

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION**  
**REQUESTING LAND USE ENTITLEMENTS FOR THE PROPERTY AT 7S731**  
**OLESEN DRIVE**

THE **UNDERSIGNED** Petitioner, D.J.K. Custom Homes, Inc., (“**Petitioner**”) respectfully petitions the City of Naperville (“**City**”) to, upon annexation of the property legally described on Exhibit A (“**Property**”) pursuant to a separate petition submitted by the owners of record: (i) zone the Property in the City’s R1A Low Density Single-Family Residence District; (ii) approve a Preliminary/Final Plat of Subdivision (“**Preliminary/Final Plat of Subdivision**”); (iii) approve a variance to City Code Section 6-2-26 to permit a single-family home with a peak height of 43 feet; and (iv) grant such other relief from the City of Naperville Municipal Code (“**Code**”) as may be deemed necessary and appropriate to redevelop the Property.

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

1. Petitioner, D.J.K. Custom Homes, Inc., is the developer of the Property.
2. The Thomas F. Kerrigan Living Trust dated June 20, 2023 and the Margaret V. Kerrigan Living Trust dated June 20, 2023, the beneficial interest of said trusts being held by Thomas F. Kerrigan and Margaret V. Kerrigan, Co-Trustees, are the sole owners of the Property (“**Owners**”).
3. Owners filed a separate petition with the City to annex the Property to the City (“**Annexation Petition**”).
4. The Property is zoned R-3 in unincorporated DuPage County and consists of one (1) lot totaling approximately 1.87 acres.

5. The existing land uses surrounding the Property are as follows:
  - a. North: R-3 Unincorporated DuPage County
  - b. East: R1A Single Family Residential in the City of Naperville
  - c. South: R-3 Unincorporated DuPage County
  - d. West: R1A Single Family Residential in the City of Naperville

### **APPROVAL OF REZONING TO R1A**

Upon annexation of the Property to the City of Naperville, Petitioner respectfully requests the Property be zoned R1A, low density single-family residence district. The rezoning request is appropriate based on the following factors:

- 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*

Pursuant to section 6-5-3 in the Code, the Petitioner shall request a zoning classification for the Property upon annexation to the City. The requested zoning is consistent with both the proposed use of the Property and the existing use of the properties in the immediate vicinity. Adjacent incorporated properties to the east and west are zoned R1A and the adjacent properties not yet incorporated to the City of Naperville are zoned for residential use in DuPage County. In addition, Naperville’s Land Use Master Plan approved on March 1, 2022 (“**Master Plan**”) designates the future land use of the Property as single-family and duplex residential.

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

The trend of development in the area surrounding the Property has been and continues to be single-family residential. Upon annexation to the City, the requested zoning will be consistent with the nearby adjacent properties already incorporated into the City, all of which are zoned R1A. Similarly, the adjacent properties not yet incorporated into the City of Naperville are zoned for

residential use.

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

The existing zoning classification of the Property is R-3 in unincorporated DuPage County. The Petitioner submitted a separate Petition for Annexation to the City of Naperville and upon annexation, Petitioner requests the Property be zoned R1A, which is consistent with the existing zoning designations for nearby and adjacent properties that have been incorporated to the City of Naperville.

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

The Property has never been utilized under a City of Naperville zoning designation as the Property is zoned R-3 in unincorporated DuPage County. Upon annexation to the City, the Code requires Petitioner to request a zoning designation for the Property.

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

As mentioned above, zoning the Property R1A is consistent with the single-family residential character of the neighborhood. The surrounding properties that remain unincorporated are zoned for residential use in DuPage County. All surrounding properties are intended for single-family residential homes, which is the very use for which Petitioner plans to utilize the Property.

### **APPROVAL OF A PRELIMINARY/FINAL PLAT OF SUBDIVISION**

Petitioner seeks approval of a Preliminary/Final Plat of Subdivision, a copy of which has been submitted herewith, to establish easements and create two legal lots of record. The proposed

subdivision meets the standards for a subdivision consistent with the standards set forth in the Code.

**APPROVAL OF A VARIANCE TO CITY CODE SECTION 6-2-26 TO PERMIT A SINGLE-FAMILY HOME WITH A PEAK HEIGHT OF 43 FEET**

Pursuant to City Code Section 6-3-6, any recommendation by the Planning and Zoning Commission and any decision by the City Council with regards to a requested variance shall be predicated on evidence and finding that:

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

The variance is in harmony with the general purpose and intent of this Title and Naperville’s Master Plan. City Code Section 6-6A-8 sets a maximum height of 2.5 stories not to exceed 35 feet (measured to the mean level of the underside of the rafters between the eaves and the ridge) for homes in the R1-A zoning district. While the proposed home complies with this requirement, City Code Section 6-2-26 City Code relating to tear downs sets a maximum peak roof height of 40 feet. Approval of the requested variance to permit a peak height of 43 feet will facilitate annexation and development of the Subject Property with a custom-built single-family home that is consistent with the City’s vision for the Subject Property as set forth in the City’s Master Plan. The Master Plan designates the future land use of the Subject Property as Single Family & Duplex Residential Neighborhood, which designation is consistent with the existing and future use of the Subject Property for single-family homes. The Master Plan’s “Guiding Principle #1” is to ensure housing is diverse, responsive to community needs, and accessible to everybody.” This “includes homes of different types, price points, styles, and densities” – which diversity would extend to varying building heights and architectural design.

- 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*

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. The Property is unique in that it has a substantial grade change as you move from one property line to another. The rear property line has an elevation of approximately 715' while the front property line has an elevation of 694'. City Code requires building height be measured from the grade at the front setback line. If the Property were flat, no variance would be needed. However, due to the grade of the Property and location of where building height must be measured, a variance is required.

- 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 and will not be a substantial detriment to adjacent property. Petitioner intends to redevelop the Property with a custom built home. The requested variance and proposed use are consistent with the existing use of the Property and the properties in the immediate vicinity. Adjacent properties to the east and west are zoned R1A and the adjacent properties not yet incorporated to the City of Naperville are zoned for residential use in DuPage County. In addition, Naperville's Master Plan approved designates the future land use of the Property as single-family and duplex residential.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to, upon annexation of the Property: (i) zone the Property in the City's R1A Low Density Single-Family Residence

District; (ii) approve a Preliminary/Final Plat of Subdivision; (iii) approve a variance to City Code Section 6-2-26 to permit a single-family home with a peak height of 43 feet; and (iv) grant such other relief from the Naperville Municipal Code as may be deemed necessary and appropriate to develop the Property.

**RESPECTFULLY SUBMITTED** this 26th day of January, 2026.

PETITIONER:

**D.J.K. Custom Homes, Inc.**

By:



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ROSANOVA & WHITAKER, LTD.  
ATTORNEY FOR PETITIONER

**EXHIBIT A**  
**LEGAL DESCRIPTION**

LOT 1 IN DRENDEL'S ASSESSMENT PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 29 AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 26, 1956 AS DOCUMENT 821385 AND RE-RECORDED NOVEMBER 23, 1956 AS DOCUMENT 824552, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:           7S731 Olesen Drive, Naperville, IL 60540

PIN:                               08-20-304-001