

PIN: 08-19-403-039

ADDRESS:  
923 WATERCRESS DR.  
NAPERVILLE, IL 60540

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK/COMMUNITY SERVICES DEPT.  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #24-1-060

**ORDINANCE NO. 24 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-2-10:5 (ACCESSORY BUILDINGS, STRUCTURES AND USES OF LAND)  
OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE PROPERTY LOCATED AT 923 WATERCRESS DRIVE**

**RECITALS**

1. **WHEREAS**, Scott Lucchetti, 28W490 95<sup>th</sup> St., Naperville, IL 60567\_\_ (“**Petitioner**”), has petitioned the City of Naperville for approval of a variance to Section 6-2-10:5 of the Naperville Municipal Code for the real property located at 923 Watercress Dr., Naperville, Illinois, 60540 legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).
2. **WHEREAS**, the owner of the Subject Property is Kevin Lorenz, 923 Watercress Dr., Naperville, IL 60540,\_\_\_ (“**Property Owner**”).
3. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is improved with a two-story single-family residence.

4. **WHEREAS**, Municipal Code Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) allows for a maximum coverage of 25% of the required yard or 480 square feet, whichever is greater.
5. **WHEREAS**, given the property is approximately 82.83' in width and has a 30' rear yard setback, a maximum coverage of 621.23 square feet is permitted in the rear 30' of the subject property.
6. **WHEREAS**, pursuant to Section 6-3-5:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to allow the existing pool and patio, and the proposed pavilion with fireplace to cover 790.8 square feet of the Subject Property's rear yard, as depicted on **Exhibit B**, exceeding the permitted 621.23 square feet of coverage in the required yard.
7. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
8. **WHEREAS**, on July 17, 2024, the Planning and Zoning Commission considered the requested variance and recommended approval of Petitioners' request.
9. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioners' 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 variance to Section 6-2-10:5 (Accessory Buildings, Structures and Uses of Land: Percentage of Required Yard Occupied) of the Naperville Municipal Code to permit the existing pool and patio, and the proposed pavilion with fireplace to occupy 790.8 square feet of the required yard, as depicted on the site plan attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- i. Any additional structures which increase the percentage of the rear yard occupied on the Subject Property will be subject to review and approval of a new variance request.

**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:** 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney

may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott A. Wehrl  
Mayor

ATTEST:

\_\_\_\_\_  
Dawn C. Portner  
City Clerk