

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION
FOR DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner Kramer Homes, LLC, an Illinois Limited Liability Company, (“**Petitioner**”), owns the property legally described on **Exhibit A**, including property with a common address of 433 Spring Avenue, Naperville, Illinois, (“**Property**”). Petitioner respectfully petitions the City of Naperville (the “City”) to: (i) approve a conditional use for twenty-five (25) townhome style single-family attached dwellings; (ii) grant a deviation from Section 6-6C-7 of the City's Code to permit rear yard setback encroachments along the northern lot line of the Property at Lots 3, 4, and 5 as shown on the site plan submitted herewith; and (iii) approve other such relief from the Code as may be deemed necessary and appropriate to develop the Property in accordance with the plans submitted herewith.

BACKGROUND INFORMATION

1. Kramer Homes, LLC, an Illinois Limited Liability Company, with an office at 433 Spring Ave, Naperville, Illinois 60540, is the Petitioner.

2. Petitioner is a custom home builder in Naperville and has built numerous outstanding custom single-family homes throughout the community. The Petitioner brings extensive real estate development and construction experience, with a proven track record spanning over thirty years in Naperville and the surrounding suburbs. Within the City of Naperville alone, Petitioner has constructed approximately 200 single-family homes, beginning with residences in the prestigious White Eagle community. In addition to residential development, Petitioner has completed multiple retail centers along Route 59 in Naperville, contributing to the

area's commercial growth. Petitioner's principal member, Richard Kramer, also played a key role, in partnership with Frank Kozlowski, in developing the Orchard Woods subdivision on Book Road. Beyond new development, the Petitioner owned and operated a successful home restoration business for many years, overseeing a wide variety of residential and commercial improvement projects. In total, Petitioner has completed roughly 5,000 construction projects throughout Naperville and the surrounding suburbs, reflecting both breadth and depth of experience in the local market.

3. The Property consists of seven parcels totaling approximately 2.31 acres on the northwest corner of Spring Avenue and Mill Street, just south of the train tracks.

4. The Property consisted of a large 30,000 square foot industrial building and three single family homes that had been converted to office use.

5. The Property is residential in nature given the surrounding neighborhood.

6. Petitioner seeks to develop twenty-five (25) townhome style homes with custom architecture on the Property.

7. Property is currently zoned R2.

8. Petitioner seeks approval of a conditional use within R2 zoning.

9. The City's Land Use Master Plan identifies the Property as medium density residential on the future land use plan.

10. The applicable zoning districts identified for Medium Density Residential include the R2 and R3 zoning districts.

11. The Property was previously improved with one light industrial building and three single-family residential homes converted to commercial uses.

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

a. North: BNSF Railway

- b. East: R2 – Naper Auto Works Auto Repair Shop
- c. South: R2 – Duplex homes and residential neighborhood
- d. West: R2 – Ozinga Ready Mix Concrete Supplier

SUMMARY OF DEVELOPMENT

The Property is located at the Northwest corner of Mill Street and Spring Avenue immediately south of the BNSF Railway train tracks. The existing Land Use Plan identifies the current uses as industrial and commercial. In 2007, the City of Naperville (the “City”) prepared the “Spring Avenue Plan” to address the conflicts resulting from the close proximity of the existing residential and industrial uses to foster a cohesive, considerate future land use composition that builds upon the existing strong residential character of the Spring Avenue corridor. The Future Land Use Plan therefore identifies the Property as “Medium-Density Residential.”

The Spring Avenue corridor possesses a unique location within the city that is highly favorable for residential development. The corridor has great potential to act as a model pedestrian environment due to its proximity to a variety of destination uses that cater to foot traffic. Downtown Naperville’s cultural resources, restaurants, and retail attractions are located between 3 and 5 blocks south of the Property.

The proposed development will consist of twenty-five for sale townhome units that will contribute significantly to the transition of Spring Avenue from a commercial/industrial use to a residential one. These three-story units will range in size from 2,900 square feet to 3,400 square feet and each one will include three bedrooms and four bathrooms, a two-car garage and a balcony on the second floor.

The units were designed by Rob Costello at Torch Architecture. Torch is well known throughout the area for their exceptionally high-quality building designs and thoughtful unit

layouts. The units will be constructed with high quality materials comparable to the surrounding residential homes with the goal of wearing well with age and ease of maintenance.

The buildings will feature a brick face and stone cap masonry façade on the first floor with a mix of horizontal and vertical fiber cement panels and trims on the second and third floors. Total area of masonry provided is 50% and the total amount of masonry and fiber cement provided is approximately 99%. The balconies off the second floor will provide residents with an extended outdoor living space. The garage doors are located in the back of the units and all face the interior of the development. The homes will all be part of a common homeowner's association that will be responsible for all exterior maintenance, landscaping and snow removal.

The landscaping is designed to preserve some of the existing trees and integrate the new landscaping to conform with the surrounding neighborhood.

Vehicular access will be provided from Spring Avenue. A Traffic Study has been submitted evidencing the proposed residential use will generate a similar volume of traffic. The Study also notes that the reduction of three driveways to two on Spring Avenue will reduce conflicting traffic movements and improve safety.

Petitioner intends on developing the units for sale. The Property will at all times be part of and operated subject to an association responsible for the governance of certain aspects of the development as set forth in a declaration of covenants and bylaws which shall be recorded with the applicable county recorder.

REQUIRED DEVELOPMENT ENTITLEMENTS – R2 ZONING DISTRICT

1. Petitioner requests approval of a conditional use within the R2 zoning district to allow for single-family attached dwellings.

2. The Petitioner seeks a deviation from Section 6-6C-7 of the City's Code to permit rear yard setback encroachments along the northern lot line of the Property at Lots 3, 4, and 5 as shown on the site plan submitted herewith.

3. The proposed entitlement requests meet all City and State requirements for the development of the Property and will facilitate the beneficial use of the Property as stated below.

APPROVAL OF A CONDITIONAL USE WITHIN THE R2 ZONING DISTRICT

a) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, and general welfare.

The establishment, maintenance, and operation of the proposed townhome development will not be detrimental to, nor endanger, the public health, safety, or general welfare. The project represents a carefully planned and well-designed residential redevelopment that directly advances the City's long-standing planning objectives for the Spring Avenue corridor. The proposed use provides needed and desirable living options and complements the surrounding area while improving the real estate tax base. The Property was previously improved with a large industrial building and three single-family homes that had been converted to commercial office use—uses that are inconsistent with the surrounding residential neighborhood and incompatible with the City's future land use vision for this area.

Redevelopment of the Property into twenty-five (25) for-sale townhome units will replace these outdated industrial and commercial uses with a high-quality residential community that supports neighborhood stability, reinvestment, and improved land use compatibility. The proposed development will reduce the intensity of non-residential activity on the site, eliminate industrial operations, and contribute to a safer and more cohesive residential environment. The Proposed Development will also buffer the neighborhood to the south from the BNSF Railway to the north.

Vehicular access will be provided on Spring Avenue, and a Traffic Study has been submitted demonstrating that the proposed residential use will generate a similar volume of traffic as existing conditions. The study further notes that the reduction of three driveways to two on Spring Avenue and removal of the driveway on Mill Street will reduce conflicting traffic movements and improve safety.

In its Land Use Master Plan, (“Master Plan”), the City noted that common concerns along Spring Avenue included truck traffic, noise related to non-residential uses, pedestrian safety, poor street conditions and property maintenance. The Proposed Development will address each of these concerns positively by reducing truck traffic—and thus wear on the street—decreasing overall weekday traffic to the site, lowering noise from non-residential uses, and ultimately enhancing public safety. Accordingly, the proposed conditional use will promote—rather than impair—the public health, safety, and general welfare.

b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed townhome development will not be injurious to the use or enjoyment of surrounding properties, nor will it substantially diminish or impair property values within the neighborhood. The Property is located within a predominantly residential area, with duplex homes and an established residential neighborhood to the south. The proposed development is specifically designed to be compatible with these nearby residential uses and will provide an appropriate transition from the BNSF Railway to the north and the existing neighborhood to the south.

Architecturally, the townhomes were designed by Torch Architecture under the direction of Rob Costello, a well-established architect recognized for high-quality, context-sensitive design throughout Naperville. The buildings will feature durable and attractive exterior materials,

including a brick face and stone cap masonry façade on the first floor, with fiber cement panels and trim on the upper stories. The proposed development includes cohesive design elements, quality construction, and thoughtful unit layouts intended to wear well over time and maintain strong long-term value.

The proposed development will also replace an underutilized industrial and commercial site with a cohesive residential community, improving the overall character of the area and supporting reinvestment along Spring Avenue. By addressing the City's housing demand while preserving the character of the surrounding area, the Proposed Development advances the City's planning objectives, enhances the utilization of this underdeveloped property, and will have a positive influence on nearby property values by replacing outdated industrial and commercial uses with a high-quality, well-maintained residential community that strengthens neighborhood compatibility and supports long-term reinvestment.

c) The establishment of the conditional use will not impede the normal and orderly development and improvement of adjacent property for uses permitted in the district.

The proposed townhome development will not impede the normal and orderly development or improvement of adjacent property for uses permitted in the district. Rather, the redevelopment of this site into a high-quality residential community will support the continued transition of the Spring Avenue corridor away from incompatible industrial and commercial uses and toward the residential land use pattern envisioned by the City.

The auto repair shop to the east and the concrete manufacturing facility to the west represent nonconforming uses that the City has identified as appropriate candidates for future redevelopment. Approval of the requested conditional use will strengthen the residential character of the Spring Avenue corridor by removing an industrial building and commercial operations from the corridor and replacing them with a compatible, high-quality residential community. In doing

so, the proposed development will help catalyze reinvestment and increase incentives for adjacent property owners to redevelop their properties in a manner consistent with the City's long-term planning objectives. Consequently, the proposed conditional use will promote the normal and orderly development of adjacent properties.

d) The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

The proposed conditional use is not in conflict with the City's adopted Comprehensive Master Plan. In 2008, the City rezoned the Property to the R2 zoning district, and the Petitioner seeks to maintain that designation. The City's deliberate rezoning of the Property to R2 reflects its own planning determination that residential use is appropriate here, and the proposed townhome development is established squarely within that existing classification. The Master Plan reinforces this determination by identifying the Property as "Medium Density Residential" on the future land use plan, a designation for which the R2 district is an applicable zoning district. The proposed development is therefore consistent with both the Property's current zoning and the City's future land use classification, and it implements the City's stated planning objectives for this area.

Further, in the Master Plan the City adopted the Spring Avenue Plan with a goal to address conflicts resulting from the close proximity of residential and industrial uses and to foster a cohesive, considerate future land use composition that builds upon the corridor's strong residential character. The proposed development directly advances this planning intent by redeveloping an underutilized industrial and commercial site into a residential community with custom architecture, quality materials, and long-term maintenance standards.

The Property's proximity to Downtown Naperville and other pedestrian-oriented destination uses further supports the appropriateness of residential development at this location. In summary, the proposed conditional use is consistent with the Property's existing R2 zoning, the

City's adopted plans and policies, and its long-term vision for the Spring Avenue corridor, and represents a high-quality residential redevelopment that will enhance neighborhood character and livability.

**DEVIATION FROM SECTION 6-6C-7 TO PERMIT A REAR YARD SETBACK
ENCROACHMENT ALONG THE NORTH LOT LINES**

The standards for granting a variance under Section 6-3-6:2 are met as follows:

i. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and

The purpose of a minimum rear yard setback requirement is to ensure adequate open space, provide separation between buildings, and preserve light, air, and privacy for surrounding properties. In this case, the subject property is uniquely situated along the BNSF Railway to the north and adjacent to existing commercial and industrial uses to the east and west. The proposed encroachments along the northern lot line — resulting in rear yard setbacks of 14 feet at Lot 3, 22 feet at Lot 4, and 12 feet at Lot 5, in lieu of the required 25 feet — do not undermine these purposes because the railway corridor provides substantial physical separation from adjacent uses beyond what a typical residential rear yard would achieve, and the adjacent non-residential uses are not negatively affected by a reduced setback since there are no privacy or light-and-air concerns in those directions. Furthermore, the City's adopted Land Use Master Plan designates the property for medium density residential development, and the proposed townhome community advances this planning vision by transitioning the corridor away from industrial uses. Accordingly, the requested variance is consistent with the intent of the zoning ordinance and the comprehensive plan.

ii. 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

The subject property presents unusual conditions because it is bounded by the BNSF Railway right-of-way and non-residential uses to the north, rather than typical residential parcels where the rear yard serves as a buffer between homes. The irregular site configuration and transitional nature of the Spring Avenue corridor also create challenges in applying a uniform 25-foot rear yard requirement across all lots. Requiring the full setback would reduce the buildable area at Lots 3, 4, and 5 — which achieve rear yard setbacks of 14 feet, 22 feet, and 12 feet, respectively — without producing any additional benefit in terms of light, air, or privacy, since the abutting land uses are not sensitive residential properties. In effect, applying the strict 25-foot requirement would impose an unnecessary hardship on the development without achieving the public purposes such a standard is designed to provide.

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

The requested variance will not alter the essential character of the surrounding neighborhood. The reduced rear yard setbacks at Lots 3, 4, and 5 face the BNSF Railway corridor and adjacent commercial properties, which eliminates any potential impacts on residential neighbors. The design of the townhomes emphasizes high-quality materials, strong architectural character, and thoughtful landscaping that ensure compatibility with the nearby residential areas to the south. The reduced setbacks also allow for a more cohesive and functional site plan, which is consistent with the Spring Avenue Plan and the City's long-term objectives for this corridor. Rather than creating a detriment, the variance facilitates redevelopment of an underutilized industrial and commercial

site into a high-quality residential community that enhances the neighborhood and supports the City's planning goals.

The requested deviations — permitting rear yard setbacks of 14 feet at Lot 3, 22 feet at Lot 4, and 12 feet at Lot 5 in lieu of the required 25 feet — are reasonable, justified by the unique conditions of the property, consistent with the City's comprehensive planning objectives, and will not negatively impact the neighborhood or adjacent properties.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to: (i) approve a conditional use for twenty-five (25) townhome style single-family attached dwellings; (ii) grant a deviation from Section 6-6C-7 of the City's Code to permit rear yard setback encroachments along the northern lot line of the Property at Lots 3, 4, and 5 as shown on the site plan submitted herewith; and (iii) all other such relief from the Code as may be deemed necessary and appropriate to develop the Subject Property.

RESPECTFULLY SUBMITTED this 26th day of May, 2026.

PETITIONER:

A handwritten signature in black ink, appearing to read "Calvo", is written over a horizontal line.

Calvo Law Offices, P.C. – Attorney for the Petitioner

EXHIBIT A

PARCEL DESCRIPTION

PARCEL 1:

LOT 4 OF OWNER'S ASSESSMENT PLAT OF LOTS 18 AND 19 AND PART OF LOTS 15, 16 17 AND 20 IN BLOCK 1 OF WOODLAWN ADDITION TO NAPERVILLE, IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNER'S ASSESSMENT PLAT RECORDED JUNE 5, 1916 AS DOCUMENT 125409, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

417 W SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216014

PARCEL 2:

LOTS 17 AND 20 (EXCEPT THE NORTH 81.50 FEET AND THAT PART OF SAID LOTS LYING WITHIN OWNER'S ASSESSMENT PLAT RECORDED JUNE 5, 1916 AS DOCUMENT 125409) IN BLOCK 1 OF WOODLAWN ADDITION TO THE VILLAGE OF NAPERVILLE, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1870 AS DOCUMENT 13102, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

433 W SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216013
PIN# 0713216022

PARCEL 3:

LOTS 21 AND 24 (EXCEPT THE NORTH 18.5 FEET) AND LOTS 22 AND 23 IN BLOCK 1 OF WOODLAWN ADDITION TO THE VILLAGE OF NAPERVILLE, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1870 AS DOCUMENT 13102, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

435 W SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216021

PARCEL 4:

LOT 27 (EXCEPT THE WEST 11 FEET THEREOF) AND LOT 25 (EXCEPT THE NORTH 18.5 FEET THEREOF) AND LOT 26 IN BLOCK 1 IN WOODLAWN ADDITION TO THE VILLAGE OF NAPERVILLE, BEING A SUBDIVISION OF PART OF SECTION 13,

TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1870 AS DOCUMENT 13102, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

501 W SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216011

PARCEL 5:

LOT 3 OF OWNER'S ASSESSMENT PLAT OF LOT 18 AND 19 AND PART OF LOTS 15, 16, 17 AND 20, IN BLOCK 1 OF WOODLAWN ADDITION TO THE VILLAGE OF NAPERVILLE, BEING A SUBDIVISION IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN JUNE 5, 1916 IN BOOK 8, OF PLATS, PAGE 68 AS DOCUMENT NO. 125409, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

415 W SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216015

PARCEL 6:

LOT 2 OF OWNER'S ASSESSMENT PLAT OF LOT 18 AND 19 AND PART OF LOTS 15, 16, 17 AND 20, IN BLOCK 1 OF WOODLAWN ADDITION TO THE VILLAGE OF NAPERVILLE, BEING A SUBDIVISION IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN JUNE 5, 1916 IN BOOK 8, OF PLATS, PAGE 68 AS DOCUMENT NO. 125409, IN DU PAGE COUNTY, ILLINOIS.

Property Address:

411 SPRING AVE
NAPERVILLE IL 60540
PIN# 0713216016

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PARCEL 7:

LOT 1 (EXCEPT THE NORTHERLY 16 FEET THEREOF) OF OWNER'S ASSESSMENT PLAT OF LOTS 18 AND 19 AND PART OF LOTS 15, 16, 17 AND 20 IN BLOCK 1 OF WOODLAWN ADDITION TO NAPERVILLE, IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWNER'S ASSESSMENT PLAT RECORDED JUNE 5, 1916 AS DOCUMENT 125409, IN DUPAGE COUNTY, ILLINOIS.

Property Address:

303 N MILL ST
NAPERVILLE IL 60540
PIN# 0713216018