

CITY OF NAPERVILLE

APPLICATION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Macintosh, Arthur T., & Co. Naper. High
ADDRESS OF SUBJECT PROPERTY: 406 S. Columbia St.
PARCEL IDENTIFICATION NUMBER (P.I.N.): 0819202001

I. APPLICANT: Thomas and Christina Quinlan
APPLICANT'S ADDRESS: 2316 Beauport Dr
CITY: Naperville STATE: IL ZIP CODE: 60564
PHONE: 630-921-1168 EMAIL ADDRESS: chris.a.quinlan@gmail.com

II. OWNER(S)*: Thomas and Christina Quinlan
OWNER'S ADDRESS: 2316 Beauport Dr
CITY: Naperville STATE: IL ZIP CODE: 60564
PHONE: 630-921-1168 EMAIL ADDRESS: chris.a.quinlan@gmail.com

*If Owner(s) is different than Applicant, please attach a letter from the Owner(s) authorizing
submittal of this Application for Development Approval.

III. PRIMARY CONTACT (review comments sent to this contact): Christina Quinlan
RELATIONSHIP TO APPLICANT: owner
PHONE: 630-921-1168 EMAIL ADDRESS: chris.a.quinlan@gmail.com

IV. OTHER STAFF

NAME: _____
RELATIONSHIP TO APPLICANT: _____
PHONE: _____ EMAIL ADDRESS: _____

NAME: _____
RELATIONSHIP TO APPLICANT: _____
PHONE: _____ EMAIL ADDRESS: _____

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|--|---|
| <input type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 5) |
| <input type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input type="checkbox"/> Planned Unit Development Deviation (Exhibit 6) |
| <input type="checkbox"/> Annexation (Exhibit 3) | <input type="checkbox"/> Sign Variance (Exhibit 7) |
| <input type="checkbox"/> Plat of Easement/Vacation/Dedication | <input type="checkbox"/> Zoning Variance (Exhibit 8) |
| <input type="checkbox"/> Rezoning (Exhibit 4) | <input checked="" type="checkbox"/> Platted Setback Deviation (Exhibit 9) |
| <input type="checkbox"/> Subdivision Plat | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 9) |
| <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 10 instead of Exhibit 1.*

ACREAGE OF PROPERTY: 8690 sq. ft

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Existing home will be torn down and a proposed new construction home (3,400-
3,500 sq. ft) will be will be built. Applicants seeking approval of a deviation to the
platted setback line of the recorded subdivision plat. The platted setback line
at 35 ft. is greater than the front yard setback of 30 ft. required by Zoning Code R1B.
A deviation of 5 ft. is being sought.

VI. REQUIRED SCHOOL AND PARK DONATIONS (RESIDENTIAL DEVELOPMENT ONLY)

(per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:

- Cash Donation Land Dedication

Required Park Donation will be met by:

- Cash Donation Land Dedication

I am authorized to make this Application, and the above information, to the best of my knowledge, is true and accurate:

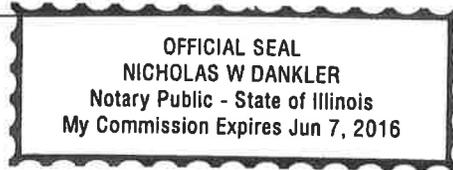
Christos A. Paul
(signature) of applicant or authorized agent

12/23/14
(date)

SUBSCRIBED AND SWORN TO before me this 23rd day of December, 20 14

[Signature]

(Notary Public and Seal)



EFFECTIVE PERIOD OF APPLICATION

Please note that Applications for Development 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.

EXHIBIT 9: Section 7-1-8-.2.3: Standards for Granting a Subdivision Deviation from Platted Setback

1. 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 will cause unnecessary hardship due to the conditions which are unique to this sight. The property cannot be utilized as intended based on information available to the general public. The applicants entered into a contract to purchase the subject lot and it was later determined that substantive restrictions will be imposed in obtaining a building permit due to studies involving studies commissioned by DuPage County regarding future flood map re-zoning. The studies commissioned by the County have not been shared with the Naperville residents nor have they been shared with residents in the Mcintosh, Arthur T., & Co. Naper High subdivision who will be directly affected.

Upon discussions with TED personnel prior to submitting a permit to tear-down and new construction, it was disclosed to the applicants that the City would not issue a permit to build a home with a full basement without approval by DuPage County given the studies performed regarding re-zoning portions of the County within a flood zone. The applicants met with City and County officials on October 15, 2014 in an attempt to understand the reasons why the restrictions are imposed in addition to discussing a possible variance to place a basement on the property. The applicants argued that there hasn't been a public disclosure regarding the revisions to the flood zone maps and there was no way for the applicants to have known of the map revisions prior to entering into a contract to purchase the property. Furthermore, the applicants argued that they are not being given due process to the law as the regulatory flood map currently in place indicates that the property is not located in a flood zone. It currently is located in Zone X.

Representatives from the County discussed that while the maps were not regulatory, the size of the Steeple Run Tributary will require the applicants to meet the BFE of the proposed flood maps which does not allow for a basement to be placed on the property. City and County officials indicated that a request for permit for new construction with a full basement would not be approved.

A discussion with FEMA regarding DuPage County's flood plan study indicates that public disclosure will be made mid-2015 and the proposed regulatory maps would likely be implemented in 2016. The applicants assessed that they could not proceed with the planned new construction on the property despite every effort to resolve the current regulatory conditions with the County and City. The applicants modified their new construction plans to increase the square footage above ground to compensate for the loss of square footage below ground. As a result, the planned rear yard use is reduced due the restrictions imposed regarding prohibition on a basement and is not within the control of the owner. The property cannot be used for its intended purpose as contracted for by the Owners.

2. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

The requested deviation is not contrary for the City's promotion of public health, safety, comfort, morals and welfare of the community. The requested deviation to the front setback is limited in its application and its purpose will promote community architecture. The building currently located on the property is set back at 33.3 ft. which is less than the setback platted by the subdivision at 35 ft. The requested 5 ft. deviation will cover a portion of the existing foot print which is non-conforming to the plotted front setback. There is not a material difference in the owner's request for setback and the existing setback of the building. Approval of the deviation for front yard setback would create no substantive visible or physical change to the current lot configuration of the front yard setback.

The requested deviation will not negatively impact the intent of these regulations to provide for the orderly and harmonious development of the City and the surrounding areas within the City's planning jurisdiction. Rather, denial of the deviation negatively impacts the owners who were not able to obtain full disclosure by the City and the County of the increased building restrictions that would be imposed. The Owners believe that the proposed setback of 30 ft. is in harmony with the general purpose and intent of Section 6-3-6 and the adopted comprehensive master plan. The R1B zoning standards require a 30' foot setback which is what is being requested.

Attachment:

Documented Attendance of 10/15/14 meeting with DuPage County and City Representatives.