

PINs: 01-14-300-005, 01-14-300-013

**ADDRESS:
11007 S. BOOK ROAD
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 #18-1-001

ORDINANCE NO. 18 -

**AN ORDINANCE APPROVING A VARIANCE TO 6-6L-7 (R1: YARD REQUIREMENTS)
OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY AT
11007 S. BOOK ROAD (ENCLAVE ON BOOK)**

WHEREAS, Zion Evangelical Lutheran Church (“Owner”) is the owner of the real property located on the east side of Book Road, north of Hassert Boulevard (Enclave on Book) legally described as Parcel A on **Exhibit A** and JHL Developments LLC (“Owner”) is the owner of the real property legally described as Parcel B on **Exhibit A**, collectively referred to as the subject property depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, JHL Developments LLC (“Petitioner”) has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision for the Enclave on Book to allow for the development of 8 single-family homes and one associated outlot on the Subject Property; and

WHEREAS, the Subject Property is presently zoned A-1 (Single-Family Residence District) in unincorporated Will County and is currently vacant; and

WHEREAS, JHL Developments LLC, (“Petitioner”) has petitioned the City of Naperville (“City”) for rezoning of the Subject Property to R1 (Low Density Single Family Residence District) upon annexation; and

WHEREAS, the Petitioner is requesting approval of a variance to 6-6L-7 (R1 District: Yard Requirements) to reduce the minimum side yard setback requirement from 10’ to 8’ with a combined total of 25’ for both side yards; and

WHEREAS, the requested variance meets the Standards for Granting a Variance as prepared by the Petitioner and provided in **Exhibit “C”** attached hereto; and

WHEREAS, on May 16, 2018 the Planning and Zoning Commission conducted a public hearing concerning the Petitioner’s variance requests (PZC 18-1-001), and recommended approval thereof; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner’s requests should be subject to the terms and conditions set forth and referenced herein; and

WHEREAS, in addition to the variance herein, Petitioner has also requested City approval of ordinances approving an annexation agreement, annexation, rezoning, and a preliminary/final subdivision plat for the Subject Property; and

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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Section 6-6L-7 (R1 District: Yard Requirements) of the Naperville Municipal Code to allow for a reduction to the minimum side yard setback requirement from 10' to 8' while still meeting the 25' total requirement for the 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 _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk