

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

PETITION TO THE NAPERVILLE CITY COUNCIL
FOR A PLATTED SETBACK DEVIATION

THE UNDERSIGNED Petitioners, William Griffin and Rita Griffin (“Petitioners”) respectfully petition the City of Naperville to (i) approve a Platted Setback Deviation from thirty-five (35) feet to thirty (30) feet for the property legally described in **Exhibit A** (the “Property”).

BACKGROUND INFORMATION

1. Petitioners are the record owners of the Property, commonly known as 730 Highland Avenue, Naperville, IL 60540, consisting of a single-family residential home located on approximately 0.18 acres of land.
2. The Property is located within the Arthur T. McIntosh and Company’s Naperville Highlands Subdivision (the “Subdivision”).
3. The Final Plat of Subdivision was recorded in in DuPage County in 1926 as document number R1926-205844 (the “Plat”).
4. The Plat depicts a thirty-five (35) foot front building setback requirement.
5. The Property is zoned R1B Medium Density Single-Family Residence District, which requires a thirty (30) foot front yard setback.
6. The Petitioners seek a deviation from the platted setback line in order to redevelop the Property consistent with current zoning ordinances and the character of surrounding properties.
7. The Petitioners’ proposed development is consistent with the existing land use, surrounding residential uses, the City’s Comprehensive Plan and will allow the Petitioner to utilize

the Property in a manner that is compatible with the surrounding environment and to its highest and best use.

8. This request was previously approved as Ordinance 18-002, however a building permit was not applied for within the required 2 year timeframe. The Petitioners were expecting an employment transfer to the area in 2017 that did not happen before the expiration of the Ordinance approval. The Petitioners are now retiring and are anxious to establish their new residence on the Subject Property.

**A DEVIATION FROM THE SUBDIVISION REGULATIONS OF THE PLATTED
SETBACK REQUIREMENT**

In support of Petitioners' request for a Platted Setback Deviation from thirty-five (35) feet to thirty (30) feet, the Petitioners set forth the following findings of fact:

(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; and

Strict adherence to the historic platted setback line would require Petitioners to situate their new home at, or in excess of, thirty five feet from the front property line. This placement of the new home would (i) ignore existing violations and/or deviations previously approved by the City; (ii) inhibit the usability of the rear yard for private recreational purposes; and (iii) require placement of the home behind the existing location of structures on adjacent properties. This situation was not created by the Petitioners but is a product of historic plat requirements dating back to 1926.

As depicted on Exhibit B, structures located on the properties immediately adjoining the Property both encroach upon the setback line. The Property located at 710 Highland (3 lots west) was granted a setback deviation by the City pursuant to Ordinance No. 08-103. In the ordinance

for 710 Highland, the City specifically acknowledged that the thirty-five (35) foot front yard setback requirement set forth in the Subdivision Plat has not been applied consistently within the Subdivision. For the foregoing reasons, strict adherence to the provisions of this Title would cause unnecessary hardship due to unique conditions (90 year old platted setback) not caused by Petitioner.

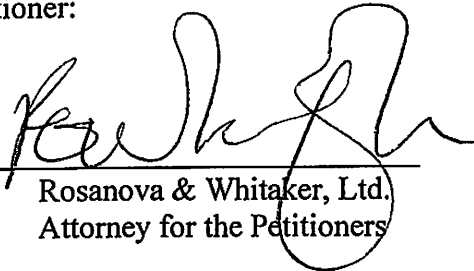
(b) The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this title.

The requested subdivision deviation is not contrary to the intent and purpose of the provision of this title. The underlying purpose of a setback requirement is to (i) ensure property light and air to surrounding properties; and (ii) create a degree of consistency in a neighborhood. Here, in the event that a deviation from the platted thirty-five (35) foot front yard setback is approved, Petitioner will still be restricted by the thirty foot front yard requirement in the R1B zoning district. This underlying thirty foot setback requirement, along with other applicable side and rear yard requirements established by the underlying zoning, will ensure that adequate light and air is preserved for adjacent homeowners. As evidenced by the attached exhibit, existing homes immediately adjacent and along the subject block on Highland Avenue do not respect the thirty-five (35) foot platted setback. There is no uniformly respected building line along this section of Highland Avenue such that granting the deviation would be contrary to the intent and purposes of the zoning ordinance.

WHEREFORE, by reason of the foregoing, the undersigned Petitioners request the Naperville City Council and Plan Commission take the necessary steps to approve a Platted Setback Deviation from thirty-five (35) feet to thirty (30) feet at the Property; and (ii) grant such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

Respectfully submitted this 23rd day of November, 2020.

Petitioner:

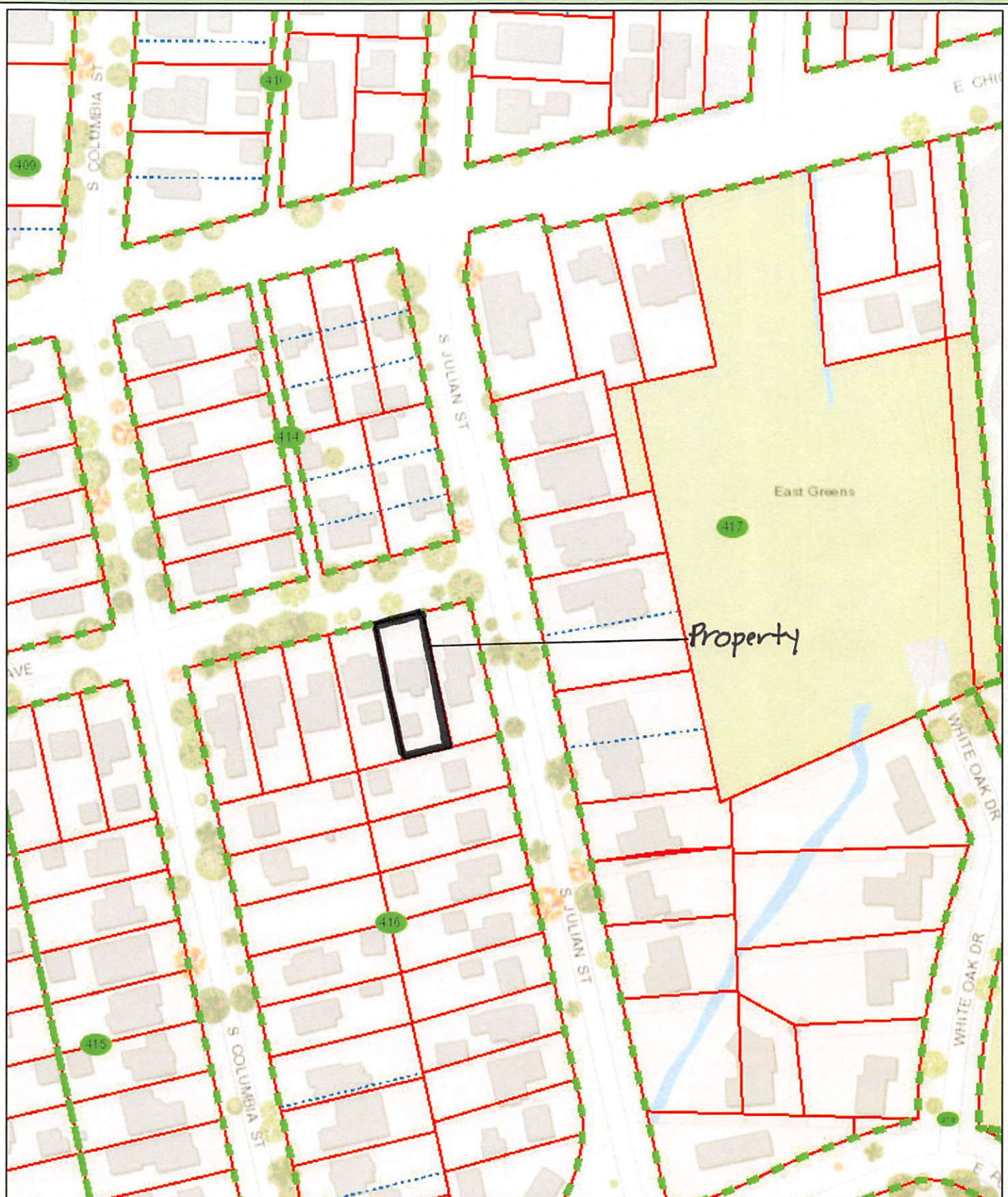
By: 
Rosanova & Whitaker, Ltd.
Attorney for the Petitioners

**EXHIBIT A
LEGAL DESCRIPTION**

LOT 5 IN BLOCK 4 IN ARTHUR T. MCINTOSH AND COMPANY'S NAPERVILLE HIGHLANDS, BEING A SUBDIVISION OF PARTS OF SECTIONS 18 AND 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 8, 1926 AS DOCUMENT 205844, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 730 HIGHLAND AVENUE, NAPERVILLE, IL 60540

PIN: 08-18-416-006



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