

**PIN:
07-25-304-040**

**ADDRESS:
743 Cardigan Ct.
Naperville, IL 60565**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #20-1-097

ORDINANCE NO. 20- __

**AN ORDINANCE GRANTING A VARIANCE
TO SECTION 6-6A-7:1 (R1A: YARD REQUIREMENTS)
TO INSTALL A GENERATOR AT 743 CARDIGAN COURT**

RECITALS

1. **WHEREAS**, Gary Kochanek ("Petitioner") has petitioned the City of Naperville for approval of a variance in order to install a backup generator that encroaches into the west interior side yard setback on the subject property located at 743 Cardigan Court, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, Gary Kochanek is the owner of the Subject Property; and
3. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is currently improved with a single-family structure; and

4. **WHEREAS**, Municipal Code Section 6-6A-7:1 (R1A: Yard Requirements) requires a generator to be setback 8' from the interior side property line; and
5. **WHEREAS**, the Petitioner wishes to install a backup generator on the Subject Property at a distance of 6.5' from the interior side 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 November 18, 2020, the Planning and Zoning Commission conducted a public hearing to consider PZC 20-1-097 and recommended approval of the Petitioner's request with the conditions that the proposed location of the generator shall meet the noise requirements at the property line found in the Section 6-14-4 (Standards) of the Naperville Municipal Code and the generator must be screened, with either landscaping or fencing, so it cannot be seen from the adjacent property and right-of-way and so that potential noise and emission impacts will be reduced; 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 backup generator that encroaches 1.5' into the 8' required interior side yard setback, as depicted on the Plat of Survey attached to this Ordinance as **Exhibit B**, is hereby approved, subject to the following conditions:

- a. The generator shall meet the noise requirements at the property line found in the Section 6-14-4 (Standards) of the Naperville Municipal Code.
- b. The generator shall be screened, with either landscaping or fencing, so it cannot be seen from the adjacent property and right-of-way and so that potential noise and emission impacts will be reduced. The generator shall be screened according to the landscaping plan depicted on **Exhibit D**. The landscaping shall be installed no later than six months after the installation of the generator.

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 the generator has been installed as described herein.

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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk