

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A VARIANCE AT 620 N. SLEIGHT STREET**

THE UNDERSIGNED Petitioners, Andrew L. Erickson and Melissa N. Erickson (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant a variance from section 6-6A-7 to permit a minimum 8’ interior side yard setback per the pre 1989 standard for the property legally described on **Exhibit A** and commonly known as 620 N. Sleight Street, Naperville, Illinois (the “Property”); and (ii) such other variances, departures or deviations as may be necessary pursuant to the Naperville Municipal Code (the “Code”) to develop a new single-family residence on the Property.

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

1. The Owners of the Property are Andrew L. Erickson and Melissa N. Erickson (the “Owners” and “Petitioner”).
2. The Property is zoned R1A Low Density Single Family Residence District and consists of one (1) 60-foot-wide lot totaling approximately 0.241 acres, or 10,504 square feet.
3. The existing land uses surrounding the Property are as follows:
 - a. North R1A Detached Single Family Residential
 - b. East R1A Detached Single Family Residential
 - c. South R1A Detached Single Family Residential
 - d. West R1A Detached Single Family Residential
4. The Property was originally platted as one 65-foot-wide lot within the East-Park Addition plat of subdivision recorded on October 16, 1950 as Document No. 607307 in DuPage County, Illinois (“East-Park Plat” or “East-Park Addition Subdivision”).
5. The adjacent property to the south and the subject Property were consolidated into

one (1) lot, with a common address of 610 N. Sleight Street, in accordance with the Preliminary/Final Plat of Subdivision titled Jarrett's Resubdivision which was recorded on September 22, 2008 as Document R2008-143218 in DuPage County, Illinois ("Jarrett's Resubdivision Plat").

6. 610 N. Sleight Street was resubdivided into two lots pursuant to the Preliminary/Final Plat of Subdivision for Waldron Resubdivision which was recorded on December 30, 2020 as Document Number R2020-161894 in DuPage County, Illinois ("Waldron Resubdivision").

7. As part of the Waldron Resubdivision, the Property became an approximately 60-foot-wide vacant lot identified as Lot 1 on the Waldron Resubdivision plat.

8. The lots proximate to the Property generally appear to be improved with 8' side yards.

9. 8' side yard setbacks are consistent with the zoning regulations that would have been applicable to the City's R1A zoning district prior to 1989.

10. Since the Property was consolidated in 2008 and resubdivided in 2020, the Property is now subject to more stringent post-1989 setback requirements.

11. The variance from section 6-6A-7 to permit an 8-foot interior side yard setback meets the requirements for a zoning variance under the Naperville Municipal Code, Section 6-3-6:2 and is appropriate based on the following factors:

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

The intent of the R1A district is to provide single-family areas of a low-density character with lots containing a minimum of ten thousand (10,000) square feet. The Property is approximately 10,504 square feet and is compliant with the intent of the R1A District and the

requested variance will not alter the existing conditions of Property's lot size or low-density character. The Property was originally part of the East-Park Addition Subdivision, which was platted in 1950. In the R1A District, subdivisions for which final plats were applied for prior to January 27, 1989 are subject to an 8 foot interior side yard setback. Many of the surrounding properties still exist in their original 1950 configuration today and are subject to an 8-foot interior side yard setback requirement and granting the variance would ensure harmony and consistency throughout the neighborhood. With 8-foot side yard setbacks, the new home constructed on the Property can be maximized to allow for a less narrow residence and will allow for more light and air to enter into the home, which is in harmony with the intent of the Code.

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; and

The lots proximate to the Property generally appear to be improved with 8' side yards indicating the pre-1989 setbacks are appropriate and consistent with the established character of the neighborhood. The subject Property is unique in that it was consolidated with the adjacent property to the south in 2008 pursuant to the Jarrett's Resubdivision Plat and an approximately 6,000 square foot home was built on the consolidated lot with a rear-loaded garage. The Property essentially became a yard for the home currently located at 610 N. Sleight Street. The Property and 610 N. Sleight Street were subsequently resubdivided pursuant to the Waldron Resubdivision in 2020, which resulted in two separate lots and the Property became a 10,619 square foot lot with a lot width of 60.14 feet. The two lots could not be reverted back to their exact original 1950 condition due to the location of the existing driveway serving the rear-loaded garage on the home at 610 N. Sleight Street. However, it's important to note the Waldron Resubdivision reverted the Property back as close as possible to its original 1950 condition and the general character of the

Property remains consistent with the nature of the adjacent and surrounding properties who benefit from the pre-1989 setbacks and which remain unchanged from their original conditions established in 1950 under the East-Park Plat. The consolidation under the Jarrett's Resubdivision Plat and the resubdivision under the Waldron Resubdivision are circumstances not created by the Petitioner. The intent of the Waldron Resubdivision was to return the consolidated properties to their original state, or as close to their original condition as possible, so as to provide more consistency throughout the East-Park Addition Subdivision. Had the Property not been part of the consolidation with 610 N. Sleight Street under Jarrett's Subdivision, the Property would still exist as one 0.26-acre lot and would be subject to the pre-1989 eight (8) foot side yard setbacks consistent with the surrounding properties in the neighborhood.

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

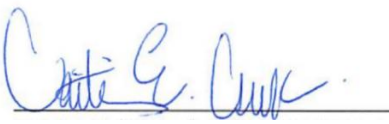
The variance, if granted, will not alter the essential character of the neighborhood. To the contrary, the variance will allow the Petitioner to follow setbacks in harmony with several nearby properties who currently maintain the same pre 1989 setbacks. Accordingly, Petitioner's request will impose no new conditions as the requested variance is in harmony with the well-established character of this neighborhood. In addition, the variance will not be a substantial detriment to the adjacent properties. The Property immediately north located at 630 N. Sleight street currently maintains 8-foot side yard setbacks and the home at 610 N. Sleight Street is located nearly 18 feet away from the shared property line due to the location of the driveway. 610 N. Sleight Street being the exception, a majority of the surrounding properties appear to maintain their original 1950 conditions in terms of lot sizes and setbacks under the East-Park Addition Plat. Accordingly, the variance will neither alter the essential character of the neighborhood nor will it impose a substantial detriment on adjacent properties.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to grant: (i) grant a variance from section 6-6A-7 to permit a minimum 8' interior side yard setback per the pre 1989 standard for the Property; and (ii) such other variances, departures or deviations as may be necessary pursuant to the Code to develop a new single-family residence on the Property.

RESPECTFULLY SUBMITTED this 11th day of July 2022.

PETITIONER:

Andrew L. Erickson and Melissa N. Erickson

By: 

ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 IN WALDRON RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 7 AND THE NORTH 1/2 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 30, 2020 AS DOCUMENT R2020-161894, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 620 N. Sleight Street, Naperville, Illinois

PIN: 08-18-123-035