

**PINs: 07-13-424-001
07-13-424-002**

**ADDRESS:
110 S. WASHINGTON 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**

BRB Case #100

ORDINANCE NO. 19 -

**AN ORDINANCE GRANTING A VARIANCE FROM SECTION 705.8.1 (ALLOWABLE
AREA OF OPENINGS) OF THE 2018 INTERNATIONAL BUILDING CODE
110 S. WASHINGTON STREET.**

WHEREAS, Great Central Properties III, LLC. has petitioned the City of Naperville to grant a variance from Section 705.8.1 of the 2018 International Building Code to reduce the required Fire Separation Distance for a portion of the proposed building to be located at 110 S. Washington Street ("Subject Property"), as legally described on Exhibit A; and

WHEREAS, a portion of the north façade of the proposed building on the Subject Property will be directly adjacent to an existing restroom facility within the Van Buren right-of-way; and

WHEREAS, the north façade adjacent to the existing restroom facility shall have 0% openings on the first and second floor and no more than 15% openings on the third and fourth floors which, based on Section 705.8.1 of the 2018 International Building Code, requires a minimum Fire Separation Distance of 3.0 feet; and

WHEREAS, the Chief Building Official for the City of Naperville has interpreted the 2018 International Building Code and has established that the Fire Separation Distance being provided for the portion of the proposed building that is directly adjacent to said restroom facility is 2.0', the distance between the proposed building and the interior lot line; and

WHEREAS, on April 17, 2019, the Building Review Board (BRB) discussed this matter and voted (7-0) to recommend approval of the variance to reduce the required Fire Separation Distance from 3.0' to 2.0'; and

WHEREAS, the City Council of the City of Naperville has determined that the variance to the Naperville Municipal Code should be granted to the extent and subject to the terms and conditions 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 substantive and are incorporated in this Section 1 as though fully set forth in this Section 1.

SECTION 2: A variance to Section 705.8.1 (Allowable Area of Openings) of the 2018 International Building Code, is hereby granted to allow the Fire Separation Distance to be reduced from 3.0' to 2.0' for the portion of the proposed building at 110 South Washington Street that is directly adjacent to the existing restroom facility in the Van Buren right-of-way.

SECTION 3: Any increase in the proposed area of openings other than those approved by this Ordinance shall require separate review by the Building Review Board and/or variance to be processed if necessary.

SECTION 4: 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 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 _____ 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____ 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue Ph.D.
Naperville City Clerk

EXHIBIT A

LOTS 1, 2, 3 AND THE NORTH 35 FEET OF LOT 4 IN BLOCK 4 OF
HOSMER'S ADDITION TO THE TOWN OF NAPERVILLE, BEING A
SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 13,
TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL
MERIDIAN, AND OF PART OF THE WEST 1/2 OF SECTION 18,
TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED
JANUARY 26, 1843 AS DOCUMENT 414, IN DUPAGE COUNTY,
ILLINOIS,

BUT EXCLUDING THEREFROM ALL INTEREST, IF ANY, IN AND TO
THE SOUTH HALF OF VAN BUREN AVENUE THAT IS NORTH OF AND
ADJACENT TO THE ABOVE-DESCRIBED PROPERTY.

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COMMONLY KNOWN AS 110 S. WASHINGTON STREET,
NAPERVILLE, IL 60540