

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A VARIANCE AT 410 E. 8th AVENUE**

THE UNDERSIGNED Petitioners, Puneet Gupta and Kajel Seth Gupta (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant a variance from section 6-6A-7 to permit a 15’ corner side yard setback for the property legally described on **Exhibit A** (the “Property”); and (ii) such other variances, departures or deviations as may be necessary pursuant to the Naperville Municipal Code (the “Code”) to develop a new single-family residence on the Property pursuant to the plans submitted herewith.

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

1. The Owners of the Property are Puneet Gupta and Kajel Seth Gupta as Co-Trustees of the Gupta Joint Revocable Trust dated February 18, 2019 (the “Owners”).
2. The Subject Property is zoned R1A Low Density Single Family Residence District and consists of one (1) lot totaling approximately 0.35 acres.
3. The existing land uses surrounding the Property are as follows:
 - a. North R2 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 Subject Property is located across the street from R2 zoning designations and property zoned R2 is also located two parcels west of the Subject Property.
5. The corner side yard setback requirement in the R2 district is 15 feet, and many nearby properties adhere to this requirement.
6. The corner side yard setback requirement in the R1A district is 30 feet.

7. The Subject Property is located on the southeast corner of Loomis and 8th Avenue, which is generally a busy area due to the cut-through traffic to and from Ogden Avenue.

8. The yards of the Subject Property are identified such that the corner side yard is adjacent to 8th Avenue and the front yard is adjacent to Loomis Street.

9. The side yard as depicted on the plans submitted herewith is intended to function as the Petitioner's backyard to allow for a private and safe recreational and play area for Petitioner's children.

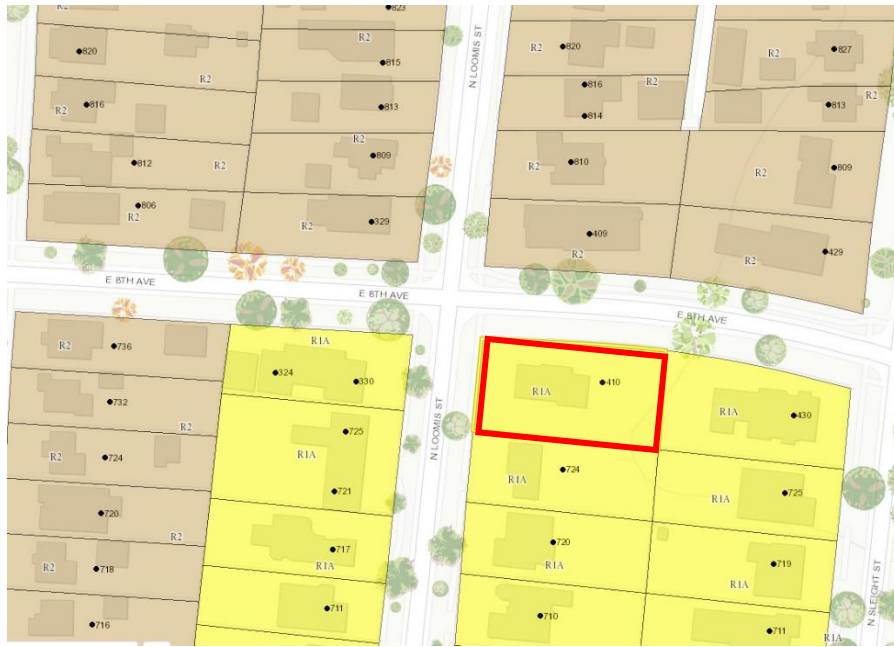
10. Adhering to the 30' corner side yard setback requirement would require Petitioner to shift the residence to be located within 7 feet of the adjacent property at 724 Loomis.

11. This condition would impose a hardship on the neighboring property and would reduce the safe play conditions and privacy for Petitioner's children.

12. The variance from section 6-6A-7 to permit a 15-foot corner side yard setback 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 Property is located on the southeast corner of Loomis Street and 8th Avenue in Naperville and the Petitioner plans to construct a new single-family home on the Property. The location of the Property is unique in that it is a corner lot and not all of the surrounding properties maintain the same zoning designations and therefore, the same setbacks and restrictions as depicted in the zoning map below.



If the Property was located two lots west (736 E. 8th Ave.) or across the street on the north side of 8th Avenue, the proposed residence would meet all City requirements and no variance would be necessary. However, under R1A zoning, the proposed residence would need to be shifted south an additional 15 feet to meet the corner side yard setback, which would situate the home a mere 7 feet from the neighboring residence at 724 Loomis Street and ultimately triggering the need for a variance from the side yard setback requirement. The purpose of the City’s yard requirements is to ensure adequate standards for preserving the light and air of adjacent properties. In this instance, adhering to the corner side yard setback requirement under the R1A restrictions would situate the home within an unnecessarily close proximity to the adjacent property and thus will negatively impact the light and air to that neighbor. Providing an additional 15’ of space within the corner side yard of the Subject Property will not be beneficial to adjacent properties and does not provide a sense of unison of setbacks given the variety of zoning designations in the immediate area. Granting this variance will allow for more separation between the Petitioner’s Property and the neighboring property at 724 Loomis and will also allow the Petitioner to better utilize their

side yard as a private and safe space for their children to play.

- 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*

The location and character of the Property together with the nature of the surrounding neighborhood creates a unique set of circumstances. The Property is located on a corner lot in close proximity to Ogden Avenue and the traffic that is generated by this roadway. Not granting this variance would result in the Petitioner needing to utilize the corner side yard and rear yard for their children to play. This is not ideal given the heavily traveled nature of Loomis Street and Petitioner would likely install a fence along the entirety of the corner side yard setback to allow for adequate outdoor space for their children to safely play, which would not look aesthetically pleasing and would be out of character for the area. Instead, granting the variance will allow the Petitioner to situate the home in congruence with the homes across the street, which would ultimately allow the Petitioner's children to safely play in the side yard, while also maintaining the privacy of their children. In addition, adjacent properties located on the north side of 8th Avenue are not subject to the same restrictions and therefore, there are no uniform setbacks abided by within the immediate area.

- 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 variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. To the contrary, the variance will allow Petitioner to follow setbacks in harmony with adjacent properties keeping in character with the trend of the neighborhood. The neighborhood in which the Property is located is unique in that R2 zoning is located two lots west of the Property as well as immediately adjacent to and across the street from the Property. Due to the proximity of different zoning designations, there is not a

significant “street wall” or setback continuity along E 8th Avenue and accordingly, Petitioner’s request will not alter these conditions currently present in the neighborhood. Moreover, the variance will also allow Petitioner to situate the new residence away from the adjacent property at 724 Loomis. Failure to grant the variance will put the residence within 7’ of 724 Loomis, which will have a substantial detriment on that property. Petitioner seeks to avoid this issue and provide a private and safe place for their children to play in the side yard, which is ultimately a net positive to all parties. Lastly, there are mature trees located in the southwest corner of the Property, which Petitioner may want to preserve. Failure to grant this variance would require Petitioner to remove these mature trees in order to shift the residence south, which would have a negative impact on the Property, adjacent properties, and the overall environment of Naperville.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to grant: (i) grant a variance from section 6-6A-7 to permit a 15’ corner side yard setback for the Property; and (ii) such other variances, departures or deviations as may be necessary pursuant to the Naperville Municipal Code.

RESPECTFULLY SUBMITTED this 5th day of April, 2022.

PETITIONER:
Puneet Gupta & Kajal Seth Gupta

By: 

ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
LEGAL DESCRIPTION

LOT 39 IN EAST-PARK ADDITION TO NAPERVILLE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 7 AND OF THE NORTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1950 AS DOCUMENT 607307, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 410 East 8th Avenue, Naperville, Illinois 60563

PIN: 08-18-119-001