

PIN: 08-19-400-016

**ADDRESS:
841 SOUTH JULIAN STREET
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 #22-1-016

ORDINANCE NO. 22 - _____

**AN ORDINANCE GRANTING A DEVIATION FROM SECTION 7-1-13 (PLATTED
SETBACKS AND BUILDING LINES) OF TITLE 7 (SUBDIVISION REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY
LOCATED AT 841 SOUTH JULIAN STREET**

RECITALS

1. **WHEREAS**, Timothy Erickson and Kate Erickson, 2720 Willow Ridge Dr., Naperville, IL 60564, are the owners ("**Owners**") of real property located 841 South Julian Street, 60540, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mathieson House, LLC, D/B/A M House, 710 E. Ogden Avenue #250, Naperville, Illinois, 60563, ("**Petitioner**") has been authorized by the Owners to submit a petition to the City of Naperville ("**City**") in order to establish the lot as a legal lot of record and grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the Subject Property; and

3. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement, annexation, and rezoning to R1A upon annexation for the Subject Property (hereinafter cumulatively referenced herein as the “**841 South Julian Street Ordinances**”); and
4. **WHEREAS**, the R1A zoning district has a 30-foot front yard setback; and
5. **WHEREAS**, the Subject Property was originally platted as part of Lot 5 in Block 10 within the Arthur T. McIntosh and Company’s Naperville Estates Subdivision in 1927 with a 40-foot building line; and
6. **WHEREAS**, the Petitioner intends to demolish the existing single-family residence and construct a new single-family residence on the Subject Property which will encroach into the 40-foot platted building line; and
7. **WHEREAS**, per Section 7-1-13 (Platted Setbacks and Building Lines), where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations of the Naperville Municipal Code, the more restrictive requirement shall apply; and
8. **WHEREAS**, the Petitioner requests a deviation from the existing 40-foot platted building line on the front (east) property to permit the new single family home to be constructed per the underlying zoning district front yard setback requirements; and
9. **WHEREAS**, pursuant to Section 7-1-8:2.3 (Standards For Subdivision Deviations) of the Naperville Municipal Code, the requested deviation meets the Standards for granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and

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

SECTION 2: A deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code is hereby granted to allow for an encroachment into the 40-foot platted building line for the purpose of constructing a single-family residence on the Subject Property. The proposed single-family residence will be in compliance with the required R1A front yard setback.

SECTION 3: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance shall require a separate variance and/or deviation to be processed.

SECTION 4: The City Clerk is authorized and directed to record the 841 South Julian Street Ordinances and their exhibits with the DuPage County Recorder upon completed execution thereof in the following order: (1) Annexation Ordinance; (2) Annexation Agreement Ordinance; (3) Rezoning Ordinance; (4) Platted Building Line Deviation Ordinance.

SECTION 5: The deviation 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 6: This deviation 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 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: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.

City Clerk