

PIN: 08-18-310-005

ADDRESS:
422 E FRANKLIN AVE
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 #19-1-02

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-10:1 (LOCATION) OF TITLE 6 (ZONING REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 422 E. FRANKLIN AVE**

WHEREAS, Bruce and Linda Chvalovsky (owners and petitioners), of real property located at 422 E. Franklin Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), have petitioned the City of Naperville to grant a variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land: Location) of the Naperville Municipal Code for the Subject Property; and

WHEREAS, the Subject Property is zoned R2 (Single-Family and Low Density Multiple-Family Residence District), and is located within the Naperville Historic District; and

WHEREAS, the petitioner is proposing to demolish the existing detached garage and construct a new detached two car garage in the rear of the Subject Property; and

WHEREAS, the proposed detached garage requires a variance to Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land: Location) of the Naperville Municipal

Code to allow for a variance to reduce the required 5' rear yard setback from the southern property line to 2'; and

WHEREAS, the proposed detached garage complies with all other requirements provided in Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code; and

WHEREAS, on January 24, 2019, per Section 6-11-5:3 requirements, the Historic Preservation Commission reviewed the requested variances and voted to recommend approval to the Planning and Zoning Commission; and

WHEREAS, on February 20, 2019, the Planning and Zoning Commission held a public hearing to consider the petition, and voted to recommend approval of the requested variances to City Council; and

WHEREAS, the requested variance meets the Standards for Granting a Zoning Variance 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 variance to Section 6-2-10:1(Location) of the Naperville Municipal Code is hereby granted to reduce the required 5' rear yard setback from the southern

property line to allow the detached garage to be placed at a setback of 2' from the rear property line, as depicted on **Exhibit B**.

SECTION 3: 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 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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: 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