

Rosanova & Whitaker, Ltd.
Attorneys At Law

127 Aurora Avenue
Naperville, Illinois 60540
phone 630-355-4600 • fax 630-352-3610
www.rw-attorneys.com

May 13, 2022

Allison Laff, Deputy Director of
Transportation, Engineering and Development
400 S. Eagle Street
Naperville, IL 60540

Re: 1103 N. Eagle Street

Dear Ms. Laff:

We were recently engaged by Lisle Ventures, LLC regarding the property at 1103 N. Eagle Street in the City of Naperville.

The property is located in the Naperville Heights Subdivision, which was originally developed in 1922, before the City of Naperville had even adopted zoning regulations. As a result, there are a variety of different setback metrics throughout the subdivision, with some improvements being located on or immediately adjacent to the property line.

The majority of Naperville Heights is developed with 50' lots. The 50' lots proximate to the subject property generally appear to be improved with side yard setbacks totaling 10 to 12'. A combined 12' side yard setback is consistent with zoning regulations that would have been applicable in the City's R1B zoning district prior to 1989. For any property subdivided after 1989, the R1B zoning district now requires a combined side yard setback of 16'.

The west line of Naperville Heights is an interesting case study. While originally subdivided with 18 lots, 17 of which had a lot frontage of 125', the same western property line now consists of 34 lots and there is not a single 125' lot. The most common lot configuration along the west property line is 50', which is the same configuration as the Subject Property. 24 of the 34 existing lots are 65' wide or less. Since many of these lots were subdivided and resubdivided prior to 1989, the combined 12' side yard setback is applicable to both existing structures and new teardown activity. By way of example, both 1209 N Eagle Street and 1225 N Eagle Street are recent teardowns that have been rebuilt with 6' sideyards.

Because the subject property was only resubdivided in 2021, it is now subject to the more stringent post-1989 setback requirements. The north lot was allotted 55' of frontage because the existing home was being preserved and that home is improved with a side-load garage configuration. To accommodate the driveway necessary for the side-load garage, a minimum of 55' of frontage was allotted to the north lot. The remainder of the lot frontage, being 50', was allotted to the subject property. This was a rational approach to

resubdivision of the property and took into account both existing improvements located on the property and general lot metrics utilized throughout the Naperville Heights subdivision. The owner of the subject property should not now be penalized only because they resubdivided the property a few decades later than their neighbors.

The pre-1989 setbacks is appropriate and is consistent with the established character of the neighborhood. The pre-1989 setbacks will permit better living conditions and improved aesthetics in the neighborhood for the next 100 years. With combined 12' side yard setback, the home constructed on the property can be maximized at 38' wide, which provides some balance between frontage allotted for a modern 2-car garage and traditional home frontage. By contrast, a combined 16' side yard setback results in a more narrow 34' home with garage dominating the front elevation. Inside the home, the layout becomes less efficient with less light and air into the home.

We believe that the prevailing conditions in the well-established Naperville Heights subdivision provide a unique condition that justify the grant of a variance to permit pre-1989 side yard setback. We appreciate your consideration and look forward to working with you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Russell G. Whitaker, III". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Russell G. Whitaker, III