

PIN: 08-18-401-016

ADDRESS:
125 N. HUFFMAN
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 #19-1-043

ORDINANCE NO. 19 -

AN ORDINANCE GRANTING VARIANCES TO INCREASE THE PERMITTED HEIGHT AND NUMBER OF STORIES OF A DUPLEX PURSUANT TO SECTION 6-6C-8 OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 125 N. HUFFMAN STREET

WHEREAS, Steve Carr of Steve Carr Builders and Developers, LLC. ("Petitioner"), has petitioned the City of Naperville to grant a variance from Section 6-6C-8 (R2 District: Height Limitations/Bulk Regulations) of the Naperville Municipal Code for the real property located at 125 N. Huffman Street, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, C&F Properties and Investments, LLC. is the owner of the Subject Property; and

WHEREAS, the Subject Property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District) and is improved with a one story single-family residence and associated detached garage; and

WHEREAS, the Petitioner proposes to demolish the existing single-family residence and construct a duplex on the Subject Property; and

WHEREAS, a duplex is a permitted use in R2 pursuant to Section 6-6C-2 (R2 District: Permitted Uses); and

WHEREAS, duplexes shall not exceed a maximum height of 35' and 2½ stories pursuant to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations); and

WHEREAS, the Petitioner requests variances from Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit a duplex to be constructed at height of 39'1" and 4 stories; and

WHEREAS, the increased height of the duplex is proposed in order to accommodate an elevator shaft, stairs to the rooftop deck, and rooftop mechanicals; and

WHEREAS, the requested variances meet the standards for granting a variance as provided in **Exhibit C** attached hereto; and

WHEREAS, on June 5, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-043 and recommended approval of the Petitioner's request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit a duplex to exceed the maximum permitted building height from the required 35' to 39'1" on the Subject Property, as depicted on the elevations attached as **Exhibit D**, is hereby granted.

SECTION 3: A variance to Section 6-6C-8:1 (R2 District: Height Limitations and Bulk Regulations) to permit a duplex to exceed the maximum number of allowable stories from the required 2½ stories to 4 stories on the Subject Property, as depicted on the elevations attached as **Exhibit D**, is hereby granted.

SECTION 4: The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

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.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk