

**PIN: 08-18-332-003**

**ADDRESS:  
520 HIGHLAND AVENUE  
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 #18-1-020**

**ORDINANCE NO. 18 -**

**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 520 HIGHLAND AVENUE**

**WHEREAS**, Heidi and Kevin Berry ("Petitioners") are the owners of real property located at 520 Highland Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), and have petitioned the City of Naperville to grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the Subject Property; and

**WHEREAS**, the Subject Property was platted in 2017 with a 35' building line and is improved with a single-family structure and attached garage; and

**WHEREAS**, the Subject Property is zoned R1B (Medium Density Single-Family Residence District), which requires a 30' front yard setback; and

**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

**WHEREAS**, the 35' platted building setback has not been consistently adhered to for the homes located on the south side of Highland Avenue between Sleight and Wright Streets; and

**WHEREAS**, the Petitioner intends to construct an addition to the attached garage on the Subject Property which will encroach into the 35' platted setback to a point of 30' from the front lot line; and

**WHEREAS**, pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code the requested variance meets the Standards for granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; 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 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 35' platted building line for the purpose of constructing an addition to the attached garage that will encroach 5' into the 35' platted building line on the Subject Property, as depicted on the

Site Plan attached hereto as **Exhibit B**. Approval of this deviation is subject to compliance with the Site Plan approved in Section 3 below.

**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:** Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance, as depicted on **Exhibit B**, shall require a separate variance and/or deviation to be processed.

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

**SECTION 8:** 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 9:** 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.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk