

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
A VARIANCE AT 25 HUFFMAN STREET AND 818 FRANKLIN AVENUE**

THE UNDERSIGNED Petitioner, Franklin Huffman LLC, an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to: (i) grant a variance from section 6-2-26:5.1 to permit a maximum building coverage of 41% 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 two duplex buildings on the Property pursuant to the plans submitted herewith.

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

1. The Owner of the Property is Franklin Huffman LLC, an Illinois limited liability company (the “Owner”).
2. The Property consists of two (2) lots with common addresses of 818 E. Franklin Avenue (“818 Franklin”) and 25 N. Huffman Street (“25 Huffman”), in Naperville, Illinois.
3. 818 Franklin is approximately 0.18 acres or 8,030.5 sf.
4. 25 Huffman is approximately 0.18 acres or 8,030.5 sf.
5. Concurrent with this application, Petitioner is requesting approval to resubdivide the Property.
6. Upon resubdivision, 818 Franklin will be approximately 0.178 acres (or 7,760 square feet) and 25 Huffman will be approximately 0.191 acres (or 8,301 square feet).
7. The purpose of the resubdivision is to allow appropriate setbacks due to the location of the overhead utilities located on the Property.

8. Upon resubdivision, the Petitioner seeks to develop two (2) duplex buildings on the Property.

9. The Property is zoned R2 Single-Family and Low Density Multiple-Family Residence District.

10. Duplexes are a permitted use in the R2 District.

11. The proposed duplexes are compliant with all required setbacks and bulk regulations as set forth in the R2 District.

12. The proposed duplexes are subject to the City's tear down/infill regulations under section 6-2-26 of the Code, which has a maximum building coverage of 35%.

13. Due to the proposed floor plans and the incorporation of first-floor master bedrooms, 25 Huffman will have a building coverage of 38.4% and 818 Franklin will have a building coverage of 41%.

14. Adhering to the maximum building coverage requirement under the City's tear down/infill regulations would require Petitioner to remove the first-floor master bedroom component of the duplexes, which is a highly unique and desirable housing feature in the Downtown area.

15. The variance from section 6-2-26:5.1 meets the requirements for a 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 southwest corner of Franklin Avenue and Huffman Street in Naperville. In its current state, the Property is two (2) 8,030.5 square foot lots, each improved with a residence. Upon resubdivision, 818 Franklin will be approximately 0.178 acres (or 7,760 square feet) and 25 Huffman will be approximately 0.191 acres (or 8,301 square feet). Petitioner

seeks to demolish the existing residences and construct a duplex building on each respective lot of the Property. Accordingly, the Petitioner's project triggers the City's Tear Down/Infill regulations under the Code. The building coverage limitations in the Code were modified in response to teardowns occurring throughout the City of Naperville. As the teardowns grew in size, concerns were raised about the manner in which the new structures imposed on adjacent properties. This was of particular concern due to the fact that many of the teardowns were occurring on small downtown lots consisting of six to eight thousand square feet. To address this concern, the Teardown/Infill regulations were imposed and regulated both the height and bulk of the structures to prevent the overcrowding of land and ensure proper living conditions. However, the Code fails to distinguish a different bulk/building coverage standard for the different types of land uses permitted in the underlying zoning district.

The R2 Zoning District intent is to "provide multiple-family areas of a low-density character to accommodate a variety of housing types and compatible uses". Permitted uses in the R2 district include single-family detached homes and two-family dwellings and duplexes. Generally, duplexes are intended to provide a living option of slightly higher density with less property maintenance obligations than a single-family detached residence. Duplexes are notably appropriate in the subject area due to its proximity to Downtown Naperville and are generally in harmony with the purpose and intent of the R2 District. It is important to note that the nature of a duplex varies from that of a single-family detached home and thus should lend itself to a separate building coverage requirement. A duplex is defined in the Code as "a detached or semidetached building or structure containing two (2) dwelling units designed for and occupied by two (2) families." By nature, the duplex building creates slightly higher density on a given lot in comparison to a single-family detached home and thus, the outdoor space designated for each unit

is reduced. Duplexes are largely sought after by empty nesters looking to downsize and take on less property maintenance obligations. Therefore, a duplex is generally designed to ensure adequate living space is provided within each unit in lieu of more outdoor space. Petitioner thoughtfully designed the proposed duplexes such that the floor plans incorporate a 1st floor master bedroom for each unit, which is a highly desirable feature to accommodate the City's aging population in the Downtown area. This component renders each unit slightly wider than what would be presented under a traditional floorplan with all bedrooms located on the second level. Specifically, 25 Huffman will have a building coverage of 38.4% and 818 Franklin will have a building coverage of 41%. In its developed state, 818 Franklin will net a remaining 59% and 25 Huffman 62% of unused property area. Both duplexes will meet all required setbacks and will not negatively impact proper living conditions of or overcrowd the adjacent properties in conformance with the intent and purpose of the City's Tear Down/Infill regulations.

In addition, Guiding Principal #1 of the City's Land Use Master Plan ("Comprehensive Plan") is to "ensure housing is diverse, responsive to needs, and accessible to everybody". Under this principal, the City recognizes the importance of offering balanced housing choices that keep the City's aging population in mind to allow Naperville seniors to downsize and adjust their lifestyles, without leaving the community. As designed, Petitioner's proposed duplexes not only meet the purpose and intent of the R2 District and the City's Tear Down/Infill regulations, but also meet this important guiding principal in the Comprehensive Plan to provide unique upscale duplexes in the Downtown area catered towards the City's aging population.

- 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 housing opportunity. A variety of housing types are generally sought in this area which is proximate to shopping, dining, and entertainment options in Downtown Naperville. Specifically, an upscale duplex home product will cater to Naperville's aging population who are seeking to downsize, but not downgrade, all while remaining in this highly desirable Naperville location. These circumstances presented Petitioner with the opportunity to design units specifically catering to this "aging-in-place" homebuyer demographic. This demographic generally seeks: (a) limited property maintenance obligations; and (b) first floor master bedrooms. The design of duplexes generally favors more indoor living space in lieu of more outdoor yard space to limit the homeowner's maintenance obligations and should not be held to the same lot coverage standard as a single-family detached residence. In addition, the proposed units are designed with first-floor master bedrooms to accommodate this aging demographic. This design yields slightly wider duplex buildings resulting in respective lot coverages of 38.4% (25 Huffman) and 41% (818 Franklin) leaving a remaining 62% and 59% of unoccupied area on each lot. When considering duplexes, the proposed unoccupied area is significant and does not negate the purpose and intent of the City's Tear Down/Infill Regulations. Removal of the first-floor master bedrooms on each unit will allow for compliance of the building coverage regulation as it pertains to the Tear Down/Infill Regulations. However, this modification will create a significant hardship by way of eliminating this important component and general intent driving this project in conformance with the City's objectives and the Comprehensive Plan.

- 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. The neighborhood surrounding the Property is in transition. Many of the older homes have been replaced with large teardowns. While some

of the older homes remain, the general character of the area has certainly shifted towards much larger teardowns. As such, Petitioner's proposal is on par with the character of the neighborhood. In addition, there is a natural elevation change from the corner of Franklin Avenue and Huffman Street to the corner of Franklin Avenue and Julian Street. Given this change in topography, the adjacent residence west of the Property is located on an incline in comparison to the subject Property and proposed duplex at 818 Franklin Avenue. Accordingly, the proposed building coverage will not overcrowd or impair adequate light, air, and open spaces from entering the adjacent property. Lastly, the Property is located on a corner lot and will maintain adequate separation from all adjacent properties by way of meeting the City's setback requirements as set forth in the Code.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully requests the City Council and Plan Commission take the necessary steps to grant a variance from section 6-2-26:5.1 to permit a maximum building coverage of 41% for the Property; and (ii) such other variances, departures or deviations as may be necessary pursuant to the Code to develop two duplex buildings on the Property pursuant to the plans submitted herewith.

RESPECTFULLY SUBMITTED this 15th day of May, 2023.

PETITIONER:
Franklin Huffman, LLC, an Illinois
limited liability company

By: 

ROSANOVA & WHITAKER, LTD.
ATTORNEY FOR PETITIONER

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

25 HUFFMAN:

THE EAST ½ OF LOTS 1 AND 2 IN BLOCK 8 IN DECLARA HEIGHTS, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 1922, AS DOCUMENT NUMBER 159824 IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 25 N. Huffman Street, Naperville, Illinois 60540

PIN: 08-18-405-007

818 FRANKLIN:

THE WEST ½ OF LOTS 1 AND 2 IN BLOCK 8 IN “DELARA HEIGHTS”, A SUBDIVISION OF PART OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 1922 AS DOCUMENT 159824, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 818 E. Franklin Avenue, Naperville, Illinois 60540

PIN: 08-18-405-006