

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION TO GRANT A MAP AMENDMENT (REZONING), AND PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR THE PROPERTY 841 S. JULIAN STREET

THE UNDERSIGNED Petitioner, Mathieson House, LLC, d/b/a M House, an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to, upon annexation of the property legally described on Exhibit A (the “Property”) pursuant to a separate petition submitted by the Owners of Record of the Property: (i) zone the Property in the City’s R1A Low Density Single-Family Residence District; (ii) approve a deviation from the platted setback; and (iii) such other relief from the City of Naperville Municipal Code (the “Code”) as may be deemed necessary and appropriate to develop the Property.

In support of this Petition, the Petitioner represents to the City as follows:

1. The Owner of the Property is Timothy J. Erickson and Kate Erickson (“Owner”).
2. Owner filed a separate petition with the City of Naperville to annex the Property to the City of Naperville (“Annexation Petition”).
3. The Petitioner, Mathieson House, LLC d/b/a M House, is the developer of the Property and who has been hired by the Owner to construct a custom home on the Property upon Contract Purchaser’s acquisition of the Property.
4. The Subject Property is zoned R-4 in unincorporated DuPage County and consists of one (1) lot totaling approximately 0.69 acres.
5. The existing land uses surrounding the Property are as follows:
 - a. North: R1A single family residential
 - b. East: R1A single family residential
 - c. South: R-4 Unincorporated DuPage County

d. West: R-4 Unincorporated DuPage County

APPROVAL OF REZONING TO R1A

6. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned R1A, low density single-family residence district.

7. The rezoning request is appropriate based on the following factors:

a. The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and

Pursuant to section 6-5-3 in the Code, the Petitioner shall request a zoning classification for the Property upon annexation to the City of Naperville. The requested zoning is consistent with both the proposed use of the Property and the existing use of the properties in the immediate vicinity. Adjacent incorporated properties to the north and east are zoned R1A, and the unincorporated properties to the south and west are zoned R-4 in DuPage County. In addition, Naperville’s comprehensive plan designates the future land use for the Property as “Single-Family and Duplex Residential”, which is consistent with the Petitioner’s R1A zoning request.

b. The trend of development in the area of the subject property is consistent with the requested amendment; and

The trend of development in the area of the Property has been and continues to be single-family residential. Upon annexation to the City, the requested zoning is consistent with the nearby adjacent properties, all of which are zoned R1A in the City of Naperville or for residential use in DuPage County. Further, the requested zoning will permit the development of a new custom home in keeping with the trend of development in the neighborhood.

c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and

The existing zoning classification of the Property is R-4 in unincorporated DuPage County. The Owner submitted a separate petition for Annexation to the City of Naperville and upon annexation, Petitioner requests the Property be zoned R1A, which is consistent with the existing zoning designations for nearby and adjacent properties that have been incorporated to the City of Naperville.

- d. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and*

The Property has never been utilized under a City of Naperville zoning designation as the Property is zoned R-4 in unincorporated DuPage County and upon annexation to the City, the Code requires Petitioner to request a zoning designation for the Property.

- e. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

As mentioned above, zoning the Property R1A is consistent with the single-family residential character of the neighborhood. The nearby properties that remain unincorporated are zoned for residential use in DuPage County. All surrounding properties are intended for single-family residential homes, which is the very use for which Petitioner plans to utilize the Property.

APPROVAL OF A SUBDIVISION DEVIATION FROM THE 40' PLATTED SETBACK

- a. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner.*

Strict adherence to the provisions of this title would cause unnecessary hardship by requiring Petitioner to situate any front yard structures at or in excess of 40' from the front property line. The Petitioner's request arises from the fact that the property is located within the Artur T. McIntosh & Company's Naperville Estates Subdivision recorded in DuPage County in 1927 as document number R1927-236013 (the "Prior Subdivision") and the Prior Subdivision reflects

property conditions in 1927. The Property is located on the northwest corner of Julian Street and Gartner Road with access along Julian Street. Strict adherence to the historic platted setback line would require Petitioner to situate the proposed home west leaving limited functional backyard space inhibiting the usability of the rear yard for private recreational purposes. This condition also results in the proposed home being built in a much closer proximity to the adjacent property. This situation was not created by the Petitioner, but is a product of historic plat requirements dating back to 1927. Since the Property was originally platted, the character of the surrounding area has drastically changed, and the trend of development has primarily been that of large tear-downs. The Petitioner's request is the result of this trend and proposes to construct a new custom home on the Property, which will comply with all R1A zoning district requirements. As a result, compliance with the setbacks depicted on the Prior Subdivision would require the Petitioner to shift the home back inconsistent with the City's current zoning code which would in turn place the proposed home in closer proximity to the residence located at 731 Gartner Road. The requested deviation will permit the Petitioner to shift the home away from the adjacent property owner, which is a net positive for all parties impacted by the proposed development.

(b) The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this title.

The requested subdivision deviation is not contrary to the intent and purpose of the provision of this title. The underlying purpose of a setback requirement is to (i) ensure proper light and air to surrounding properties; and (ii) create a degree of consistency in a neighborhood. Here, in the event that a deviation from the platted 40-foot (40') front yard setback is approved, Petitioner will still be restricted by the requirements set forth in the R1A zoning district as it relates to the front yard setback. In fact, strictly abiding by the applicable front, corner-side, and rear yard

requirements established by the underlying zoning, will allow the Petitioner to shift the proposed home east towards the front lot line, which ultimately improves the current conditions by providing more separation between the Property and the adjacent property, thus ensuring that adequate light and air is preserved for the adjacent homeowners.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to, upon annexation of the Property: (i) zone the Property in the City's R1A Low Density Single-Family Residence District; (ii) approve a deviation from the platted setback; and (iii) such other relief from the Naperville Municipal Code as may be deemed necessary and appropriate to develop the Property.

RESPECTFULLY SUBMITTED this 13th day of June, 2022.

PETITIONER:

Mathieson House, LLC, an Illinois limited liability company

By:



ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
LEGAL DESCRIPTION

THE EAST 130 FEET OF LOT 5 IN BLOCK 10 IN ARTHUR T. MCINTOSH AND COMPANY'S NAPERVILLE ESTATES, BEING A SUBDIVISION OF PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPA MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1927 IN BOOK 17 OF PLATS, PAGE 64 AS DOCUMENTS 236013 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 841 S. Julian Street, Naperville, IL 60540

PIN: 08-19-400-016