

**DEVIATION TO ELIMINATE THE 30' PLATTED SETBACK ALONG WESTINGS  
AVENUE**

- 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.*

The Petitioner's request arises from the fact that the CityGate Centre Plat of Subdivision recorded in DuPage County as document no. R2000-110800 depicted a thirty (30') foot building front setback line along Westings Avenue. Notably, the City of Naperville's OCI zoning district requires a twenty foot (20') setback along Westings, not a thirty foot (30') setback as platted years ago. As a result compliance with the existing subdivision plat would require the Petitioner to shift the buildings back an additional ten feet (10'), inconsistent with the City's current zoning code which would in turn reduce the open space and have a negative effect on the overall development. Lastly it is important to note that the only areas in which the deviation is sought is at the southeast and southwest corners of the property with the majority of the building meeting and considerably

exceeding the thirty foot (30') platted setback due to the curved nature of Westings Avenue.

- b. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this title.*

Without the deviation to the platted setback, the proposed building would have to be constructed further away from Westings Avenue negatively impacting the open space areas. Instead, granting the requested deviation will be an improvement to the existing use, whereby the building will be setback twenty feet (20') from Westings Avenue consistent with the OCI twenty foot (20') front yard setback.

- c. The requested deviation will contribute to a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit, or would enhance the community vitality through the inclusion of attainable or barrier free housing.*

The proposed development is consistent with the overall objectives of the City to enhance the housing stock for our population as well as our local economy. The proposed development will also allow for underperforming land to be utilized for its highest and best use in turn enhancing the City's property tax bases while providing a buffer to the adjacent residential uses.