

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLANNING AND ZONING  
COMMISSION FOR ENTITLEMENTS REGARDING  
5S659 TUTHILL ROAD, NAPERVILLE, ILLINOIS**

THE UNDERSIGNED Petitioner, Siebert Builders, Inc., an Illinois corporation (hereinafter, the “Petitioner”), respectfully petitions the City of Naperville for: 1) annexation, 2) R1A zoning, 3) approval of a plat of subdivision, 4) approval of a front yard width variance, and 5) such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), with the common addresses of 5S650 Tuthill Road, Naperville, Illinois, and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter, the “Code”).

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. The Petitioner is Siebert Builders, Inc., an Illinois corporation with an address of 1404 Larsen, Naperville, Illinois 60563, and is also the Owner of the Subject Property (“Owner”).

2. The Subject Property consists of 48,172 square feet located on Tuthill Road, south of Plank Road in DuPage County, unincorporated Naperville, Illinois.

3. The existing zoning and land uses surrounding the Subject Property are as follows:

- a. *North:* Unincorporated DuPage County R-3 single family residence district;

- b. *East:* R1A Low Density Single-Family Residence District, improved with single-family homes
- c. *South:* R1B Medium Density Single-Family Residence District, improved with single-family homes
- d. *West:* R1B Medium Density Single-Family Residence District, improved with single-family homes

4. The Subject Property is contiguous to the corporate boundary of the City of Naperville and is occupied by one home.

5. The Petitioner requests annexation to the City of Naperville, subdivision into two lots, R1A Low Density Single-Family Residence District zoning, and approval of a variance from 6-6A-6 of the City's R1A zoning district to permit lot widths of fifty-four feet (54') feet in lieu of the required seventy feet (70').

6. In support of Petitioner's request for annexation, Petitioner has submitted a Petition for Annexation herewith.

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

8. The Petitioner's proposal is consistent with the existing land use, surrounding residential uses, the City's Comprehensive Plan and will allow the Petitioner to utilize the Subject Property in a manner that is compatible with the surrounding environment and to its highest and best use.

9. In support of Petitioner's request for a map amendment to zone the Subject Property as an R1A Low Density Single-Family Residence District, Petitioner represents as follows:

- 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*

The requested R1A zoning will promote the public health, safety, comfort, convenience and general welfare, and will comply with the policies and official land use plan and other official plans of the City. More specifically, in conjunction with the Subject Property's annexation to the City, an R1A zoning designation will promote the general welfare of the City and its residents by increasing the real estate tax base, expanding the corporate boundaries of the City, and providing new housing opportunities in Naperville. Additionally, the requested R1A zoning is consistent with the City's Comprehensive Plan designation for the Subject Property as low-density residential. The R1A zoning of the Subject Property is also compatible with the surrounding properties, which are zoned R1B and R1A.

- b. *The trend of development in the area of the Subject Property is consistent with the requested amendment; and*

The Subject Property is immediately adjacent to properties currently zoned R1A or R1B in the larger neighborhood. As such, an R1A zoning designation for the Subject Property will follow the trend of development in the area. By requesting an R1A zoning designation and developing the Subject Property to comply with the R1A standards, Petitioner seeks to preserve consistency in the zoning of the neighborhood.

- c. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and*

Because the Subject Property is presently unincorporated, the combination of annexation to the City and zoning the Subject Property R1A will permit uses which are subject to, and more in-line with, the City's Zoning Ordinance. Upon subdividing the existing lot, each new lot will be over a half acre in size thus, any concern of increased density is obviated. The four (4)

properties to the south immediately adjacent to the Subject Property, have an average lot size of approximately 10,672 square feet. Lastly, the Subject Property will comply with the ninety (90%) percent rule having a significantly larger lot size than the mean of the single family residential lots within three hundred (300') feet of any point measured from the property line of the Subject Property.

*d. The Subject Property has not been utilized under the existing zoning classification for a substantial period of time; and*

Since the Subject Property is unincorporated, it has not previously been subject to the City's zoning regulations.

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

If granted, the amendment will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property. Rather, an R1A designation will be in-line with the zoning of adjacent properties and with the zoning of the larger neighborhood, as mentioned above. The Petitioner will be constructing new homes on larger lots which will improve the neighborhood significantly. Additionally, the annexation to the City will result in the removal of private wells and septic systems.

10. Petitioner also represents that the requested variance under the Naperville Municipal Code to reduce the front yard width requirement is appropriate based upon the following factors:

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

The requested variance to allow front yard widths of fifty-four feet for the Subject Property, is in harmony with the general purpose and intent of this Title and the adopted comprehensive plan. The R1A zoning standards require front widths of seventy (70') feet. The

purpose of the front yard width requirement is to prevent overcrowding of land. Petitioner's variance request arises from the fact that once the property is subdivided the front yard line widths will measure fifty-four feet. The variance is caused by the uniquely shaped lot. Subdivision of the property yields a front yard width of fifty-four feet while the rear yard widths will be approximately 93.44 feet'. It is important to note that virtually every property immediately to the south of the Subject Property is zoned R1(B) and have fifty (50') foot front yard widths. Additionally, Petitioner will comply with all side yard setback requirements to insure adequate separation. As such, the approval and application of this variance to the Subject Property is in harmony with the general purpose and intent of this Title and the adopted comprehensive plan.

- b. 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.*

Strict enforcement of the seventy (70') foot front yard line width requirements imposes exceptional hardships due to the unique shape of the Subject Property. As stated above, any subdivision of the existing lot yields a front yard width less than required. Strict enforcement prevents Petitioner from annexing to the City and developing land consistent with the City's Comprehensive Plan. The homes would then be constructed in the County, utilizing private wells and septic systems. Without annexation to and subdivision in Naperville, the Subject Property will remain off the municipal tax rolls for the foreseeable future.

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

This variance will not alter the essential character of the neighborhood, nor will it be a substantial detriment to the adjoining property. Approval of this variance will have no effect on the essential character of the neighborhood. Instead, it will permit the existing lot to be

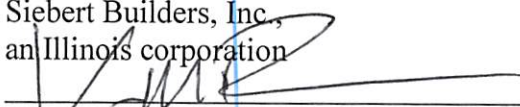
subdivided into large lots of approximately 24,086 square feet each and improved with two new single family homes in harmony with the adjacent neighborhood. The construction of newer homes will enhance the real estate tax base and remove the private wells and sanitary sewers. These new homes will complement and add to the essential character of the neighborhood, creating an overall improvement to the area.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Planning and Zoning Commission take the necessary steps to: 1) annex the Subject Property; 2) zone the property R1A; 3) approve the requested plat of subdivision; 4) grant the required lot width variance; and 5) grant such other variances, departures, deviations or other relief which is deemed necessary to approve the development of the Subject Property as depicted on the plans submitted herewith.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of February 2017.

PETITIONER:

Siebert Builders, Inc.,  
an Illinois corporation

  
\_\_\_\_\_  
Rosanova & Whitaker, Ltd.  
Attorneys for the Petitioner