

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

PETITION TO THE NAPERVILLE CITY COUNCIL
FOR ANNEXATION, DEVIATION TO A PLATTED SETBACK,
REGARDING THE PROPERTY
AT 656 N. EAGLE STREET, NAPERVILLE, ILLINOIS

Kelleen O’Leary and Nathaniel Savona (hereinafter, the “Petitioners”), respectfully petition the City of Naperville (hereinafter, the “City”) to grant a deviation to a platted setback for the property legally described and depicted in Exhibit “A”, which Exhibit is attached hereto and incorporated herein by reference (hereinafter, the “Subject Property”), to permit a single family home to be constructed with a front yard setback of thirty (30’) feet in conformance with the City’s R1-B Standard and such other relief that may be appropriate for the proposed development, all pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter, the “Code”).

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

1. That the Petitioners purchased the Subject Property on July 10, 2020.
2. That the Subject Property is located in DuPage County, Illinois.
3. That the Subject Property consists of one rectangular shaped lot with dimensions of 49.5’ x 152’ with an area of approximately less than a quarter of an acre and/or approximately 7,524 square feet.
4. That the Subject Property is generally located north of 6th Avenue and west of N. Webster Street.

5. That the Subject Property was platted in 1925 with a 40' building line and was improved with a single-family structure and detached garage.

6. That the Subject Property is zoned R1-B, which only requires a 30' front yard setback.

7. That Petitioners intend to demolish the existing home and detached garage and build a new single-family home, in accordance with the Site Plan (Exhibit B).

8. That the narrow width of the Subject Property along with its overall small size presents difficulty for building a new home.

9. That the existing land uses surrounding the Subject Property are as follows:

- a. North: Single Family Residential R1-B
- b. East: Single Family Residential R1-B
- c. South: Single Family Residential R1-B
- d. West: Single Family Residential R1-B

10. That the requested deviation from a platted setback meets the requirements and all applicable requirements under the Naperville Municipal Code, Section 7-1-13, and 7-1-8 respectively and is appropriately based on the following factors:

- a. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner; and*

Strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner. The Petitioner's request arises from the fact that the subdivision established a forty (40') foot front yard building setback along N. Eagle St. City of Naperville's R1-B zoning district provides setbacks at thirty (30') feet. The Subject Property also has unique constraints, which cause practical difficulties in relation to preserving the forty (40') foot front yard platted setback including the Subject Property's narrow width of 49.5' and overall small size. Therefore, such conditions are generally

conditions are generally not found on other properties in the same zoning district. Without the deviation to the platted setback, the proposed home would have to be constructed at forty (40') feet from N. Eagle St., thereby eliminating an additional ten (10') feet of useable house and back yard area precluding the Petitioner's ability to locate and build a suitable house on the property.

b. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title.

The Petitioner intends to construct a single family detached home on the Subject Property which is consistent with the character of the neighborhood, comprehensive land use plan, and in harmony with the residential intent of the City's R1-B zoning district. The Petitioner will fully comply with all City R1-B zoning district requirements. In addition, several existing homes in the subdivision currently encroach into the 40' platted setback, including one on the same block (619 N. Eagle St.)¹. The encroachment resulting from the proposed single family house will have minimal impact on the neighborhood streetscape and will not be a substantial detriment to the adjacent properties. It is important to point out that the Petitioners' requested deviation arises not from any City requirements, but from the subdivision's plat from 1925. The Plat established a building line forty (40') feet back from the front line of each lot in the subdivision which is inconsistent with the City's thirty (30') foot front yard setback contained in R1-B district zoning ordinance. Therefore, to insure conformance to the City's zoning ordinance and to provide for the construction of a new home on the Subject Property with adequate area for a usable back yard, the Petitioner is requesting a deviation from the subdivision's platted front yard setback of forty (40') feet so that the Petitioner may construct the home pursuant to the City's R1-B front yard setback requirement of thirty (30') feet.

¹ Other neighborhood properties that encroach on the 40' setback include 519 N. Webster St., 533 N. Main St., 846 and 850 N. Main St., 836 N. Main St., 140 W. 5th Ave., and 309 W. Ogden Ave.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the Planning and Zoning Commission and the Naperville City Council take the necessary steps to grant the Petitioner's request for deviation and such other relief as they may deem appropriate for the proposed development.

RESPECTFULLY SUBMITTED this 2nd day of July, 2020.

[SIGNATURE PAGE FOLLOWS]

PETITIONER:

Kelleen O'Leary
Kelleen O'Leary

STATE OF ILLINOIS)

) SS.

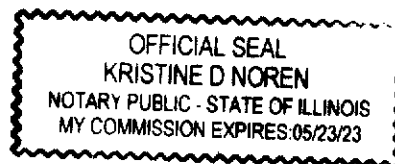
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that KELLEEN O'LEARY, whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument, as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 2 day of July, 2020.

Kristine D Noren

Notary Public



STATE OF ILLINOIS)

) SS.

COUNTY OF DUPAGE)

Nathaniel R. Savona

Nathaniel R. Savona

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Nathaniel Savona, whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument, as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 2 day of July, 2020.

Kristine D Noren

Notary Public

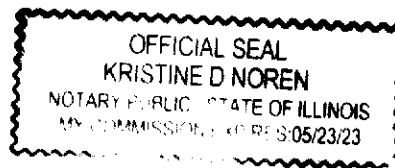


EXHIBIT "A"

LEGAL DESCRIPTION

LOT 221 IN OGDEN AVENUE ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN SECTIONS 12 AND 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2, 1925, AS DOCUMENT 192270, IN DUPAGE COUNTY, ILLINOIS.

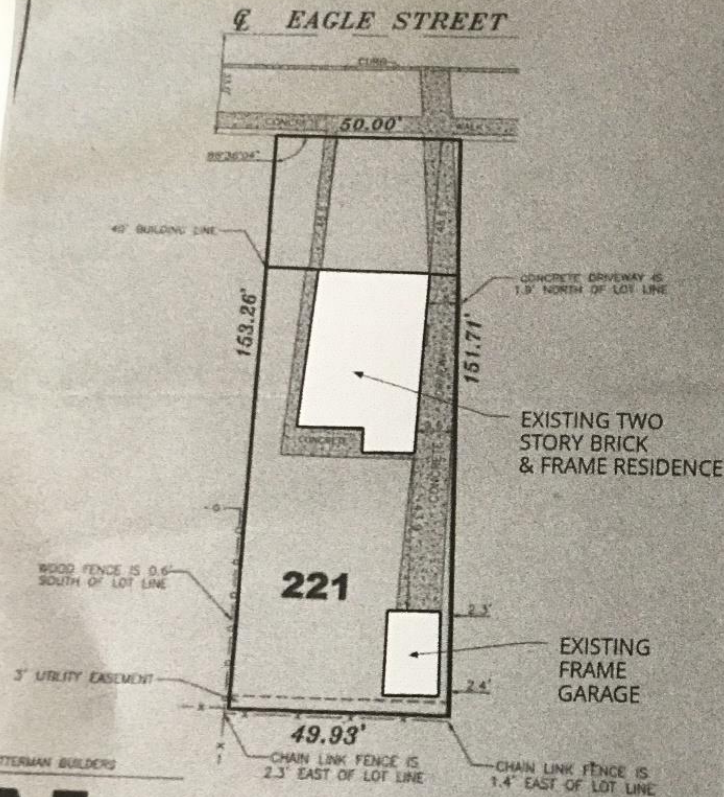
PERMANENT INDEX NUMBER: **07-13-205-004**

COMMONLY KNOWN AS: 656 N. Eagle St., Naperville, Illinois 60563

PLAT OF SURVEY

LOT 221 IN DOCKEN AVENUE ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN SECTIONS 12 AND 13, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2, 1925 AS DOCUMENT 192270, IN DUPage COUNTY, ILLINOIS.

COMMON ADDRESS: 656 NORTH EAGLE STREET



N T
SURVEYING SERVICES INC.
Alomino Ct. (708) 645-1136
60441 Fax (708) 645-1138



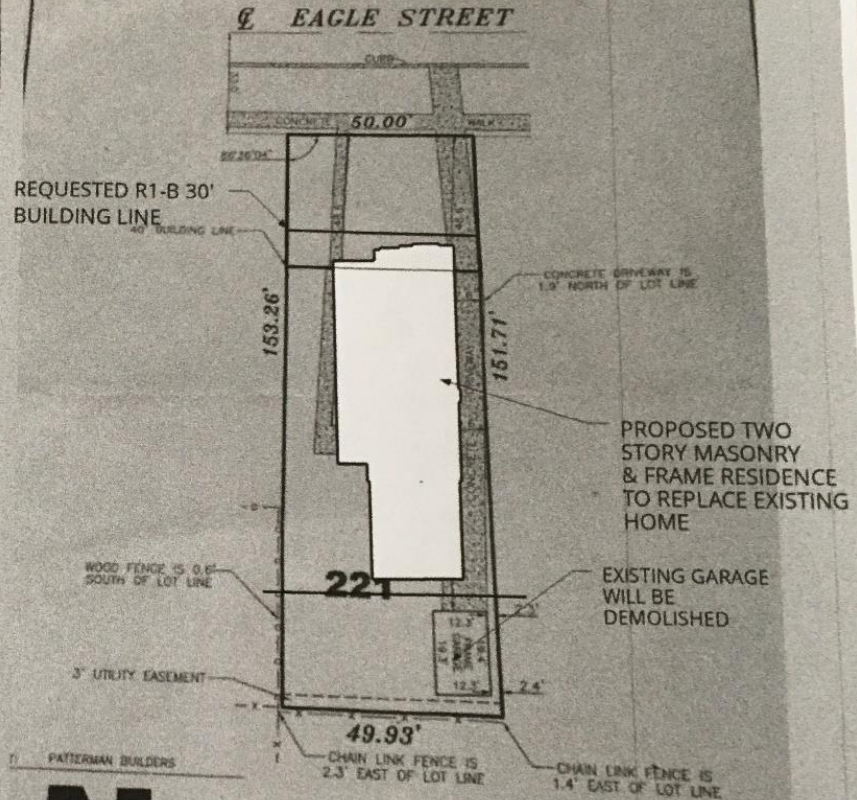
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/06

STATE OF ILLINOIS }
COUNTY OF WILL } S. S.
JNT LAND SURVEYING SERVICES INCORPORATED HER
CERTIFIES THAT IT HAS SURVEYED THE TRACT OF
ABOVE DESCRIBED, AND THAT THE HEREON DRAWN
IS A CORRECT REPRESENTATION THEREOF.
Dated this 21ST Day of APRIL, 2005.

PLAT OF SURVEY

LOT 221 IN DOCKEN AVENUE ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN SECTIONS 12 AND 13, TOWNSHIP 38 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 2, 1925 AS DOCUMENT 192270, IN DUPage COUNTY, ILLINOIS.

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IS A CORRECT REPRESENTATION THEREOF.
Dated this 21ST Day of APRIL, 2005.

Exhibit C

PETITION IN SUPPORT

We support Kelleen O'Leary and Nate Savona's request to the City of Naperville to demolish the existing single family residential home and construct a new single family residential home on the property located at 656 N. Eagle St., Naperville, Illinois.

	Name	Address
1.	<i>[Signature]</i>	648 N. Eagle St
2.	<i>[Signature]</i>	648 N. Eagle St.
3.	<small>DocuSigned by:</small> Jeff Baumgartner	660 N Eagle Street
4.		
5.		
6.		
7.		
8.		
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13.		