

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR  
A LOT WIDTH VARIANCE AND A PRELIMINARY/FINAL PLAT OF SUBDIVISION  
FOR THE PROPERTY AT 610 N. SLEIGHT STREET**

**THE UNDERSIGNED** Petitioners, Daniel B. Waldron and Stephanie C. Waldron, Trustees of the Waldron Family 2014 Trust dated May 1, 2014 (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) upon its subdivision, grant a variance from section 6-6A-6 of the City of Naperville Municipal Code (the “Code”) to permit a minimum lot width of sixty (60) feet for the property legally described on **Exhibit A** (the “Property”); (ii) approve a preliminary and final plat of subdivision; and (iii) such other variances, departures or deviations as may necessary and appropriate pursuant to the Code.

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

1. The Owners of the Property are the Petitioners, Daniel B. Waldron and Stephanie C. Waldron, Trustees of the Waldron Family 2014 Trust dated May 1, 2014 (the “Owners”).
2. The Property is zoned R1A low density single-family residence district.
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 two lots 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 Property was resubdivided/consolidated into one (1) lot 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. The Property currently consists of one (1) lot totaling approximately 0.522 acres, or 22,721 square feet.

7. The average lot size of the homes in the East-Park Addition Subdivision is 0.26 acres or 11,325 square feet.

8. Petitioner requests to resubdivide the Property into two (2) lots, consistent with the Preliminary/Final Plat of Subdivision titled “Waldron Resubdivsion” attached hereto as Exhibit B (“Waldron Resubdivision Plat”).

9. The City’s 90% rule as applied to the Property states the proposed lots must be a minimum of 10,169 square feet per lot.

10. Upon resubdivision, the respective lot sizes will be 10,504 square feet and 12,217 square feet, both of which are consistent with the average lot size of the adjacent properties and meets the minimum lot size requirement set forth by the City’s 90% rule.

11. The proposed lot width of the northern lot depicted on the plans submitted herewith is approximately 60.14 feet, and the proposed lot width on the southern lot is approximately 69.86 feet.

12. The East-Park Plat governing the surrounding properties depicts an average lot width of 65 feet.

13. The current Code requires a minimum lot width of 70 feet in the R1A zoning district.

14. It is impossible for Petitioner to subdivide the Property into two lots, each having

a lot width of 70 feet given the size of the Property in its current state and its existing 130-foot lot width.

15. It is Petitioner's intent for the lot width on proposed Lot 1 to be as wide as possible given the location of the existing driveway that will remain on proposed Lot 2 as depicted on the site plan attached hereto as Exhibit C ("Site Plan"), which creates the need for a variance from the minimum lot width requirements on both Lot 1 and Lot 2.

16. The variance from section 6-6A-6 to permit a minimum lot width of 60 feet for Lot 1 and a minimum lot width of 69 feet for Lot 2 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. Petitioner's proposed resubdivision fully complies with the intent of the R1A district as set forth in the Code in that upon resubdivision, the lot size for the northern lot ("Lot 1") will be 10,504 square feet and the lot size for the southern lot ("Lot 2") will be 12,217 square feet. Petitioner seeks to resubdivide the Property into two (2) lots as the Property was originally intended. Had the Petitioner planned to revert the Property to its original lot sizes as when the Property was first platted as part of the East-Park Plat, the lot widths for both Lot 1 and Lot 2 would be 65 feet and thus not compliant with the Cod requirements. Petitioner thoughtfully designed the proposed resubdivision such that at 69.86 feet of lot width, Lot 2 is just under the minimum lot width requirement in the R1A district so as to limit the amount of relief required for the requested resubdivision. At 22,721 square feet, the size of the Property would not permit both lots to have a minimum lot width of 70 feet upon resubdivision. For this reasoning, Petitioner is proposing Lot 2 will have a lot size of approximately

12,217 square feet and a lot width of approximately 69.86 feet, leaving Lot 1 to be approximately 10,504 square feet with a lot width of approximately 60.14 feet.

- 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*

When first platted in 1950, the Property was two lots within the East-Park Plat and subsequently, a previous owner consolidated those two lots into one. This is a circumstance that was not created by the Petitioner. If the Property was never consolidated into one lot, the Property would still exist as two (2) 0.26 acre lots, and both lots would have a lot width of 65 feet, which is not compliant with the Code requirements today. The Property is twice the size of nearly all of the nearby properties within the East-Park Addition Subdivision, and Petitioner merely seeks to return the Property to its original state, or as close to its original condition as possible, so as to provide more consistency throughout the East-Park Addition Subdivision. By doing so, Petitioner requires a variance, which would not otherwise be required had a previous owner not consolidated the Property into one lot pursuant to the Jarrett Resubdivision Plat. Therefore, in lieu of requesting to subdivide the property into two 0.26 acre lots, both of which have lot width of 65 feet (which is the original condition of the Property), Petitioner requests a variance for both lots, which the configuration in turn allows Lot 2 to have a lot width of 69.86 feet, which is as close to the minimum requirement of 70 feet as possible given the existing improvements on the Property as depicted on the Site Plan.

- 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 requested variance will not alter the essential character of the neighborhood. In fact, the variance will permit the Petitioner to restore the Property into two lots: one approximately 0.241 acres and one approximately 0.280 acres, which is consistent with the average lot size of 0.26 acres

for the nearby properties within the neighborhood. In its current state, the Property is twice the size of nearly all properties within the neighborhood and therefore, the requested variance will provide more harmony and consistency throughout the neighborhood and will not be a substantial detriment to adjacent property.

**APPROVAL OF A PRELIMINARY AND FINAL PLAT OF SUBDIVISION**

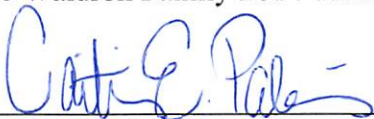
17. Petitioner seeks approval of a Preliminary and Final Plat of Subdivision, a copy of which has been submitted herewith, to create two legal lots of record. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to: (i) upon its subdivision, grant a variance from sections 6-6A-6 of the Code to permit a minimum lot width of sixty (60) feet on the Property; (ii) approve a preliminary and final plat of subdivision; and (iii) such other variances, departures or deviations as may necessary and appropriate pursuant to the Code.

**RESPECTFULLY SUBMITTED** this 16<sup>th</sup> day of October, 2020.

PETITIONER:

Daniel B. Waldron and Stephanie C. Waldron, Trustees  
of the Waldron Family 2014 Trust dated May 1, 2014

By:   
ROSANOVA & WHITAKER, LTD.  
ATTORNEY FOR PETITIONER

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

LOT 1 IN JARRETT'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 59 AND 60 IN EAST-PARK ADDITION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 7, AND THE NORTH ½ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2008 AS DOCUMENT R2008-143218, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:           610 N. Sleight Street, Naperville, IL 60563

PIN:                               08-18-123-034

**EXHIBIT B**

**PRELIMINARY/FINAL PLAT OF SUBDIVISION**





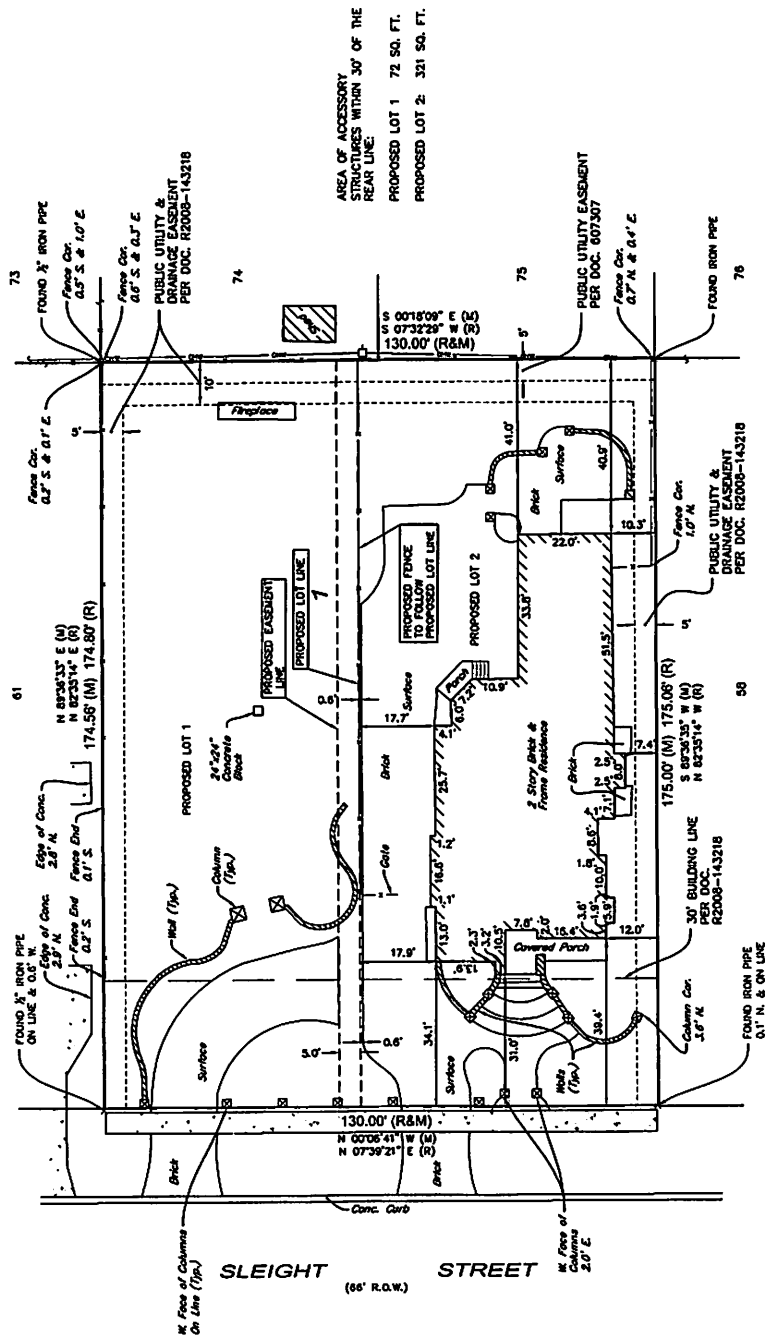
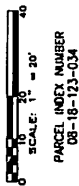
**EXHIBIT C**

**SITE PLAN**

# SITE PLAN EXHIBIT

PROFESSIONAL LAND SURVEYING, INC.  
3080 OGDEN AVENUE SUITE 307  
LISLE, ILLINOIS 60532

PHONE: 630-778-1757  
PROF. DESIGN FROM # 184-004186  
E-MAIL: info@plsi.com



AREA OF ACCESSORY  
STRUCTURES WITHIN 30' OF THE  
REAR LINE:  
PROPOSED LOT 1 72 SQ. FT.  
PROPOSED LOT 2 321 SQ. FT.

## SYMBOL LEGEND

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA
- ⊕ - UTILITY POLE
- OVERHEAD WIRES

## LEGAL DESCRIPTION

LOT 1 IN JARRETT'S RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 59 AND 60 IN EAST-PARK ADDITION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 7, AND THE NORTH 1/2 OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEERING COUNTY, ILLINOIS, BEING PART OF DOCUMENT 2008 AS DOCUMENT R2008-143218, IN DUPAGE COUNTY, ILLINOIS.

PREPARED FOR: WALDRON  
ADDRESS: 10 N. SLEIGHT STREET, WARDVILLE, ILLINOIS  
BOOK & PAGE: DATE: 2/16/2020 JOB NO: 2018166  
DRAWN BY: SNR CHECK BY: GJK  
REVISED: 08/11/20 ADDED PROPOSED FENCE.  
06/11/20 REMOVED FEATURES PER CLIENT MARKUP  
06/22/20 PER CITY REVIEW COMMENTS  
10/09/20 PER CLIENT COMMENTS  
10/16/20 PER CLIENT COMMENTS