeding the permitted 621.23 square feet of coverage in the required yard.
7. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
8. **WHEREAS**, on July 17, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of Petitioners' request.
9. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioners' 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

EXHIBIT C

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 to permit the existing pool and patio, and the proposed pavilion with fireplace to occupy 790.8 square feet of the required yard, as depicted on the site plan attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- i. Any additional structures which increase the percentage of the rear yard occupied on the Subject Property will be subject to review and approval of a new variance request.

SECTION 3: The Site Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan 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: The City Clerk is authorized and directed to record this Ordinance with the DuPage 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney

EXHIBIT C

may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

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

PASSED this 20th day of August 2024.

AYES: WEHRLI, HOLZHAUER, KELLY, LEONG, LONGENBAUGH, MCBROOM,
TAYLOR, WHITE, WILSON

APPROVED this 21st day of August 2024.



Scott A. Wehrli
Mayor

ATTEST:


Dawn C. Portner
City Clerk

923 Watercress Drive Naperville, IL 60540

Legal Description:

LOT 6 IN KATHLEEN SUBDIVISION, BEING A RESUBDIVISION OF LOT 30 IN WATERFORD PLACE. BEING A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED AUGUST 13, 2004, AS DOCUMENT R2004-216857, IN DUPAGE COUNTY ILLINOIS.

PIN: 08-19-403-039

EXHIBIT C

RESPONSE TO STANDARDS – EXHIBIT B

EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance.

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and The Zoning Code to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. In this Variance we are applying to construct a 17'x17' (289 s.f.) Pavilion with Natural Gas Fireplace, however, our projects now exceed the required 25% of rear or interior side yard coverage. The Zoning Code states that it will "Improve" and protect the public health, safety, welfare, convenience, and "Comfort" of the people. The proposed Pavilion and Fireplace will most definitely "improve" the "comfort" of the homeowners. Rest assured that the overall intent of the zoning code and the comprehensive master plan will still be maintained. By granting the variance, you would not be compromising the public health, safety, comfort, convenience, or general welfare of the public by any means.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; The homeowners have received approved plans / permit to install an inground swimming pool in the back yard with a paver patio. Constructing the proposed Pavilion and Fireplace would allow for an area to lounge while enjoying the pool area. Because of the current setback Building Lines, it makes it difficult to comply with the standard code requirements. By granting the variance, it would allow us enough space to make the outdoor living features useful and would allow our home to better fit in within the neighborhood. Not only will we be increasing the homeowner's quality of life but increasing the property values. The restricted 25% rear yard coverage would cause a financial loss to the homeowner due to the already approved and constructed inground pool area.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The addition to the property is distinctive, individual, and does not apply to a substantial portion of the neighborhood. The addition does not alter the essential character of the neighborhood or endanger public safety in any means whatsoever. This is a private residence addition and doesn't allow public occupancy. The variance will result in an improvement to our home that will make it more consistent with the surrounding area.

EXHIBIT C