

PIN: 08-28-301-009

**ADDRESS:
1516 MYA COURT
NAPERVILLE, IL 60565**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #20-1-112

ORDINANCE NO. 21- ____

**AN ORDINANCE GRANTING A VARIANCE
TO SECTION 6-2-10:6 (ACCESSORY BUILDINGS,
STRUCTURES, AND USES OF LAND: TIME OF CONSTRUCTION)
FOR A GAME COURT AND SHED AT 1516 MYA COURT**

RECITALS

1. **WHEREAS**, Adam and Heather Tritt ("**Owners** and **Petitioners**") have petitioned the City of Naperville for approval of a variance in order to construct a game court and shed on the vacant property located at 1516 Mya Court, Naperville, IL, which is legally described in **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, the Subject Property is zoned R1A (Low Density Single-Family Residence District) and is currently vacant; and
3. **WHEREAS**, the Subject Property is known as Lot 1 of the 77th Street Project development which final plat of subdivision approval was granted by the City Council on August 18, 2020 per Ordinance 20-080; and

4. **WHEREAS**, the Petitioners reside at 1520 Mya Court (Lot 17 of the Lizzadro Subdivision) which is the single-family lot east of the Subject Property and recently purchased the Subject Property; and
5. **WHEREAS**, 1516 Mya Court and 1520 Mya Court are located within separate subdivisions and are separated by a 20' wide public utility and drainage easement which provides access to the stormwater management easement (Lot 18 of the Lizzadro Subdivision); and
6. **WHEREAS**, Municipal Code Section 6-2-10:6 (Accessory Buildings, Structures and Uses of Land: Time of Construction) requires principal structures to be established prior to the construction of an accessory structure; and
7. **WHEREAS**, the Petitioners wish to construct a 2,600-sf game court and a 150-sf shed without a principal structure, as depicted on **Exhibit B**, thus requiring a variance from Section 6-2-10:6 of the Naperville Municipal Code; and
8. **WHEREAS**, the existing 20' public utility and drainage easement and the location of the lots within separate subdivisions prevents consolidation of 1516 Mya Court and 1520 Mya Court; and
9. **WHEREAS**, on January 6, 2021, the Planning and Zoning Commission conducted a public hearing and recommended approval of the Petitioner's request and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request meets the variance standards as provided in **Exhibit C** attached hereto and 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 to permit accessory structures, as depicted on the Site Grading Plan attached to this Ordinance as **Exhibit B**, is hereby approved, subject to the following condition:

- a. Any lighting installed on the Subject Property must comply with the Performance Standards per Section 6-14-4 of the Municipal Code, as amended.

SECTION 3: The Site Grading Plan, attached to this Ordinance as **Exhibit B**, is hereby approved as the controlling site plan for the Subject Property.

SECTION 4: The variance approved by this Ordinance shall expire unless within two (2) years from the effective date of this Ordinance if a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started.

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

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

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk