

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

PETITION TO THE NAPERVILLE CITY COUNCIL
FOR A PLATTED SETBACK DEVIATION

THE UNDERSIGNED Petitioner, Scott Mathieson (“Petitioner”) respectfully petitions the City of Naperville to (i) approve a Platted Setback Deviation for the property legally described in **Exhibit A** (the “Property”); and (ii) grant such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

BACKGROUND INFORMATION

1. Petitioner is the record owner of the Property, commonly known as 815 S. Julian Street, Naperville, IL 60540, consisting of approximately 0.90 acres of land currently undergoing the construction of a new single-family residence.
2. The Property is located within the Arthur T. McIntosh and Company’s Naperville Estates Subdivision (the “Subdivision”).
3. The Final Plat of Subdivision was recorded in in DuPage County in 1927 as document number R1927-236013 (the “Plat”).
4. The Plat depicts a thirty-three (33) foot setback requirement in the rear yard of the Property.
5. The Property was recently annexed to the City of Naperville and subdivided pursuant to the Plat of Subdivision for M. House Creek Estates recorded as Document No. R2020-1416686 in DuPage County, Illinois (“M. House Plat”).

6. The Property is zoned R1A Low Density Single-Family Residence District, which requires a rear yard setback of 25% of the lot depth, not to exceed 30 feet.

7. The construction of Petitioner's residence meets the R1A rear yard setback requirements.

8. Section 6-2-10:1 of the Code stipulates detached accessory structures shall not be located within five (5) feet of any rear or interior side lot line.

9. Petitioner is proposing to construct a pool, cabana, a deck and patio in the rear yard, which will meet the City's setback requirement for detached accessory structures as depicted on Exhibit B attached hereto.

10. Adjacent properties who were originally subject to the 33' platted setback requirement have all since abrogated said setback as follows:

a. 716 Woodlawn Ave. pursuant to the Sieberts Woodlawn Avenue Subdivision plat recorded as Document No. R2012-021499 in DuPage County, Illinois

b. 616 Driftwood Court pursuant to the Avere Subdivision plat recorded as Document No. R2007-111383 in DuPage County, Illinois

c. 612 Driftwood Court pursuant to the Avere Subdivision plat recorded as Document No. R2007-111383 in DuPage County, Illinois

11. The Petitioner seeks a deviation from the rear yard platted setback line in order to redevelop the Property consistent with current zoning ordinances and the character of surrounding properties.

12. The Petitioners' proposed development is consistent with the existing land use, surrounding residential uses, the City's Comprehensive Plan and will allow the Petitioner to utilize

the Property in a manner that is compatible with the surrounding environment and to its highest and best use.

A DEVIATION FROM THE SUBDIVISION REGULATIONS OF THE PLATTED

SETBACK REQUIREMENT

In support of Petitioner's request for a Platted Setback Deviation from thirty-three (33) feet, the Petitioner sets forth the following findings of fact:

(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; and

Strict adherence to the historic platted setback line would require Petitioner to situate their rear yard accessory structures at, or in excess of, thirty-three feet from the rear property line. Generally speaking, the Code permits accessory structures to be located within 5' of the rear yard. Requiring Petitioner to adhere to a 33' rear yard setback would (i) ignore existing violations and/or deviations previously approved by the City; (ii) severely inhibit the usability of the rear yard for private recreational purposes; and (iii) require placement of the rear yard structures behind the existing location of structures on adjacent properties. This situation was not created by the Petitioner, but is a product of historic plat requirements dating back to 1927.

The properties immediately adjoining the Property (616 Driftwood Court, 612 Driftwood Court, and 716 Woodlawn Avenue) have all since abrogated the 33' building setback line. The property located at 716 Woodlawn Ave. was granted a platted setback deviation by the City pursuant to Ordinance No. 11-184. In the ordinance for 716 Woodlawn Ave., the City specifically acknowledged that abrogation of the thirty-three (33) foot platted setback requirement set forth in the Plat reflects the prevailing physical characteristics of the neighborhood. For the foregoing reasons, strict adherence to the provisions of this Title would cause unnecessary hardship due to

unique conditions (90 year old platted setback) not caused by Petitioner.

(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 thirty-three (33) foot rear yard setback is approved, Petitioner will still be restricted by the requirements set forth in the R1A zoning district as it relates to the home setback and any attached accessory structures. All detached accessory structures must still maintain a distance of 5 feet from the rear property line pursuant to the Code, which Petitioner wholly complies with pursuant to the plans depicted on Exhibit B. The applicable side and rear yard requirements established by the underlying zoning, will ensure that adequate light and air is preserved for adjacent homeowners. As evidenced by the previous approvals granted, existing homes immediately adjacent to the Property do not respect the thirty-three (33) foot platted setback as the City previously granted the abrogation for said setback to these adjacent properties. There is no uniformly respected building line along these properties under the Plat such that granting the deviation would be contrary to the intent and purposes of the zoning ordinance.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Naperville City Council and Plan Commission take the necessary steps to approve a Platted Setback Deviation at the Property; and (ii) grant such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

Respectfully submitted this 28th day of July, 2021.

Petitioner:

By: Cristi G. Cook
Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 2 OF M HOUSE CREEK ESTATES OF PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDIGN TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. R2020-116686 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 815 S. JULIAN STREET, NAPERVILLE, IL 60540

PIN: 08-19-400-034

EXHIBIT B



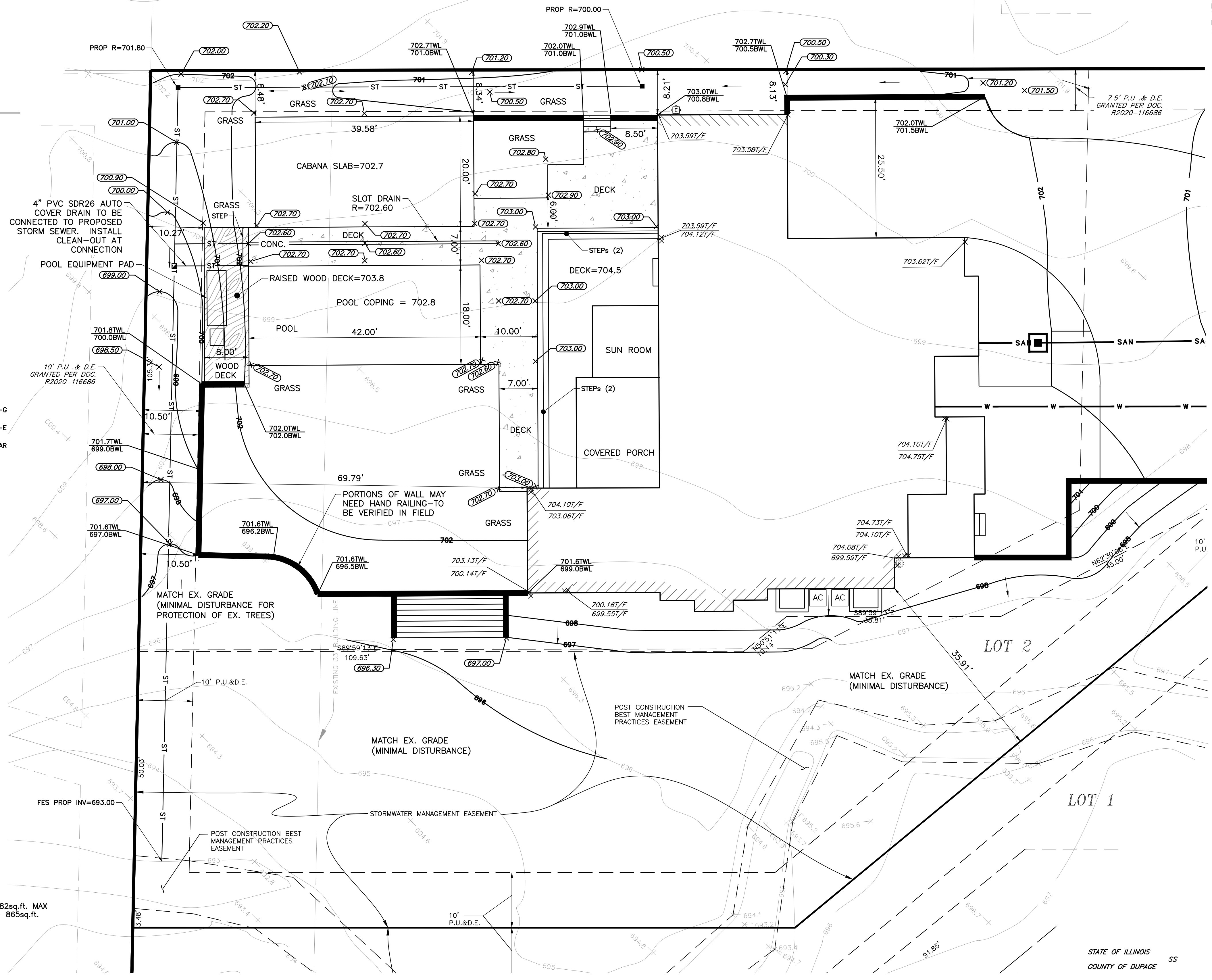
SCALE IN FEET
0 10 20

LEGEND

PROPOSED	EXISTING	DESCRIPTION
		MANHOLE
		CATCH BASIN
		INLET
		VALVE & VAULT
		VALVE & BOX
		FIRE HYDRANT
		CLEANOUT
		BUFFALO BOX
		STREET LIGHT
		BOLLARD LIGHT
		LIGHT STANDARD
		GROUND FLOOD LIGHT
		UTILITY POLE
		GAS VALVE
		GAS METER
		TELEPHONE MANHOLE
		TELEPHONE PEDESTAL
		ELECTRIC MANHOLE
		ELECTRIC DUCTBANK MANHOLE-G
		ELECTRIC DUCTBANK MANHOLE-E
		ELECTRIC DUCTBANK SWITCHGEAR
		ELECTRIC PEDESTAL
		ELECTRIC METER
		AIR CONDITIONER
		ELECTRIC HAND HOLE
		CABLE TELEVISION PEDESTAL
		ROADWAY/HANDICAP SIGN

POOL PLAN 815 S. JULIAN STREET

LEGAL DESCRIPTION:
LOT 2 OF M HOUSE CREEK ESTATES, BEING A PART OF SECTION 19,
TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL
MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER
2020-116686, ALL IN DUPAGE COUNTY, ILLINOIS



GENERAL CONSTRUCTION NOTES:

- ALL BACK YARD SWALES SHALL BE CUT OR FILLED SIX (6) INCHES BELOW FINISHED GRADE.
- TOPSOIL SHALL BE REMOVED FROM ALL AREAS THAT RECEIVE CLAY FILL.
- THE FINISHED TOPSOIL ELEVATION AT THE FOUNDATION SHOULD GENERALLY BE 6 INCHES BELOW THE TOP OF FOUNDATION ELEVATION, UNLESS INDICATED OTHERWISE.
- THE TOPOGRAPHIC INFORMATION DEPICTED ON THE PLANS IS ON A LOCAL DATUM. THE FOLLOWING CONVERSIONS CAN BE USED TO RELATE TO THE FUTURE "EAST HIGHLANDS SUBDIVISION IMPROVEMENT PLANS" BY ERA AND TO NAVD 88. CONVERSION FROM LOCAL DATUM TO ERA/NAVD88 = + 0.63'
- FOR STREAM STABILIZATION, SEE "RIPARIAN ENHANCEMENT LANDSCAPE PLAN" PREPARED BY GARY R. WEBER ASSOCIATES, INC. DATED JUNE 3, 2020.
- FOR SOIL EROSION AND CONTROL MEASURES, IMPERVIOUS CALCULATIONS, DETAIL SHEETS, NOTES AND TREE PROTECTION INFORMATION NOT SHOWN HEREON, SEE FINAL ENGINEERING FOR "M HOUSE CREEK ESTATES" REVISION DATE 06/30/20, PREPARED BY CEC.
- THE LIMITS OF THE PROPOSED MODULAR BLOCK RETAINING WALL INDICATE LINE AND GRADE NECESSARY TO CONFORM WITH THE PROPOSED GRADES. CEC OFFERS NO OPINION ON THE PRODUCT SELECTED OR ITS DESIGN.
- THE PROPOSED IMPERVIOUS AREA HAS PREVIOUSLY BEEN ACCOUNTED FOR IN THE OVERALL SITE MASTER GRADING PLAN (SEE #6 ABOVE) IMPERVIOUS CALCULATIONS. ORIGINAL TOTAL IMPERVIOUS DESIGN = 24,500sq.ft., LOT 1 AND LOT 2 TOTAL PROPOSED IMPERVIOUS = 23,020sq.ft.
- POOL DESIGN, SPECS AND NOTES BY ANCHOR SPA AND POOL.

REAR YARD SETBACK IMPERVIOUS CALCULATION

TOTAL AREA OF REAR YARD (WITHIN 30' BSL) - 5,128sq.ft. / 1,282sq.ft. MAX
TOTAL AREA OF PROPOSED IMPERVIOUS AREA WITHIN REAR YARD - 865sq.ft.

REFERENCE BENCHMARKS

- NAPERVILLE MONUMENT #1: BERNSTEIN 3D MONUMENT AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CHARLES STREET AND CHESHIRE AVENUE.
(NAVD 88) ELEVATION= 733.75

PROJECT BENCHMARKS

- CUT CROSS ON THE TOP OF CURB AT MIDPOINT OF THE NORTHWEST CURVE RETURN OF GARTNER AND JULIAN.
(NAVD 88) ELEV.= 710.83
- SET IRON PIPE WITH CAP 3 FEET WEST OF EDGE OF PAVEMENT 68 FEET NORTH OF SOUTH PROPERTY LINE.
(NAVD 88) ELEV.= 708.51

THE TOPOGRAPHIC INFORMATION DEPICTED ON THE PLANS IS ON A LOCAL DATUM. THE FOLLOWING CONVERSIONS CAN BE USED TO RELATE TO THE FUTURE "EAST HIGHLANDS SUBDIVISION IMPROVEMENT PLANS" BY ERA AND TO NAVD 88. CONVERSION FROM LOCAL DATUM TO ERA/NAVD88 = + 0.63'

LINE TYPE LEGEND

PROPOSED	EXISTING	DESCRIPTION
		BOUNDARY
		LOT LINE
		CENTER LINE
		RIGHT OF WAY
		EASEMENT LINE
		BUILDING LINE
		SECTION LINE
		UNDERLYING LOT LINE

STATE OF ILLINOIS SS
COUNTY OF DUPAGE

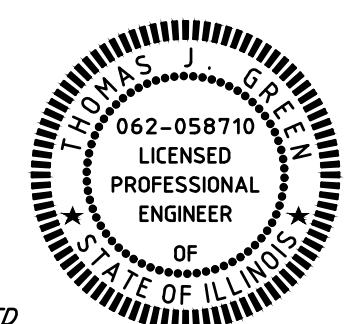
I, THOMAS J. GREEN, AN ILLINOIS PROFESSIONAL ENGINEER, HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC., ILLINOIS LICENSED PROFESSIONAL DESIGN FIRM NO. 184.040402, LICENSE EXPIRES APRIL 30, 2021, UNDER MY PERSONAL DIRECTION FOR THE EXCLUSIVE USE OF THE CLIENT NOTED BELOW. REPRODUCTION OR USE BY THIRD PARTIES IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED.

GIVEN UNDER MY HAND AND SEAL THIS 22nd day of APRIL, 2021.

Thomas J. Green

ILLINOIS LICENSED PROFESSIONAL ENGINEER NO. 58710
REGISTRATION VALID THROUGH NOVEMBER 30, 2021
(NOT VALID WITHOUT SIGNATURE)

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*HAND SIGNATURE ON FILE



REVISION RECORD

NO.	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
1230 East Diehl Road, Suite 200 - Naperville, IL 60563
630-963-6026 - 877-963-6026
www.cecinc.com

M-HOUSE DEVELOPMENT
M HOUSE CREEK ESTATES
815 SOUTH JULIAN STREET
NAPERVILLE, ILLINOIS 60540

M HOUSE CREEK ESTATES
815 S JULIAN
POOL PLAN

DATE	DRAWN BY	CPIV	TJG
APRIL 16, 2021	AS SHOWN	191-272	