

PIN: 07-13-320-016

ADDRESS:  
724 JACKSON 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 #17-1-051

**ORDINANCE NO. 17 -**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-2-10:4 (ACCESSORY BUILDINGS, STRUCTURES, AND USES OF LAND;  
BULK REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE  
PROPERTY LOCATED AT  
724 JACKSON AVENUE**

**WHEREAS**, Randy Mueller ("Petitioner"), has petitioned the City of Naperville for approval of a variance to Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land: Bulk Regulations) to allow for the construction of a game court to exceed the footprint of the principal structure for the real property located at 724 Jackson Avenue, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B; and

**WHEREAS**, the owners of the Subject Property are Dylan and Belinda Bates; and

**WHEREAS**, the Subject Property is currently improved with a single-family residence and is zoned R1B (Medium Density Single-Family Residence District); and

**WHEREAS**, Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) of the Municipal Code requires that no single detached accessory structure shall exceed the footprint of the principal structure, in order to ensure that all accessory structures remain subordinate to the principal structure; and

**WHEREAS**, the Petitioner is proposing a 5,697 sq. ft. game court on the subject property; and

**WHEREAS**, the existing principal structure is approximately 3,475 sq. ft.; and

**WHEREAS**, given the overall size of the lot and the limited home size, the 5,687 square foot size game court does not cause any overcrowding of land; and

**WHEREAS**, due to the size of the property and location of the court on the property, the views/sight lines from adjacent properties would be minimally affected given the lack of height and bulk of the proposed game court; and

**WHEREAS**, on August 16, 2017 the Planning and Zoning Commission conducted a public hearing concerning PZC 17-1-051, and recommended approval of the Petitioner's request; and

**WHEREAS**, the requested variance meets the Standards for Variances 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) of the Naperville Municipal Code is hereby granted to

permit a 5,687 sq. ft. game court to exceed the footprint of the 3,475 sq. ft. principal structure, as depicted on the Site Plan attached hereto as **Exhibit B**.

**SECTION 3:** 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 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 \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk