

PIN: 01-15-407-011

**ADDRESS:
2304 SPIKEHORN AVE
NAPERVILLE, IL 60564**

**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 #18-1-023

ORDINANCE NO. 18 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-2-10:2 OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE
MUNICIPAL CODE FOR THE PROPERTY LOCATED AT
2304 SPIKEHORN AVENUE**

WHEREAS, Ginny Colburn (Owner and Petitioner) is the owner of the real property located at 2304 Spikehorn Ave, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B**; and

WHEREAS, Ginny Colburn (Owner and Petitioner), has petitioned the City of Naperville for approval of a variance to Section 6-2-10:2 (Accessory Buildings, Structures, and Uses of Land: Yard Requirements) to allow for an existing pergola to remain on the Subject Property encroaching into the required 30' corner side yard; and,

WHEREAS, the Subject Property is currently improved with a single-family residence and is zoned R1A (Low Density Single-Family Residence District); and

WHEREAS, the Petitioner constructed the pergola on the Subject Property without a permit from the City of Naperville; upon review of the pergola post-installation, the City

determined that the pergola encroaches approximately 11' into the required corner side yard, thereby necessitating a variance to Section 6-2-10:2 of the Naperville Municipal Code; and

WHEREAS, on June 20, 2018 the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-023, 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 6-2-10:2 (Accessory Buildings Structures, and Uses of Land; Yard Requirements) of the Naperville Municipal Code is hereby granted to permit an existing 131 square foot pergola encroaching in the corner side yard setback to remain in place. As constructed, the pergola encroaches approximately 11' into the required corner side yard, as depicted on the Site Plan attached hereto as **Exhibit B**.

SECTION 3: Any additional encroachments into the zoning setback other than that approved by this Ordinance as depicted on **Exhibit B**, shall require a separate variance to be processed.

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 Will 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 _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk