

CITY OF NAPERVILLE
ZONING VARIANCE FORM

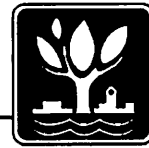


Exhibit A

ADDRESS OF SUBJECT PROPERTY: 406 S. Julian

PARCEL IDENTIFICATION NUMBER (PIN): 08-19-203-001

I. PETITIONER: Legacy Woods, LLC

PETITIONER'S ADDRESS: 624 Wellner

CITY: Naperville **STATE:** IL **ZIP CODE:** 60540

PHONE: 630.717.1691 **EMAIL ADDRESS:** jplummer3@msn.com

II. OWNER(S): Same as above

OWNER'S ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

PHONE: _____ **EMAIL ADDRESS:** _____

III. PRIMARY CONTACT (review comments sent to this contact): Leonard M. Monson

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630.420.8228 x6 **EMAIL ADDRESS:** len@kuhnheap.com

IV. OTHER STAFF

NAME: Tim Weissenborn, Torch Architecture

RELATIONSHIP TO PETITIONER: Architect

PHONE: 630.420.1900 **EMAIL ADDRESS:** tim@torcharchitecture.com

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ **EMAIL ADDRESS:** _____

CITY OF NAPERVILLE
ZONING VARIANCE FORM



Exhibit A

V. SUBJECT PROPERTY INFORMATION

ZONING OF PROPERTY: R1A

AREA OF PROPERTY (Acres or sq ft): 13,300 sf

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

 Please see attached.

VI. PETITIONER'S SIGNATURE

I, Leonard M. Monson (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

 [Signature]
(Signature of Petitioner or authorized agent)

 11/30/21
(Date)

SUBSCRIBED AND SWORN TO before me this 30 day of November , 20 21

 [Signature]
(Notary Public and Seal)



406 S. Julian

Corner Yard Setback Variance

V. SUBJECT PROPERTY INFORMATION

Detailed Description of Variance:

The Petitioner is requesting a variance to the code required corner yard setback of 30' to a graduated setback of 15' on the northwest corner tapering to a 30' setback at the property line at the northeast corner.

The subject property has three unique physical attributes that directly necessitate the need for this variance; 1) The Subject Property has a larger than normal distance between the property line and the existing location of Porter Street; 2) The Subject Property has an extremely narrow west frontage on Julian Street; and, 3) the depth of the Subject Property increases toward the easterly property line, see attached Site Plan.

Typical distance from back of curb to the property line in the City of Naperville is approximately 19'. On the Subject Property, this distance is greater than 25' at the northwest corner, tapering to 16'-5" at the northeast corner. In other words the granting of the variance would make the distance from the street to the home consistent, and not less than what already exists on neighboring properties.

With the property being a trapezoid shape, if the 30' corner yard setback was strictly adhered to, the building envelope at the western set back line would be a very narrow 27.5 feet, which is very inconsistent with the existing structures in the area.

With the Subject Lot increasing to the east, and the distance from the street to the property line decreasing to the east, the granting of the "tapering" variance would provide a setback from the street and sight lines consistent with existing structures and the surrounding area.

Unique Physical Char's, support the granting of the variance w/o a detrimental impact on the existing sight lines.

406 S. Julian

**Standards for Granting a Zoning Variance
Section 6-3-6:2**

- 1. The variance is in harmony with the general purpose and intent of this title and the adopted comprehensive master plan; and,**

The general purpose and intent of the Ordinance is to provide for adequate distance from the roadway and consistent sight lines along the street. Typical distance from back of curb to the property line in the City of Naperville is approximately 19'. On the Subject Property, this distance is greater than 25' at the northwest corner, tapering to 16'-5" at the northeast corner. In other words the granting of the variance would make the distance from the street to the home consistent, and not less than what already exists on neighboring properties.

Therefore, the requested variance would be in harmony with the general purpose and intent of the Ordinance.

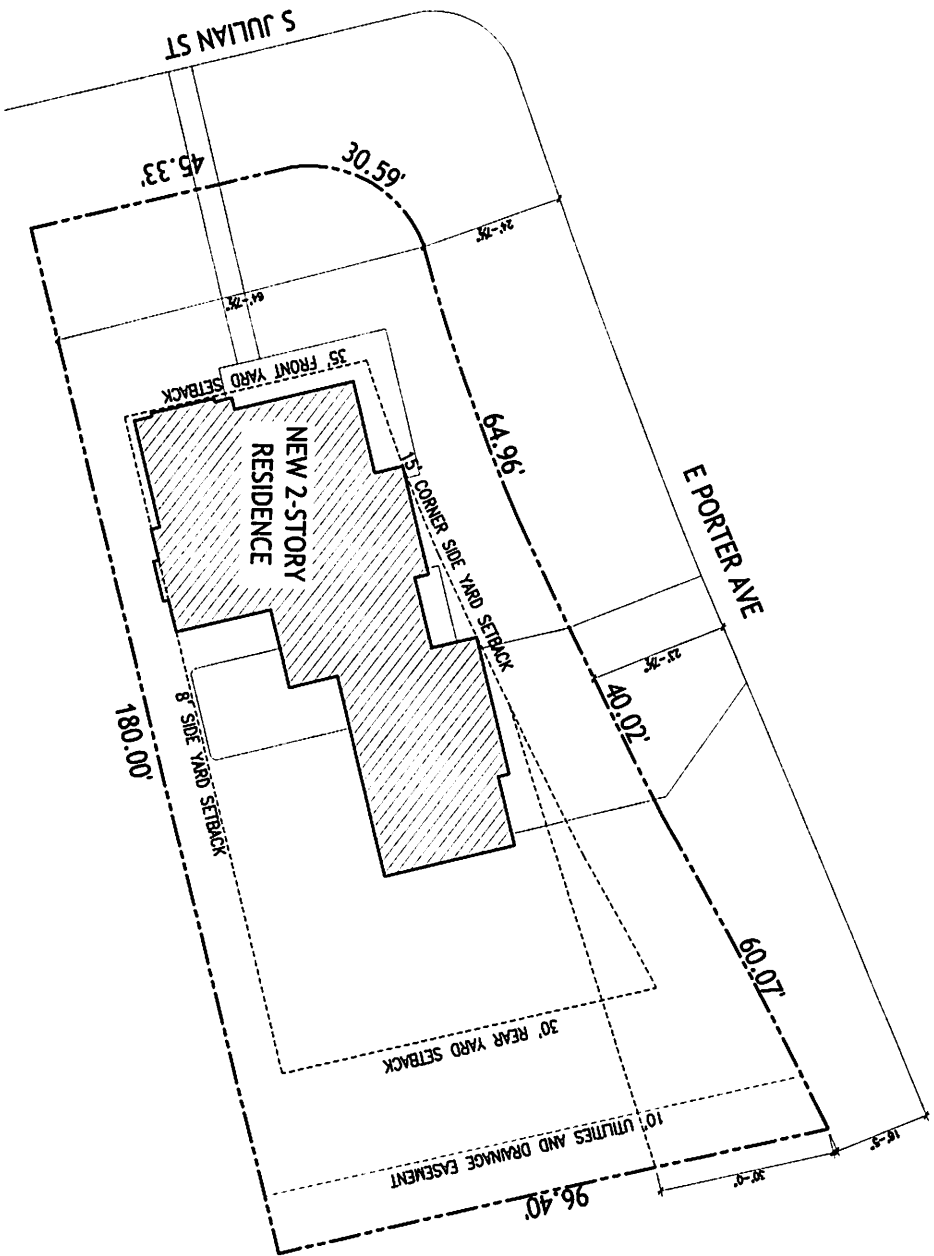
- 2. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and,**

Strict enforcement would cause the distance from the home to the roadway to be inconsistent with the existing homes in the area and limit the home frontage on Julian Street to an unsuitable 27.5 feet. Strict enforcement of the title would impose a hardship on the Petitioner.

- 3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

The unique physical characteristics of the Subject Property create setbacks that are not consistent with the surrounding area. Granting of the variance would make the setbacks consistent with neighboring structures.

Therefore, the granting of the variance request would be consistent with, and not alter, the essential character of the neighborhood.



SITE PLAN
1/32" = 1'-0"

LEGAL DESCRIPTION

406 S. Julian Street

Lot Five (5) in Schiffler Brothers Oak Hills, Being a Subdivision of Part of Sections Eighteen (18) and Nineteen (19), Township Thirty Eight (38) North, Range Ten (10), East of the Third Principal Meridian, According to the Plat thereof recorded on June 4, 1946 as document 499253 and Certificate of Correction recorded on August 26, 1946 as Document 505208, in DuPage County, Illinois.

**CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES**

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1. Petitioner: Legacy Woods, LLC
 Address: 624 Wellner Road
Naperville, IL 60540

2. Nature of Benefit sought: Variance to Corner Yard Setback

3. Nature of Petitioner (select one):

a. Individual	e. Partnership
b. Corporation	f. Joint Venture
c. Land Trust/Trustee	g. <input checked="" type="checkbox"/> Limited Liability Corporation (LLC)
d. Trust/Trustee	h. Sole Proprietorship

4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:


5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 11 (or on a separate sheet):
 - **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
 - **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
 - **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
 - **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
 - **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
 - **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
 - **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:

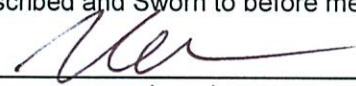
Leonard M. Monson, Kuhn, Heap & Monson, 552 S. Washington, Ste 100, Naperville IL 60540

VERIFICATION

I, Leonard M. Monson (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 3rd day of November, 2021.


Notary Public and seal

