

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 AT 806 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 R1 Low Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; 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 Owners of the Property are Simon Frisch and Mona Gandhi (“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 Owners to construct a custom home on the Property.
4. The Subject Property is zoned R-4 in unincorporated DuPage County and consists of one (1) lot totaling approximately 0.53 acres.
5. The existing land uses surrounding the Property are as follows:
  - a. North: R1A single family residential
  - b. East: R1 single family residential
  - c. South: Unincorporated DuPage County

d. West: Unincorporated DuPage County

**APPROVAL OF REZONING TO R1**

6. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned R1, 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 are zoned R1A and the incorporated properties to the east are zoned R1. The adjacent properties not yet incorporated to the City of Naperville are zoned for residential use in DuPage County. In addition, Naperville's comprehensive plan addressing the East Sector designates the future land use for the Property for residential land use.

*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 R1 and R1A in the City of Naperville. 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 R1, 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 R1 is consistent with the single-family residential character of the neighborhood. The surrounding 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 PRELIMINARY AND FINAL PLAT OF SUBDIVISION**

8. Petitioner seeks approval of a Preliminary and Final Plat of Subdivision, a copy of which has been submitted herewith, to establish easements and create a legal lot of record. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code.

**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 R1 Low Density Single-Family Residence District; (ii) approve a preliminary and final plat of subdivision; and (iii) such other relief from the Naperville Municipal Code as may be deemed necessary and appropriate to develop the Property.

**RESPECTFULLY SUBMITTED** this 5<sup>th</sup> day of January 2021.

PETITIONER:

Mathieson House, LLC, an Illinois limited liability company

A handwritten signature in cursive script, appearing to read "Cate E. Paley".

By:

---

ROSANOVA & WHITAKER, LTD.  
ATTORNEY FOR PETITIONER

**EXHIBIT A**  
**LEGAL DESCRIPTION**

LOT 2 (EXCEPT THE EASTERLY 100 FEET THEREOF) AND (EXCEPT THE SOUTHERLY 90 FEET THEREOF) IN BLOCK 9 IN ARTHUR T. MC INTOSH AND CO'S NAPERVILLE ESTATES, BEING A SUBDIVISION OF PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1927 AS DOCUMENT 236013, IN DUPAGE COUNTY, ILLINOIS AND ALSO THE SOUTH 7 FEET OF WOODLAWN AVENUE LYING EAST OF THE EAST LINE OF JULIAN STREET EXTENDED NORTHERLY AND WEST OF THE WESTERLY LINE OF THE EASTERLY 100 FEET OF SAID LOT 2 EXTENDED NORTHERLY, ACCORDING TO THE PARTIAL PLAT OF VACATION RECORDED ON FEBRUARY 5, 1998 AS DOCUMENT R1998-022339, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:           806 S. Julian St., Naperville, IL 60540

PIN:                               08-19-401-001