

PIN: 07-22-405-015

ADDRESS:
616 CARAWAY COURT
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 #19-1-095

ORDINANCE NO. 20 -

AN ORDINANCE GRANTING A VARIANCE TO SECTION 6-2-12:1 (FENCES: RESIDENCE DISTRICTS) OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 616 CARAWAY COURT

RECITALS

1. **WHEREAS**, Rocco and Lisa DiFranco ("**Owners** and **Petitioners**"), are the owners of real property located at 616 Caraway Court, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and have petitioned the City of Naperville for approval of a fence variance for said property; and
2. **WHEREAS**, the Subject Property is approximately 14,747 square feet, is currently zoned R3A PUD (Medium Density Multiple-Family Residence District Planned Unit Development) and is improved with a single-family residence and a fenced in pool; and
3. **WHEREAS**, the Owners and Petitioners have submitted a variance request to move the 6' privacy fence that currently exists around the pool 5' into the 15' required corner

side yard setback on the Subject Property as depicted on the site plan attached hereto as **Exhibit C**; and

4. **WHEREAS**, per Municipal Code Section 6-2-12:1, an open, or picket style fence 4' tall or less is permitted in the required corner side yard; and
5. **WHEREAS**, the proposed located of the fence in the 15' required corner side yard, the solid style of the fence, and the 6' height, trigger the need for a variance; and
6. **WHEREAS**, the purpose of the fence variance request is to increase handicap accessibility around the pool for a member of the Owners and Petitioners family who is in a wheelchair; and
7. **WHEREAS**, on October 21, 2020, the Planning and Zoning Commission conducted a public hearing on PZC 19-1-095 and recommended approval of the request; and
8. **WHEREAS**, the requested variance meets the Standards for Variances as provided in **Exhibit D** attached hereto; and
9. **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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Section 6-2-12:1 (Fences: Residence Districts) of the Naperville Municipal Code to allow a 6' privacy fence to encroach 5' into the 15' corner side

yard setback on the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit C**, is hereby approved.

SECTION 3: 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 4: 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 stated, or (2) the use specified in this Ordinance has commenced.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage 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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk