

PIN: 08-08-310-009

ADDRESS:
1214 NEEDHAM ROAD
NAPERVILLE, IL 60563

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 #19-1-036

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12 OF
TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 1214 NEEDHAM ROAD**

WHEREAS, Robert and Kristin DeAngeles ("Petitioners") have petitioned the City of Naperville to grant a variance from Section 6-2-12 (General Zoning Provisions: Fences) of the Naperville Municipal Code for the height and style of a fence for the real property located at 1214 Needham Road, Naperville, Illinois legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

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

WHEREAS, in 1983 the Subject Property was platted as a part of Spring Hill Unit 2 with a 30' platted setback in both the front and corner side yards; and

WHEREAS, Municipal Code Section 6-2-12:1.2 (Fences) permits open style fences up to 4' in height to be located in the required corner side yard; and

WHEREAS, the Petitioners request a variance to locate a 6' tall solid style privacy fence in the required corner side yard on the Subject Property; and

WHEREAS, the requested privacy fence will not interfere with sight lines and will not be a substantial detriment to the adjacent property; and

WHEREAS, on April 17, 2019, the Planning and Zoning Commission conducted a public hearing to consider PZC 19-1-036 and recommended approval of the 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 Petitioners' 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance to Section 6-2-12 (General Zoning Provisions: Fences) of the Naperville Municipal Code is hereby granted to permit a 6' tall privacy fence in the required corner side yard, as depicted on the Site Plan attached hereto as **Exhibit B**.

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

SECTION 5: 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 6: 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 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: 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 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk