



CITY OF NAPERVILLE

TRANSPORTATION, ENGINEERING, AND DEVELOPMENT (TED)
BUSINESS GROUP
400 S. Eagle Street
Naperville, IL 60540
www.naperville.il.us

PETITION FOR ZONING VARIANCE

January 1, 2021

TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request a variance from the City of Naperville zoning regulations. Zoning variances are subject to a public hearing before the Planning and Zoning Commission and approval by the Naperville City Council. This Petition for Zoning Variance is available on the City's website at <http://www.naperville.il.us/developmentpetition.aspx>. Questions may be directed to the City of Naperville TED Business Group at DRT@naperville.il.us.

E-Plan Review

"E-plan review" is short-hand for electronic plan review. It is the process of reviewing development submittals in a digital format instead of on paper. All development projects submitted to the City require e-plan review. All plans (e.g., site plan, engineering plans, landscape plans, etc.) and application materials (e.g. parking and traffic studies, application forms, etc.) associated with these projects must be provided to the City of Naperville electronically per the following table:

| Required E-Plan Review Submittals | Format* | Page |
|--|---|-------------|
| Zoning Variance Form (Exhibit A) | PDF File | 5 - 7 |
| Response to Standards (Exhibit B or Exhibit C) | PDF File | 8 - 9 |
| Disclosure of Beneficiaries (Exhibit D) | PDF File | 10 - 11 |
| Legal Description** | MS Word File | N/A |
| Site Plan (e.g., Plat Survey) depicting all existing structures, patios, decks, and proposed structures, additions, signs, and/or fences and the setbacks from lot lines to such improvements (<i>drawn to scale</i>). | PDF File | N/A |
| \$500 application fee | Check payable to the City of Naperville | N/A |

*Submittals must comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).

**It is the petitioner's sole responsibility to verify that the correct legal description including address and PIN(s) is being submitted. Failure to do so may result in additional resubmittals, additional fees, meeting rescheduling, project delays, etc.

OVERVIEW OF ZONING VARIANCE PROCESS

1. Prior to submittal of a Petition for Zoning Variance, please email a brief description of your project to the TED Planning Department at planning@naperville.il.us to determine whether or not a concept meeting is required. A project manager will be assigned to you at this time.
2. Following your concept meeting (if required), prepare a complete Petition for Zoning Variance including all items noted in the Required E-plan Review Submittals table above. All submittals shall comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).
3. Contact your Project Manager to obtain access to Naperville's e-Review Submittal Portal. See the [Naperville E-Review Submittal Instructions](#) for additional details.



4. Electronically submit the complete Petition for Zoning Variance including all items (except for fee) noted in the Required E-plan Review Submittals table above. *Submittals will not be accepted and/or processed until all of the submittal requirements are met.*
5. Drop off a check in the amount of \$500 to the Development Services Counter on the 1st floor of the Municipal Center, 400 S Eagle Street, or mail it to your Project Manager's attention at City of Naperville, 400 S Eagle Street, Naperville IL 60540.
6. Once the completed Petition for Development Approval is accepted, it will be forwarded to City departments (e.g. planning, utilities, engineering, etc.) for review and comment.
7. At the conclusion of the review cycle, if all fees have been paid, the Project Manager will transmit the City's technical review comments to the Primary Contact identified on the Zoning Variance Form (see page 6). Comments may necessitate revisions to plans prior to scheduling the project for a Planning and Zoning Commission (PZC) and/or City Council meeting.
8. Once department review of the Petition is completed, the project will be scheduled for a public hearing before the Planning and Zoning Commission (PZC). The Petitioner will be notified of the hearing date approximately three weeks in advance. City staff will complete newspaper notification requirements; the Petitioner is required to complete mailed notice and posting of a sign on the property (see Public Hearing Information Packet for additional information).
9. Following a public hearing and recommendation by the PZC, the case will be scheduled for City Council consideration. The Petitioner will be notified of the City Council date approximately four weeks in advance of the meeting. A summary of the meeting format for the PZC and City Council is provided on the next page of this packet.
10. Zoning variances are subject to City Council approval. Permits associated with the variance will only be granted upon City Council approval of the variance request.

EFFECTIVE PERIOD OF APPLICATION

Please note that Applications for Engineering Approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the Applicant after the two-year period has expired.



SUMMARY OF PUBLIC MEETING FORMAT

A summary of the meeting format for the Planning and Zoning Commission (PZC) and City Council is provided below. The following is intended to provide a general overview of the format for each meeting; and the role of the Petitioner, City staff, the general public, the PZC, and the City Council. For additional information, please contact your assigned project manager.

PLANNING AND ZONING COMMISSION (PZC)

The Planning and Zoning Commission meeting begins at 7 p.m. (first and third Wednesday's of each month). Prior to the start of the meeting, City staff will be available to provide assistance and answer any questions or concerns. The following is a summary of the meeting format:

- City Staff Presentation – At the start of the public hearing City staff will provide a brief overview of the requested variance.
- Petitioner Testimony – Following City staff's presentation, the Petitioner, attorney representing the petitioner, and/or consultant(s) will have an opportunity to speak. The extent of the Petitioner's presentations varies by case. The Petitioner may provide a presentation, outline key points, or state that they are available for questions only.
- Public Testimony – The public will have an opportunity to provide comments on the case. The PZC Chairman will ask if any member of the audience is present to speak on the case.
- PZC Questions/Comments – Following public testimony (if any), the PZC members will discuss the variance request and may address questions to City staff and/or the Petitioner.
- PZC Recommendation – The PZC will provide a recommendation at the conclusion of their discussion. The recommendation will be forwarded to City Council for final determination. City staff will confirm a City Council meeting date with the Petitioner following the PZC meeting.

CITY COUNCIL

The City Council meeting begins at 7 p.m. (first and third Tuesday of each month). The Petitioner should arrive prior to 7 p.m. to register with the City Clerk's Office in order to 1) speak on the case; or 2) respond to questions only (i.e., no presentation).

The Petitioner or attorneys representing petitioner(s) may speak on an agenda item first and will be allotted up to 10 minutes. Other speakers who have signed up for the agenda item will be allotted up to three minutes to speak.

For additional information about the Naperville City Council, visit the City's website at www.naperville.il.us/government/meet-your-city-council.

ZONING VARIANCE FORM



ADDRESS OF SUBJECT PROPERTY: 1415 HEATHERTON DR.

PARCEL IDENTIFICATION NUMBER (PIN): 0711207001 0000

I. PETITIONER: MATTHIAS & SONIA JEZEK

PETITIONER'S ADDRESS: 1415 HEATHERTON DR.

CITY: NAPERVILLE STATE: IL ZIP CODE: 60563

PHONE: 714/478-9929 EMAIL ADDRESS: matthias.jezek@mac.com

II. OWNER(S): SAME AS ABOVE

OWNER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE: _____ EMAIL ADDRESS: _____

III. PRIMARY CONTACT (review comments sent to this contact): CORY SMITH

RELATIONSHIP TO PETITIONER: ARCHITECT / BUILDER

PHONE: 630/740-9505 EMAIL ADDRESS: corysmithdesigns@gmail.com

IV. OTHER STAFF

NAME: N.A.

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

NAME: _____

RELATIONSHIP TO PETITIONER: _____

PHONE: _____ EMAIL ADDRESS: _____

CITY OF NAPERVILLE
ZONING VARIANCE FORM



Exhibit A

V. SUBJECT PROPERTY INFORMATION

ZONING OF PROPERTY: R1A PUD

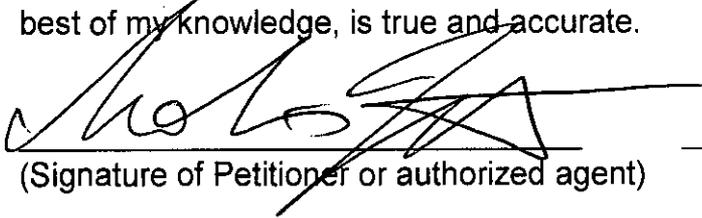
AREA OF PROPERTY (Acres or sq ft): 15,303 SF

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

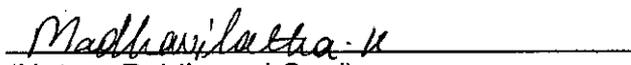
 SEE ATTACHMENT 1 ATTACHED.

VI. PETITIONER'S SIGNATURE

I, _____ (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

 02/08/24
(Signature of Petitioner or authorized agent) (Date)

SUBSCRIBED AND SWORN TO before me this 8th day of FEBRUARY , 20 24

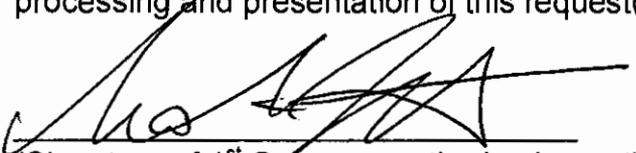

(Notary Public and Seal)

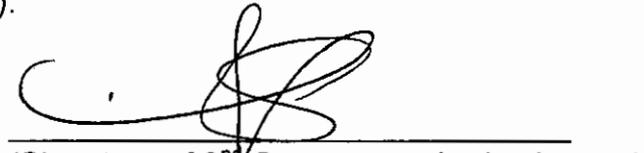




VII. OWNER'S AUTHORIZATION LETTER

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).


(Signature of 1st Owner or authorized agent)


(Signature of 2nd Owner or authorized agent)

02/08/24
(Date)

02-09-2024
(Date)

MATTHIAS JEZER
1st Owner's Printed Name and Title

SONIA FERNANDEZ
2nd Owner's Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 8th day of FEBRUARY, 2024

Madhavi Latha K
(Notary Public and Seal)





January 31, 2024

City of Naperville
Variance Request

Matthias and Sonia Jezek
1415 Heatherton Drive
Naperville, Illinois 60563

Re: Variance Language
Garage Addition

GARAGE ENCROACHMENT INTO BACK YARD SETBACK – REQUESTED VARIANCE

We would like to have permission to build approximately 12'-3" into what is considered the back yard setback at the above referenced location. When the current house was built, the front door was placed facing Farrington Drive yet was given a Heatherton mailing address. It had been assumed by the owner and the surrounding neighbors that the yard adjacent to the garage doors was a side yard.

As you are aware, corner lots are very restrictive when it comes to zoning setback requirements. 3 of the 4 yards are 30' in depth and can limit any possibility of expansion. You can see from the plat of survey that this lot configuration is not a typical corner lot.

The homeowners would like to add a 14'-0" wide x 19' deep 3rd car garage. Approximately 12'-3" will sit in the existing back yard setback leaving 17'-9" to the property line. The total structure area in the setback would be approximately 219 sf. It is understood that a larger detached garage could be built in the back yard and could be located as close as 10' away from the neighbor's property line. However, they want to be good neighbors and not put a large structure that close to their neighbors to the north.



REQUIRED VARIANCE STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

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

Explanation: The Zoning Code seeks to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. A variance is a request to deviate from the standard rules. In this response, you should provide an explanation as to how the overall intent of the zoning code (see Purpose and Intent of the Zoning Code) and the comprehensive master plan (see City's website) will still be maintained if the specific variance you are requesting is granted.

2. 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

Explanation: Explain how your property is different from others that are zoned and used in a similar manner (i.e., other residential lots) and how these differences make it difficult to comply with the standard code requirements. For example, the location of a mature tree on your property may make it difficult to build an addition onto your home in a location that complies with required setbacks. As a result, you may be seeking a variance to locate a portion of the addition within the required setback in order to preserve the tree. In this case, the tree presents a special condition and unusual hardship for your property that makes compliance with the code difficult. Per the code, hardships should not be self-imposed (i.e., "I would simply like a bigger addition than permitted") and should not be financially based (i.e., "It will be too costly to build in compliance with the Code").

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

Explanation: Provide details as to how the requested variance, if granted, will not significantly impact the surrounding properties and neighborhood. Questions to ask yourself when preparing this response may include: Will the variance result in an improvement that is out of character or inconsistent with surrounding properties? Will abutting properties be impacted by the variance I am requesting? If so, what considerations/alterations/conditions have been made to protect the adjacent properties from the proposed improvement? Are other properties in the immediate area improved in a similar manner?

CITY OF NAPERVILLE
PETITIONER/APPLICANT - DISCLOSURE OF BENEFICIARIES

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1. Petitioner: MATTHIAS & SOVIA JEZEK
 Address: 1415 HEATHERTON DR.
NAPERVILLE, IL. 60563
2. Nature of Benefit sought: MINOR RELIEF OF BACKYARD SETBACK FOR GARAGE
3. Nature of Petitioner (select one):

- | | |
|---|---|
| <input checked="" type="radio"/> Individual | <input type="radio"/> Partnership |
| <input type="radio"/> Corporation | <input type="radio"/> Joint Venture |
| <input type="radio"/> Land | <input type="radio"/> Limited Liability |
| <input type="radio"/> Trust/Trustee | <input type="radio"/> Corporation (LLC) |
| <input type="radio"/> Trust/Trustee | <input type="radio"/> Sole Proprietorship |

4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:

5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (or on a separate sheet):

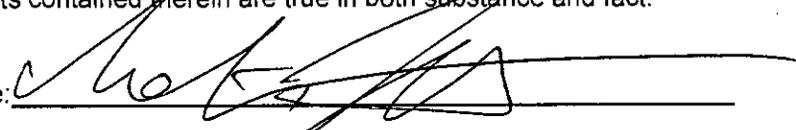
- **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
- **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
- **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
- **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
- **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:

N.A.

VERIFICATION

I, MATTHIAS JEZEK (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 8th day of FEBRUARY, 2024.

Madhavi Latha K
Notary Public and seal



CITY OF NAPERVILLE
PROPERTY OWNER - DISCLOSURE OF BENEFICIARIES

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2. Owner: MATTHIAS & SONIA JEZEK
 Address: 1415 HEATHERTON DR.
NAPERVILLE, IL 60563
7. Nature of Benefit sought: MINOR RELIEF OF BACKYARD SETBACK PER GARAGE
8. Nature of Owner (select one):

- | | |
|---|---|
| <input checked="" type="radio"/> Individual | <input type="radio"/> Partnership |
| <input type="radio"/> Corporation | <input type="radio"/> Joint Venture |
| <input type="radio"/> Land | <input type="radio"/> Limited Liability |
| <input type="radio"/> Trust/Trustee | <input type="radio"/> Corporation (LLC) |
| <input type="radio"/> Trust/Trustee | <input type="radio"/> Sole Proprietorship |

9. If Owner is an entity other than described in Section 3, briefly state the nature and characteristics of Owner:

10. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (or on a separate sheet):

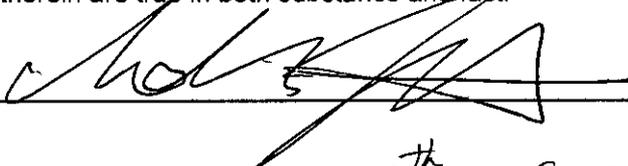
- **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
- **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
- **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
- **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
- **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

11. Name, address and capacity of person making this disclosure on behalf of the Owner:

N.A.

VERIFICATION

I, MATTHIAS JEZEK (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Owner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 8th day of FEBRUARY, 20 24.

Madhavi Kudapa
Notary Public and seal

