

PIN:
08-19-218-001

PROPERTY ADDRESS:
706 PARKSIDE ROAD
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case # DEV-0045-2025

ORDINANCE NO. 25 -

**AN ORDINANCE GRANTING A DEVIATION FROM
SECTION 7-1-13 (PLATTED SETBACKS AND BUILDING LINES)
OF TITLE 7 (SUBDIVISION REGULATIONS) OF
THE NAPERVILLE MUNICIPAL CODE
FOR THE PROPERTY LOCATED AT 706 PARKSIDE ROAD**

RECITALS

1. **WHEREAS**, Bartlomiej Kosinski and Karolina Kosinski, as owners of NexGen Realty Solutions, Inc., 9141 South 83rd Avenue, Hickory Hills, IL 60457 ("**Petitioners**" and "**Owners**") are the owners of real property located at 706 Parkside Road, Naperville, Illinois, 60540 legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") and have petitioned the City of Naperville ("**City**") to grant a deviation from Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the Subject Property.
2. **WHEREAS**, the Subject Property was platted in 1927 per Document R1927-136013 with DuPage County with a 40-foot building line along the west property line and is improved with a single-family structure.

3. **WHEREAS**, the existing single-family structure on the property does not comply with the 40-foot platted setback line.
4. **WHEREAS**, the Petitioners intend to demolish the existing single-family structure and construct a new single-family structure on the Subject Property which will encroach into the 40-foot platted setback.
5. **WHEREAS**, per Section 7-1-13 (Platted Setbacks and Building Lines), where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations of the Naperville Municipal Code, the more restrictive requirement shall apply.
6. **WHEREAS**, the Petitioners have requested that the City approve this ordinance (“Ordinance”) approving a deviation from the platted setback, along with ordinances approving an annexation agreement for the Subject Property, annexation of the Subject Property, and rezoning of the Subject Property to R1B (Medium Density Single-Family Residence District) (hereinafter cumulatively referenced herein as the **“706 Parkside Road Ordinances”**).
7. **WHEREAS**, the Subject Property will be rezoned to R1B (Medium Density Single-Family Residence District) upon annexation with approval of the 706 Parkside Road Ordinances.
8. **WHEREAS**, following approval of the requested platted setback deviation, the future residential structure shall comply with the underlying R1B zoning requirements.
9. **WHEREAS**, pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code the requested variance meets the Standards for Granting

a Subdivision Deviation as provided in **Exhibit C** (“**Response to Standards**”) attached hereto.

10. **WHEREAS**, the Petitioner has submitted a Plat of Subdivision to establish the Subject Property as a legal lot of record; said Plat shall be recorded prior to issuance of any building permits of the Subject Property.

11. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioners’ request should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A deviation to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code is hereby granted to allow for a 25-foot encroachment into the 40-foot platted building line for a future single-family structure on the Subject Property, thereby permitting the structure to be built in compliance with the R1B 15-foot corner side yard setback.

SECTION 3: Any additional encroachments into the zoning setback and/or the platted building line other than those approved by this Ordinance shall require a separate variance and/or deviation to be processed.

SECTION 4: The deviation approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in

this Ordinance has been started within two (2) years from the effective date of this Ordinance.

SECTION 5: This deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

SECTION 7: If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioners shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 8: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the DuPage County Recorder.

SECTION 9: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk