

**PIN:  
08-17-102-003**

**ADDRESS:  
1163 TIMBERLANE COURT  
NAPERVILLE, IL 60540**

**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 #21-1-024**

**ORDINANCE NO. 21- \_\_**

**AN ORDINANCE GRANTING A VARIANCE  
TO SECTION 6-6A-7:1 (R1A: YARD REQUIREMENTS)  
FOR A SUNROOM AT 1163 TIMBERLANE COURT**

**RECITALS**

1. **WHEREAS**, Murphy's Landscape and Design ("Petitioner"), 1260 Arborside Drive, Aurora, Illinois 60502, has petitioned the City of Naperville for approval of a variance in order to construct a sunroom that encroaches into the rear yard setback on the subject property located at 1163 Timberlane Court, Naperville, IL, 60540, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Thomas Gadfort and Ruth S. Vandewater, 1163 Timberlane Court, Naperville, IL, 60540, own real property located at 1163 Timberlane Court, Naperville, IL, 60540 and have authorized the Petitioner to submit the variance petition; and

3. **WHEREAS**, the Subject Property is zoned R1A PUD (Low Density Single-Family Residence District Planned Unit Development) and is currently improved with a single-family structure; and
4. **WHEREAS**, Municipal Code Section 6-6A-7:1 (R1A: Yard Requirements) requires a sunroom to be setback 25' from the rear property line; and
5. **WHEREAS**, the Petitioner wishes to construct a sunroom on the Subject Property at a distance of 17' from the rear property line, as depicted on **Exhibit B**, thus requiring a variance from Section 6-6A-7:1 of the Naperville Municipal Code; and
6. **WHEREAS**, on April 21, 2021, the Planning and Zoning Commission conducted a public hearing to consider PZC 21-1-024 and recommended approval of the Petitioner's request with the condition that the 81 square feet of the sunroom encroaching into the rear yard setback shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures plus the proposed sunroom shall not exceed 25% of the required rear yard per Section 6-2-10:5; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit C** 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 permit a screened in porch that encroaches 8' into the 25' required rear yard setback, as depicted on the Plat of Survey attached to this Ordinance as **Exhibit B**, is hereby approved, subject to the following condition:

- a. The 81 square feet of the sunroom approved by this Ordinance shall be included when calculating the percentage of the required yard that may be occupied by detached accessory structures, such that the total detached accessory structures constructed at the Subject Property plus the proposed sunroom shall not exceed 25% of the required rear yard per Section 6-2-10:5.

**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:** 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 \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk