

Unit 4 Plat”).

7. Subsequently, Lots 277, 278, and 279 under the Breckenridge Unit 4 Plat were consolidated into two (2) lots and identified as Lots 1 and 2 under the Final Subdivision Plat Breckenridge Estates Resubdivision recorded as document number R2000138343 and attached hereto as **Exhibit C** (“Resubdivision Plat”).
8. As duly authorized by the Owners, Petitioner now seeks approval of a Preliminary/Final Plat of Subdivision for Breckenridge Estates Resubdivision No. 2 submitted herewith to resubdivide the Subject Property back to its original configuration of three (3) lots.

SUBDIVISION OF THE PROPERTY

1. Petitioner seeks approval of the Preliminary/Final Plat of Subdivision, a copy of which has been submitted herewith, to subdivide the Subject Property to allow the construction of 3 single family detached homes in conformance with the intent under the Breckenridge Estates Unit 4 Plat.
2. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code with the exception of the deviation requested herein.

APPROVAL OF A SUBDIVISION DEVIATION FROM THE 40’ PLATTED SETBACK

1. Under the Breckenridge Unit 4 Plat, Lot 277 was subject to a 40’ platted setback and Lots 278 and 279 were subject to a 30’ platted setback.
2. Under the Resubdivision Plat, Lot 1 is subject to a 40’ platted setback and Lot 2 is subject to a 30’ platted setback.
3. By way of resubdividing the Subject Property back into three (3) lots, a portion of the 40’ platted setback pursuant to the Resubdivision Plat will extend onto the newly platted Lot

278.

4. This condition results in Lot 278 having both a 30' and a 40' platted setback.
5. Petitioner seeks a deviation from the 40' platted setback upon resubdivision into three (3) lots to impose the same setback requirements as were imposed for the Subject Property pursuant to the Breckenridge Unit 4 Plat.
 - 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.*

Strict adherence to the provisions of this title would cause an unnecessary and exceptional hardship. Under the Breckenridge Unit 4 Plat, Lot 277 had a 40' platted setback and Lots 278 and 279 had a 30' platted setback. Pursuant to the consolidation of the Subject Property under the Resubdivision Plat, Lot 1 maintains a 40' platted setback and Lot 2 maintains a 30' platted setback. By way of resubdividing the Subject Property into its original configuration under the Breckenridge Unit 4 Plat, the "new" Lot 278 will have a 40' platted setback on a portion of the lot and a 30' setback on the remainder of the lot if the setbacks from the Resubdivision Plat are carried over to the proposed resubdivision. This unique condition was not created by the Petitioner and is the result of the consolidation pursuant to the Resubdivision Plat. Accordingly, Petitioner seeks to correct this issue by way of imposing the original setbacks as depicted on the Breckenridge Unit 4 Plat to maintain the original intent and consistency of this neighborhood, which requires the requested deviation from the platted setback as to the new Lot 278.

- 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 proper light and air to surrounding properties; and (ii) create a degree of consistency in a neighborhood. In

this instance, not granting the requested deviation will result in one lot having two different front yard setback requirements, which will ultimately create inconsistency in the neighborhood. This condition will also be contrary to the intent and purpose of the City’s zoning and subdivision ordinances pertaining to setbacks. To resolve this issue, Petitioner seeks the requested deviation which will permit a 30’ front yard setback as to Lots 278 and 279 and a 40’ front yard setback as to Lot 277 due to the curvature in the roadway in this area, which is consistent with the Subject Property’s original state under the Breckenridge Unit 4 Plat. This condition will reflect the original intent for the Subject Property and will ensure the setbacks are consistent with the nature of the overall neighborhood.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City to (i) approve a Preliminary/Final Plat of Subdivision to resubdivide the Subject Property into three (3) lots; (ii) approve a deviation from the platted setback; and (iii) approve such other relief from the City of Naperville’s zoning and subdivision ordinances (the “**Code**”) as may be deemed necessary and appropriate to develop the Subject Property pursuant to the plans submitted herewith.

RESPECTFULLY SUBMITTED this 14th day of March, 2023.

PETITIONER:

M/I Homes of Chicago, LLC, a
Delaware limited liability company

By: 
ROSANOVA AND WHITAKER LTD.
Attorneys for Petitioner