

PIN:
07-13-423-009

ADDRESS:
41 W. JEFFERSON 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 #18-1-004

ORDINANCE NO. 18 - ____

**AN ORDINANCE GRANTING A VARIANCE TO
SECTION 6-7D-7 (B4 DISTRICT: YARD REQUIREMENTS) OF THE
NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY AT
41 W. JEFFERSON AVENUE (R.R. BREITWIESER CORNER)**

WHEREAS, Jefferson & Main, LLC, ("Petitioner") has requested approval of a variance to Section 6-7D-7 (B4 District: Yard Requirements) in order to construct an approximately 3,290 square foot building with retail tenants on the property commonly known as 41 W. Jefferson Ave, Naperville IL, which is legally described in **Exhibit A**, and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Subject Property is currently zoned B4 (Downtown Core District);
and

WHEREAS, the Subject Property is currently vacant and was previously improved with a two story brick building that was demolished in the Fall of 2017; and

WHEREAS, the Petitioner intends to construct a new 3,290 square foot building on the Subject Property; and

WHEREAS, the Petitioner requests a variance to increase the maximum permitted rear yard setback of the new building from 6' to 17.08' pursuant to Section 6-7D-7 (B4 District: Yard Requirements); and

WHEREAS, the increased setback is requested in order to accommodate a 10' pedestrian easement, a future grease trap, and the outward swing of the doors on the mechanical rooms; and

WHEREAS, the requested variance will not interrupt the surrounding streetwall and will not be a substantial detriment to the adjacent property; and

WHEREAS, on April 18, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-004, and recommended approval of the Petitioner's request; and

WHEREAS, the requested variance meets the Standards for Granting a Variance as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-7D-7 (B4 District: Yard Requirements) of the Naperville Municipal Code is hereby granted to increase the maximum permitted setback at the Subject Property from 6' to 17.50' as generally depicted in the Site Plan attached as **Exhibit B** (note: the maximum permitted setback has been increased from 17.08', as depicted on the site plan, to 17.5' in this Ordinance in order to accommodate any offsets that may occur during construction).

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: The 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 directed to record this Ordinance and its exhibits with the DuPage County Recorder.

SECTION 6: 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.

Steve Chirico

Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk