

## REQUIRED VARIANCE STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

### EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

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

*Explanation: The Zoning Code seeks to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. A variance is a request to deviate from the standard rules. In this response, you should provide an explanation as to how the overall intent of the zoning code (see [Purpose and Intent](#) of the Zoning Code) and the comprehensive master plan (see [City's website](#)) will still be maintained if the specific variance you are requesting is granted.*

2. 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

*Explanation: Explain how your property is different from others that are zoned and used in a similar manner (i.e., other residential lots) and how these differences make it difficult to comply with the standard code requirements. For example, the location of a mature tree on your property may make it difficult to build an addition onto your home in a location that complies with required setbacks. As a result, you may be seeking a variance to locate a portion of the addition within the required setback in order to preserve the tree. In this case, the tree presents a special condition and unusual hardship for your property that makes compliance with the code difficult. Per the code, hardships should not be self-imposed (i.e., "I would simply like a bigger addition than permitted") and should not be financially based (i.e., "It will be too costly to build in compliance with the Code").*

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

*Explanation: Provide details as to how the requested variance, if granted, will not significantly impact the surrounding properties and neighborhood. Questions to ask yourself when preparing this response may include: Will the variance result in an improvement that is out of character or inconsistent with surrounding properties? Will abutting properties be impacted by the variance I am requesting? If so, what considerations/alterations/conditions have been made to protect the adjacent properties from the proposed improvement? Are other properties in the immediate area improved in a similar manner?*

## **Exhibit B**

### **Exhibit 1: Section 6-3-6:2: Standard for Granting a Zoning Variance and/or Sign Variance**

#### **1. The variance is in harmony and w/ the general purpose and intent:**

**Response:** The overall intent of the zoning code and the comprehensive master plan will still be maintained after granting this variance. For example, the improvements desired exceed the calculation parameters by only a small amount, 136 sq ft, 1.2% of the residential lot. Further, at question is the existing pergola which adds value to the home and neighborhood, removing it is not the intent of the zoning code and master plan. Finally, item 2.3 of this section specifically states, “the variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property – that is true. In fact, the item in question, the pergola, is in existence, and has been for 8.5 years. The pergola is tasteful, on scale with the neighborhood, in excellent condition and adds value to the residence. It is not a hinderance to any neighbors and is out of view from the road, out of view from 1 side of the house, out of view from the rear of the house and the one neighbor that has sight lines to it would attest it is nicely done.

#### **2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships**

**Response:** Our property isn’t necessarily wildly different than other homes in the neighborhood, what makes this instance unique/difficult is the calculation for Required Yard Occupied. The calculation is slightly exceeded with our desire to include a pool with our back yard improvements. We are only slightly over with our desired design. The existing pergola as noted is unroofed, and the question isn’t about the amount of sq ft of hard scape, but rather b/c of the ‘structure’ as the existing pergola is defined. New hardscape will be put in place of existing hardscape, and the calculation as designed says the pergola has to come down, b/c the pool is classified as a structure. These are significantly different ‘structures’, yet as defined, when their sq ft is combined its slightly exceeds the calculation. Allowing the existing pergola to remain is a net-add to the overall finished design.

#### **3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

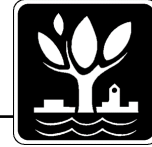
**Response:** At question/the variance being requested is to allow the EXISTING pergola to remain. The existing pergola is in good taste and as been part of the landscape for over 8 years. It will be a detriment if allowed to stay. It completes the finished design and both adjacent neighbors have been emailed with our plans and granted approval.

## **Exhibit C**

### **Exhibit 2: Section 6-4-3:12.1: Standards for Approving a PUD Deviation**

1. **Weather the requested deviation would undermine the intent and purpose of the underlying zoning district; and**
2. **Weather the requested deviation would be a detriment to the provision of municipal services and infrastructure; and...**
3. **Weather the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit;**

**Response:** I don't believe the 3 exhibit C questions are applicable for my variance request. If I am mistaken please let me know and I'll complete these responses.



## REQUIRED PUD DEVIATION STANDARDS

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

### EXHIBIT 2: Section 6-4-3:12.1: Standards for Approving a PUD Deviation

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and

*Explanation: The purpose of a Planned Unit Development (PUD) is to provide an alternate under which land can be developed with innovation, imagination, and creative architectural design. The objective of a PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise standards zoning regulations. With all PUD's, the underlying zoning district still remains in place and many of the associated zoning regulations continue to apply to the development and redevelopment of land and properties within the PUD. In this response, you should provide details as to why and/or how the deviation will still maintain the overall intention of the underlying zoning district.*

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and

*Explanation: Explain how the request to vary from the approved PUD, if approved, will not significantly impact the delivery of public services. Your response should demonstrate that the deviation will not interfere with the City's ability to provide services; such as traffic control and management, water and sanitary services, maintenance of public space and facilities, etc.*

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

*Explanation: Explain how the deviation from the PUD requirements will still maintain the integrity of the planned development's superior design, amenities, or environmental benefits; or further the City's character by the inclusion of attainable housing (if applicable to the requested deviation). Questions to ask yourself when preparing this response may include: will the deviation result in an improvement that is out of character or inconsistent with the remainder of the development? If so, what considerations/alterations/conditions have been made to protect the PUD from the proposed improvement? Are there similar improvements within the immediate area improved in a similar manner?*