

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

PETITION TO THE NAPERVILLE CITY COUNCIL
FOR A DEVIATION TO A PLATTED SETBACK,
REGARDING THE PROPERTY LOCATED
AT 330 S. WRIGHT STREET, NAPERVILLE ILLINOIS

Brett A. Fessler (hereinafter, the “Petitioner”), respectfully petitions the City of Naperville (hereinafter, the “City”) to grant a deviation to a platted setback to permit a front yard setback of thirty (30’) feet in conformance with the City’s R1-B standard in lieu of the thirty-five feet (35’) as depicted on the Plat of Subdivision for Arthur T. McIntosh & Company’s Naperville Highland Subdivision recorded in Dupage County of January 8, 1926 as Document No. 205844, and such other relief that may be appropriate, all pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter, the “Code”).

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

1. That the Petitioner is the Owners of the Subject Property.
2. That the Subject Property is located in the Naperville corporate boundary and is zoned R1B.
3. That the Subject Property consists of a standard R1B lot with dimensions of 55’ wide by 155’ deep
4. That the existing land uses surrounding the Subject Property are as follows:
 - a. North: Single Family Residential R1-B
 - b. East: Single Family Residential R1-B
 - c. South: Single Family Residential R1-B
 - d. West: Single Family Residential R1-B

5. That the requested deviation from a platted setback meets the requirements and all applicable requirements under the Naperville Municipal Code, Section 7-1-13, and 7-1-8 respectively and is appropriately based on the following factors:

- a. *The Petitioner has shown that deviation request is in harmony with the intent and character of the subdivision, is consistent with the standards of the applicable zoning regulations, that strict adherence to the platted setback would cause unnecessary hardship which is unique to the site and not caused by the Petitioner, and that the requested subdivision deviation is not contrary to the intent and purpose the City's Subdivision Control Ordinance.*

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 Petitioner. The Petitioner's request arises from the fact that the Arthur T. McIntosh & Company's Naperville Highlands Plat of Subdivision recorded in 1926 established a thirty-five foot (35') foot front yard building setback along Wright Street. The City of Naperville's R1-B zoning district provides for a setbacks of thirty (30') feet. The existing home that was built over fifty (50) years ago is setback thirty feet (30') in conformance with the City's R1B zoning standard. The existing home is currently non-conforming with the Plat of Subdivision.

The Petitioner requests the front yard setback deviation at this point in time so that he will be allowed to improve the front of the home with a small porch as depicted on Exhibit A. Without the deviation to the platted setback, the Petitioner will not be permitted to improve the home with the porch as otherwise would be allowed under the City's R1B code. Granting the requested deviation will be an improvement to the existing home, whereby the house will be continue to be setback thirty (30') feet, in conformance with City Code and consistent with the other homes in the area.

The existing home and proposed new porch are consistent with the character of the neighborhood, comprehensive land use plan, and in harmony with the residential intent of the

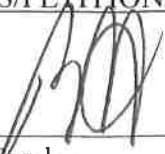
City's R1-B zoning district. In addition, the Petitioner will fully comply with all City R1-B zoning district requirements. It is important to point out that the Petitioner's requested deviation arises not from any City requirements, but from the Arthur T. McIntosh & Company's Naperville Highlands Plat of Subdivision recorded in 1926. The Plat established a building line of thirty-five (35') feet back from the front line of each lot in the subdivision which is inconsistent with the City's thirty (30') foot front yard setback contained in R1-B district zoning ordinance. Therefore, to insure conformance to the City's zoning ordinance and to provide for the construction of a new porch on the Subject Property with adequate area for a usable back yard, the Petitioner is requesting a deviation from the Arthur T. McIntosh & Company's Naperville Highlands Plat of Subdivision's platted front yard setback of thirty-five (35') feet so that the Petitioner may construct the porch pursuant to the City's R1-B front yard setback requirement.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Naperville City Council take the necessary steps to grant the Petitioner's request for a deviation to the front yard platted setback.

RESPECTFULLY SUBMITTED this 6th day of DECEMBER, 2017.

[SIGNATURE PAGE FOLLOWS]

OWNERS/PETITIONERS:



Brett A. Wessler

EXHIBIT "A"

DEPICTION OF PROPOSED PORCH

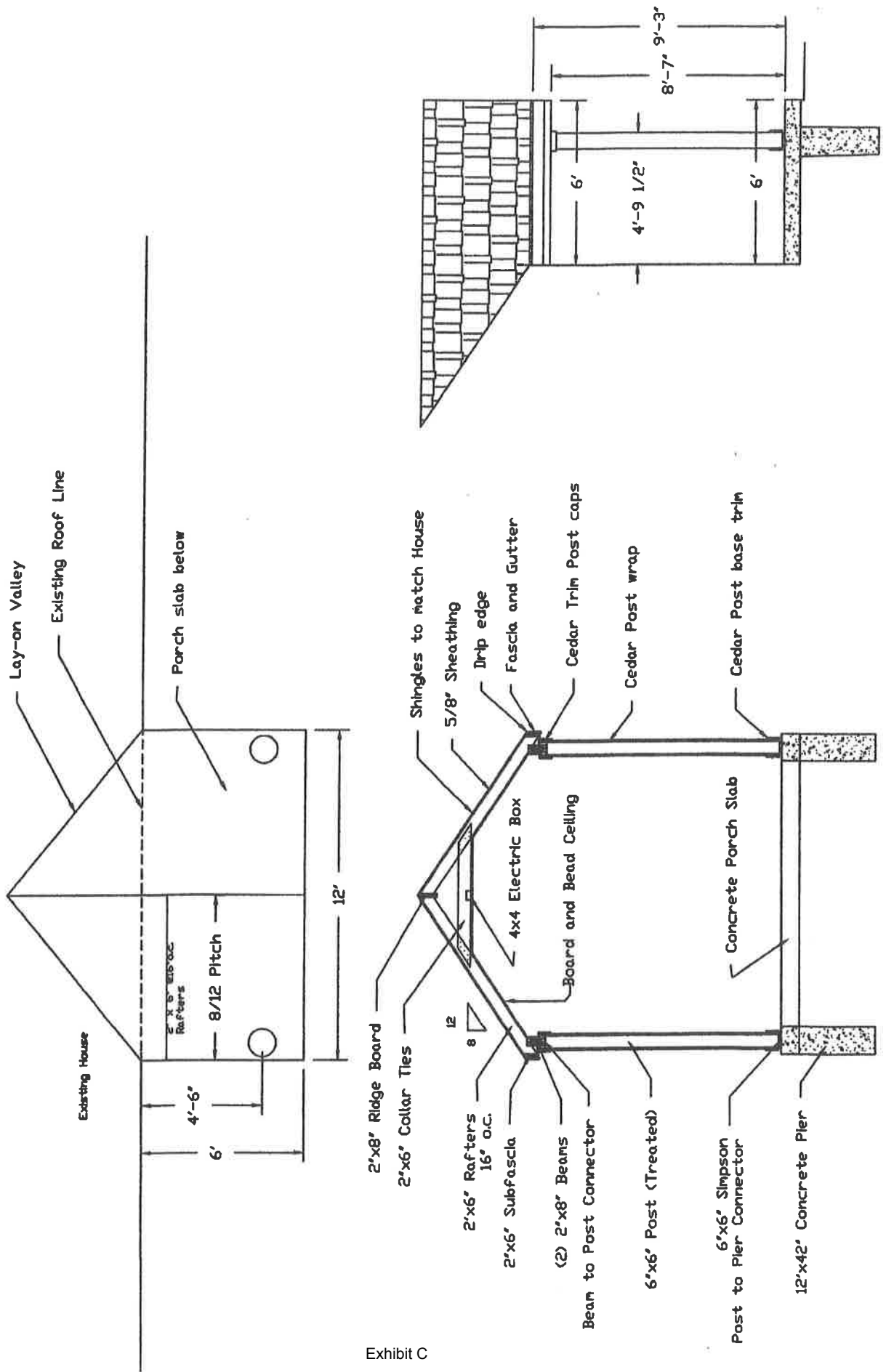


Exhibit C