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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLANING AND ZONING COMMISSION FOR LAND USE ENTITLEMENTS

THE UNDERSIGNED Petitioner, Bartlomiej Kosinski and Karolina Kosinski, as owners of NexGen Realty Solutions, Inc. (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 Petitioner as owner of the Property: (i) zone the Property in the City's R1B Medium Density Single-Family Residence District; (ii) deviation to 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 NexGen Realty Solutions, Inc.

2. As Owner, Petitioner filed a separate petition with the City of Naperville to annex the Property to the City of Naperville ("Annexation Petition").

3. The Petitioner seeks to tear down the existing residence and 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 0.418 acres.

5. The existing land uses surrounding the Property are as follows:

   a. North: R1B single family residential
   b. East: R1B single family residential
   c. South: R1A single family residential
   d. West: R1B single family residential

APPROVAL OF REZONING TO R1B

EXHIBIT C

6. Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests that the Property be zoned R1B, medium 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 of the Code, the Petitioner shall request a zoning classification for the Property upon annexation to the City of Naperville. The requested zoning promotes the public health, safety, comfort, and general welfare by allowing low-density single-family residential use consistent with surrounding properties and existing infrastructure. It promotes orderly development and ensures compatibility with neighboring land uses. Adjacent incorporated properties are zoned a mix of R1B and R1A. In addition, Naperville's Comprehensive Plan designates the future land use for the Property as single-family residential, with applicable zoning districts including E-1, E-2, R1, R1A, R1B, and R2. Accordingly, the request complies with the City's intent for the Property under the Land Use Master Plan.

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 R1B and R1A in the City of Naperville. Specifically, the Property is located one lot east of the Moser Highlands Subdivision, which is completely zoned R1B. Further, the requested zoning will permit the development of a new custom home in keeping with the trend of development in the neighborhood.

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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 R1B, 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 R1B 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.

A DEVIATION FROM THE SUBDIVISION REGULATIONS OF THE PLATTED SETBACK REQUIREMENT

8. The deviation from the subdivision regulations of the platted setback request is appropriate based on following factors:

(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.*

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The Petitioner respectfully submits that strict adherence to the platted 40-foot building line along Columbia Street would cause unnecessary hardship due to unique site conditions. The subject property is located at the corner of Parkside Road and Columbia Street. With a front property line of 91 feet, the lot is subject to the combined requirements of the 15-foot corner setback and the 6-foot side setback under the Naperville R1B zoning. The current 40-foot building line along Columbia Street required by the Arthur T. McIntosh and Company's Naperville Estates Subdivision Plat (R1927-236013) significantly limits the usable space on the property, especially considering its corner location. This restriction prevents the efficient use of the property, making it difficult to construct a home that is compatible with the character of the neighborhood. The hardship is unique to the property, arising from its corner lot location and shape, which is beyond the Petitioner's control.

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

The requested Subdivision Deviation to reduce the 40-foot building line along Columbia Street to the 15-foot corner setback required under the Naperville R1B zoning is not contrary to the intent and purpose of the provisions of the Title. The surrounding properties, including those along Parkside Road and Columbia Street, are developed with single-family homes subject to similar setback requirements under the R1B and R1A zoning districts. Reducing the corner setback to 15 feet would not negatively impact the established residential character of the neighborhood. It would allow the Petitioner to build a custom home that is consistent with the existing development patterns. Additionally, City staff has expressed support for the platted setback deviation, recognizing that the 40-foot building line exceeds the 15-foot corner setback required under Naperville R1B zoning. This requested deviation aligns with the City's goals of promoting

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reasonable, context-sensitive development while preserving the integrity of the surrounding neighborhood.

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 R1B Medium Density Single-Family Residence District; (ii) deviation to 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 17 day of April 2025.

PETITIONER:

Bartlomiej Kosinski and Karolina Kosinski,
as owners of NexGen Realty Solutions, Inc. By:

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EXHIBIT A
LEGAL DESCRIPTION

The west 91 feet of Lot 3, in Block 4, 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 Principal Meridian, according to the plat thereof recorded May 20, 1927 as document 236013, in DuPage County, Illinois.

ALSO KNOWN AS: LOT 4 IN JOHN C. LUEBKE'S SURVEY, IN PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 08-19-219-001
Common Address: 706 Parkside Road, Naperville, Illinois 60540

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