

PIN: 08-18-408-006

ADDRESS:
730 E. BENTON AVENUE
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 #23-1-095

ORDINANCE NO. 24 - _____

**AN ORDINANCE GRANTING A CORNER SIDE YARD SETBACK VARIANCE
FROM SECTION 6-6C-7:1 AND ACCESSORY STRUCTURE VARIANCE FROM
SECTION 6-2-10:2 OF THE NAPERVILLE
MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 730 E. BENTON AVENUE**

RECITALS

1. **WHEREAS**, Tom Flynn (“**Petitioner**” and “**Owner**”), is the owner of real property located at 730 E. Benton Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**” and “**Site Plan**”), and has petitioned the City of Naperville for approval of a corner side yard setback variance and accessory structure variance for said property.
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family And Low Density Multiple-Family Residence District) and is improved with a one-story single-family residence.

3. **WHEREAS**, Municipal Code Section 6-6C-7:1 requires a principal structure to be setback 15' from the corner side yard property line.
4. **WHEREAS**, Municipal Code Section 6-2-10:2 requires an accessory structure to be setback 15' from the corner side yard property line.
5. **WHEREAS**, the Petitioner proposes to construct an addition to the existing attached garage on the Subject Property at a distance of 12.5' from the corner side yard property line and to construct a breeze block wall on the Subject Property at a distance of 8.6' from the corner side yard property line as depicted on **Exhibit B**.
6. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Petitioner requests approval of a variance from Section 6-6C-7:1 (Yard Requirements) of the Naperville Municipal Code to allow a garage addition to be located 12.5' from the corner side yard property line and a variance from Section 6-2-10:2 to allow an accessory structure to be located 8.6' from the corner side yard property line on the Subject Property as depicted on **Exhibit B**.
7. **WHEREAS**, the requested variances meet the Standards for Variances as provided in **Exhibit C** attached hereto.
8. **WHEREAS**, on December 6, 2023, the Planning and Zoning Commission considered the requested parking variance and recommended approval of the Petitioner's request.
9. **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 variance from Section 6-6C-7:1 (Yard Requirements) of the Naperville Municipal Code to allow a garage addition to be located 12.5' from the corner side yard property line and a variance from Section 6-2-10:2 to allow an accessory structure to be located 8.6' from the corner side yard property line on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit B**, is hereby approved, subject to the following condition:

- a. The Owner shall be required to plat a 10-foot public utility and drainage easement along the west property line (rear), and a 5-foot easement along the south property line prior to any improvements being constructed. The Owner shall also be required to enter into an easement encroachment agreement with the City of Naperville in order to improve the property with the proposed driveway as it will cross the 10-foot public utility and drainage easement along the west (rear) property line.

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. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk