

PIN: 08-18-307-006

ADDRESS:
122 N. LOOMIS STREET
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 #18-1-006

ORDINANCE NO. 18 -

**AN ORDINANCE GRANTING VARIANCES FROM
SECTION 6-2-10:1 (LOCATION), AND SECTION 6-2-10: 5 (PERCENTAGE OF
REQUIRED YARD OCCUPIED) OF TITLE 6 (ZONING REGULATIONS) OF THE
NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 122 N. LOOMIS**

WHEREAS, Kathy West ("Petitioner") on behalf of the owners, Brian and Rebecca Wright, of real property located at 122 N. Loomis, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), has petitioned the City of Naperville to grant variances from Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) 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 detached garage and construct a new detached three car garage in the rear of the Subject Property; and

WHEREAS, the proposed detached garage requires variances to Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to reduce the required 5' rear yard setback from the eastern property line to 3', a variance to

exceed the permitted 480 sq. ft. lot coverage in the required rear yard to the proposed 682 sq. ft., and a variance to Section 6-2-10:3 (Height Limitations) to allow for an increase in height of the proposed garage from the permitted maximum of 18 feet to a maximum of 21' 5-5/8" feet; and

WHEREAS, on March 22, 2018, per Section 6-11-5:3 requirements, the Historic Preservation Commission held a public hearing on the three requested variances and voted to recommend approval to the Planning and Zoning Commission; and

WHEREAS, on April 18, 2018, the Planning and Zoning Commission held a public hearing to consider the petition for the three requested variances, and voted to recommend approval of the requested variances to City Council; and

WHEREAS, the City Council does not concur with the recommendation of the Historic Preservation Commission and the Planning and Zoning Commission with respect to the requested variance to Section 6-2-10:3 (Height Limitations) of the Municipal Code to allow for the proposed detached garage to exceed the requirements for height finding that it does not meet 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 variances to Section 6-2-10:1(Location) and Section 6-2-10:5 (Percentage of Required Yard Occupied) meet the Standards for Granting a Zoning Variance as provided in **Exhibit C** attached hereto, and construction of a detached garage at the Subject Property 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. 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 eastern property line to allow the detached garage to be placed at a setback of 3' from the rear property line, as depicted on **Exhibit B.**

SECTION 3: A variance to Section 6-2-10:5 (Percentage of Required Yard Occupied) of the Naperville Municipal Code is hereby granted to allow the detached garage to exceed the permitted 480 sq. ft. lot coverage in the required rear yard; the proposed lot coverage is 682 sq. ft., as depicted on **Exhibit B.**

SECTION 4: 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 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.

SECTION 8: 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