



## CITY OF NAPERVILLE

TRANSPORTATION, ENGINEERING, AND DEVELOPMENT (TED)  
BUSINESS GROUP  
400 S. Eagle Street  
Naperville, IL 60540  
[www.naperville.il.us](http://www.naperville.il.us)

# PETITION FOR ZONING VARIANCE

January 1, 2021

## TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request a variance from the City of Naperville zoning regulations. Zoning variances are subject to a public hearing before the Planning and Zoning Commission and approval by the Naperville City Council. This Petition for Zoning Variance is available on the City's website at <http://www.naperville.il.us/developmentpetition.aspx>. Questions may be directed to the City of Naperville TED Business Group at [DRT@naperville.il.us](mailto:DRT@naperville.il.us).

### ***E-Plan Review***

"E-plan review" is short-hand for electronic plan review. It is the process of reviewing development submittals in a digital format instead of on paper. All development projects submitted to the City require e-plan review. All plans (e.g., site plan, engineering plans, landscape plans, etc.) and application materials (e.g. parking and traffic studies, application forms, etc.) associated with these projects must be provided to the City of Naperville electronically per the following table:

<b>Required E-Plan Review Submittals</b>	<b>Format*</b>	<b>Page</b>
Zoning Variance Form (Exhibit A)	PDF File	5 - 7
Response to Standards (Exhibit B or Exhibit C)	PDF File	8 - 9
Disclosure of Beneficiaries (Exhibit D)	PDF File	10 - 11
Legal Description**	MS Word File	N/A
Site Plan (e.g., Plat Survey) depicting all existing structures, patios, decks, and proposed structures, additions, signs, and/or fences and the setbacks from lot lines to such improvements ( <i>drawn to scale</i> ).	PDF File	N/A
\$500 application fee	Check payable to the City of Naperville	N/A

\*Submittals must comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).

\*\*It is the petitioner's sole responsibility to verify that the correct legal description including address and PIN(s) is being submitted. Failure to do so may result in additional resubmittals, additional fees, meeting rescheduling, project delays, etc.

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### OVERVIEW OF ZONING VARIANCE PROCESS

1. Prior to submittal of a Petition for Zoning Variance, please email a brief description of your project to the TED Planning Department at [planning@naperville.il.us](mailto:planning@naperville.il.us) to determine whether or not a concept meeting is required. A project manager will be assigned to you at this time.
2. Following your concept meeting (if required), prepare a complete Petition for Zoning Variance including all items noted in the Required E-plan Review Submittals table above. All submittals shall comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).
3. Contact your Project Manager to obtain access to Naperville's e-Review Submittal Portal. See the [Naperville E-Review Submittal Instructions](#) for additional details.



4. Electronically submit the complete Petition for Zoning Variance including all items (except for fee) noted in the Required E-plan Review Submittals table above. *Submittals will not be accepted and/or processed until all of the submittal requirements are met.*
5. Drop off a check in the amount of \$500 to the Development Services Counter on the 1<sup>st</sup> floor of the Municipal Center, 400 S Eagle Street, or mail it to your Project Manager's attention at City of Naperville, 400 S Eagle Street, Naperville IL 60540.
6. Once the completed Petition for Development Approval is accepted, it will be forwarded to City departments (e.g. planning, utilities, engineering, etc.) for review and comment.
7. At the conclusion of the review cycle, if all fees have been paid, the Project Manager will transmit the City's technical review comments to the Primary Contact identified on the Zoning Variance Form (see page 6). Comments may necessitate revisions to plans prior to scheduling the project for a Planning and Zoning Commission (PZC) and/or City Council meeting.
8. Once department review of the Petition is completed, the project will be scheduled for a public hearing before the Planning and Zoning Commission (PZC). The Petitioner will be notified of the hearing date approximately three weeks in advance. City staff will complete newspaper notification requirements; the Petitioner is required to complete mailed notice and posting of a sign on the property (see [Public Hearing Information Packet](#) for additional information).
9. Following a public hearing and recommendation by the PZC, the case will be scheduled for City Council consideration. The Petitioner will be notified of the City Council date approximately four weeks in advance of the meeting. A summary of the meeting format for the PZC and City Council is provided on the next page of this packet.
10. Zoning variances are subject to City Council approval. Permits associated with the variance will only be granted upon City Council approval of the variance request.

### **EFFECTIVE PERIOD OF APPLICATION**

Please note that Applications for Engineering 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.



### SUMMARY OF PUBLIC MEETING FORMAT

A summary of the meeting format for the Planning and Zoning Commission (PZC) and City Council is provided below. The following is intended to provide a general overview of the format for each meeting; and the role of the Petitioner, City staff, the general public, the PZC, and the City Council. For additional information, please contact your assigned project manager.

#### PLANNING AND ZONING COMMISSION (PZC)

The Planning and Zoning Commission meeting begins at 7 p.m. (first and third Wednesday's of each month). Prior to the start of the meeting, City staff will be available to provide assistance and answer any questions or concerns. The following is a summary of the meeting format:

- City Staff Presentation – At the start of the public hearing City staff will provide a brief overview of the requested variance.
- Petitioner Testimony – Following City staff's presentation, the Petitioner, attorney representing the petitioner, and/or consultant(s) will have an opportunity to speak. The extent of the Petitioner's presentations varies by case. The Petitioner may provide a presentation, outline key points, or state that they are available for questions only.
- Public Testimony – The public will have an opportunity to provide comments on the case. The PZC Chairman will ask if any member of the audience is present to speak on the case.
- PZC Questions/Comments – Following public testimony (if any), the PZC members will discuss the variance request and may address questions to City staff and/or the Petitioner.
- PZC Recommendation – The PZC will provide a recommendation at the conclusion of their discussion. The recommendation will be forwarded to City Council for final determination. City staff will confirm a City Council meeting date with the Petitioner following the PZC meeting.

#### CITY COUNCIL

The City Council meeting begins at 7 p.m. (first and third Tuesday of each month). The Petitioner should arrive prior to 7 p.m. to register with the City Clerk's Office in order to 1) speak on the case; or 2) respond to questions only (i.e., no presentation).

The Petitioner or attorneys representing petitioner(s) may speak on an agenda item first and will be allotted up to 10 minutes. Other speakers who have signed up for the agenda item will be allotted up to three minutes to speak.

For additional information about the Naperville City Council, visit the City's website at [www.naperville.il.us/government/meet-your-city-council](http://www.naperville.il.us/government/meet-your-city-council).

CITY OF NAPERVILLE  
**ZONING VARIANCE FORM**

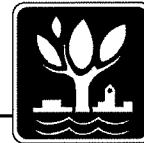


Exhibit A

**ADDRESS OF SUBJECT PROPERTY:** 947 Mortonsberry Drive  
**PARCEL IDENTIFICATION NUMBER (PIN):** 07-26-217-014

**I. PETITIONER:** Christopher Skubic  
PETITIONER'S ADDRESS: 947 Mortonsberry Drive  
CITY: Naperville STATE: IL ZIP CODE: 60540  
PHONE: 331-330-6863 EMAIL ADDRESS: chrisskubic@yahoo.com

**II. OWNER(S):** Christopher + Kimberley Skubic  
OWNER'S ADDRESS: 947 Mortonsberry Drive  
CITY: Naperville STATE: IL ZIP CODE: 60540  
PHONE: 331-330-6863 EMAIL ADDRESS: chrisskubic@yahoo.com

**III. PRIMARY CONTACT** (review comments sent to this contact): Chris Skubic  
RELATIONSHIP TO PETITIONER: Self  
PHONE: Same EMAIL ADDRESS: Same as above

**IV. OTHER STAFF**

NAME: \_\_\_\_\_  
RELATIONSHIP TO PETITIONER: \_\_\_\_\_  
PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_  
NAME: \_\_\_\_\_  
RELATIONSHIP TO PETITIONER: \_\_\_\_\_  
PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

CITY OF NAPERVILLE  
**ZONING VARIANCE FORM**



Exhibit A

**V. SUBJECT PROPERTY INFORMATION**

ZONING OF PROPERTY: Residential R1A

AREA OF PROPERTY (Acres or sq ft): 17,635 sq ft / .4 acres

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VI. PETITIONER'S SIGNATURE**

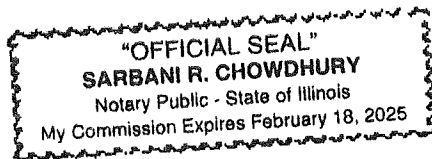
I, Christopher Skubic (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

Christopher Skubic  
(Signature of Petitioner or authorized agent)

4/19/2023  
(Date)

SUBSCRIBED AND SWORN TO before me this 19<sup>th</sup> day of April, 2023

Sarbani R. Chowdhury  
(Notary Public and Seal)



CITY OF NAPERVILLE  
**ZONING VARIANCE FORM**



Exhibit A

**VII. OWNER'S AUTHORIZATION LETTER**

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

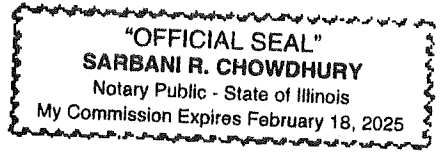
Christopher Skubic      Kimberley Skubic  
(Signature of 1<sup>st</sup> Owner or authorized agent)      (Signature of 2<sup>nd</sup> Owner or authorized agent)

4/19/2023      4/19/2023  
(Date)      (Date)

Christopher Skubic      Kimberley Skubic  
1<sup>st</sup> Owner's Printed Name and Title      2<sup>nd</sup> Owner's Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 19<sup>th</sup> day of April, 2023

Sarbani R. Chowdhury  
(Notary Public and Seal)



### **Detailed Description of Variance:**

We are requesting to build a 5 foot privacy fence in place of our existing fence. Due to the shape of the lot, we have a large side yard, but are not on a traditional corner lot. The existing 4 foot open fence meets the house at the 30' set back line, but the line itself curve around, the property, so as the fence extends away from the house in a straight line towards the south, it moves in front of the 30' set back line.

We are requesting a variance to Section 6-2-12 (subsection 1.2 and 1.3) of the Municipal Code, which would allow us to install a non-open in front of the 30' setback in the side portion of the yard.

Please refer to a more detailed discussion of the shape of the lot and the related challenges in our responses to Exhibit B – Required Variance Standards.

The proposed fence would be 5' tall, and consist of a solid vinyl portion, and a decorative lattice top. The color of the fence will match the trim color of the house (light beige). The picture on the next page shows the proposed design (although a different solid color).

The engineering team has reviewed the request prior formal variance submission, and asked to create a 6 inch gap from the ground in certain critical overland flow points. Our contractor has reviewed the requirement and determined it can be met.





Approx. 10-inch  
Lattice and top  
bar

Approx. 50-  
inch solid  
portion

Total height of fence – 5’.



## **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?*

## Standards for Granting a Zoning Variance and/or Sign Variance

*Municipal Code Section 6-3-6:2*

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

**Response:** I do believe the variance request is in harmony with the general intent and purpose of the Zoning Code, particularly its goal to protect public safety as well its goal to improve the comfort and convenience of my household and our neighbors. I feel you'll also see that our request also aligns with the comprehensive master plans goal of respecting the character of our existing neighborhood, while making a change that is attractive, functional and safer for the neighborhood, while letting us make the most use out of our property. In general, this exception request is a result of the fact we, and two of our adjoining neighbors have dogs, and our neighbors also have small children. Our goal is to install a solid fence to make it safer for the the neighbors in the adjoining yards, their children, and their dogs. It will also create a safer environment for those walking along the front stretch of the fence, where the sidewalk is very close or adjacent to the existing fence.

As you'll see below, we live in a oddly shaping rounded corner lot, that creates substantial exposure not only to the front of the property, but doesn't necessarily allow for the type of fence that most properties would be able to install, especially along the rear property line. In addition, a portion of our property, bounded by the existing fence, directly borders the sidewalk where may locals walk with their children and pets.

- 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.**

**Response:** In terms of what makes our property different, please refer to the plat of survey. You can see that we sit on a sort of "curved corner". Our house is the last one on our street, but it is not on a 90-degree corner lot. The street forms a curve that runs around our property, and alongside our backyard neighbors. The shape of our yard means that the majority of our backyard is actually a side yard, and the property width running north to south, is approximately 2 lots wide, but is not the standard depth, as it tapers off. The 30 foot setback line marked on the plat of survey actually curves around the house and intersects the back/side yards and the existing fence in the rear of the property. If a new fence were to follow the setback line we would lose a substantial amount of the backyard as we've known it for the past ten years. It would also fail to align with the neighbors' fence and create a gap in their fenced yard that has historically been covered by our fence.

The shape of the yard also means that an extensive part of the south side of the yard is "exposed" with the existing fence in place, meaning, that the yard is fully visible from the street and sidewalk for the full length of the south portion. We actually had an incident in March of this year, where a large dog saw me and my dog in the yard from the sidewalk, got loose from his owner, ran straight to the fence, and stuck his face through the fence, which resulted in a brief fight with my dog and I ended up with a small bite while trying to separate them. Had I not been out there to intervene, it would have been much worse. In addition, there is an approximately 50 foot portion of the existing fence that essentially borders the sidewalk and creates no barrier to separate people or dogs walking by that stretch. In this instance, even the 30% open requirement could be a concern.

Finally, as noted above, based on the curve of the 30' setback line on the plat, we would not be able to even put a solid fence up along what would be considered the back of the property in a

portion, because that portion would extend beyond the curved setback line, even though the rear property line is a straight line, and most properties would be able to construct a privacy fence along their entire rear property line. Ideally, we would like to have the solid fence between our house and our back and side neighbors, and for aesthetic purposes extend that along the front facade of the south portion the yard.

**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:** The only other property affected by the portion of the fence that requires the variance is our neighbor to the southwest, that shares the rear fence. We do not have a direct neighbor to our south. That property also sits on the curve, but is more of a traditional corner lot. I have discussed it with them, and they are supportive, as it will make things safer for their children and dogs in their yard. I'm prepared to present a letter of support from them as well, if necessary.

The fence also borders two other neighbors: one directly behind our house to the west, and our next door neighbor to the north. In these instances, the fence is already set well behind the 30' set back line and would not require a variance. The next door neighbors to the north also have two small children and a dog, so the same safety benefits apply to that portion of the fence.

Our goal is to put up a vinyl fence, which is long lived, attractive, and requires little maintenance. We chose a design that is solid, but has a decorative lattice top, so as to not have the look of a just a solid wall along the front of the property. In addition, we chose a color that matches the existing trim of the house, so that the feel of the fence will look more like an extension of the house. In addition, in this case, I feel that the placement of the existing fence is a natural barrier for the property, as if follows more of a straight path from the angle of the house. If we were to force the fence back to the setback line, not only would it drastically reduce the usable portion of the yard, but it would look like an unnatural placement too. As discussed above, the rear neighbors would have to extend their fence to the north to meet the portion of the border between us that I could no longer cover, which would look haphazard and unattractive. I 100% believe the design would be consistent with the character of the neighborhood.

Attached are several pictures of the property that show the shape of the side yard, the existing fence footprint in the area of the requested variance, and the area where the fence joins the neighboring fence. Keeping the existing foot print still provides a large area of green space in the front of the property, while creating a better privacy barrier along the front and sidewalk adjacent portion of the back/side yard.













## **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?*

**CITY OF NAPERVILLE  
DISCLOSURE OF BENEFICIARIES**

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1. Petitioner: Christopher Skubic  
 Address: 947 Mortonsberry Drive  
Naperville, IL 60540

2. Nature of Benefit sought: Fence Permit Variance

3. Nature of Petitioner (select one):

- |  |  |
|--|--|
| <input checked="" type="radio"/> a. Individual | e. Partnership                         |
| b. Corporation                                 | f. Joint Venture                       |
| c. Land Trust/Trustee                          | g. Limited Liability Corporation (LLC) |
| d. Trust/Trustee                               | h. Sole Proprietorship                 |

4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:

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5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 11 (or on a separate sheet):

- **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
- **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
- **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
- **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
- **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

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6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:

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VERIFICATION

I, Christopher Skuba (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: Christopher Skuba

Subscribed and Sworn to before me this 19<sup>th</sup> day of April, 2023.

Sarbani R. Chowdhury  
Notary Public and seal

