

- Increases in housing diversity, including different price points, housing types, and locations should help provide options to appeal to a variety of income levels, including young families, aging residents and people with disabilities.
- The City's housing stock needs to reflect Naperville's increasing diversity... this includes homes of different types, price points, styles and densities.
- Increase the amount of single-family, duplex and townhome rental units to diversify housing and provide affordable options.

**VARIANCE FROM CITY CODE SECTION 5-10-3:5.2.4.1 TO NOT REQUIRE A FENCE ALONG THE WEST PROPERTY LINE**

- a. Strict enforcement of this chapter would result in practical difficulties or impose exceptional hardships; and*

City Code requires that where a parking lot abuts property zoned for residential use a 6' tall fence be installed along the property line. Here the access drive on the west side of the property will be approximately 8' from the property line which is adjacent to the existing residential single-family detached and single-family attached homes. It is important to note that the Code references parking lots, and the Petitioner is not proposing a parking lot as anticipated in the Code section requiring this fence, but instead a private driveway leading to detached garages. In residential areas it is common for driveways and alleys to be located near residential property lines without the need for 6' tall privacy fencing. Certainly, a commercial parking lot adjacent to residential is an appropriate place for a fence, but that is not the case here. Also, important to note is that there is already a 6' fence in place along the property line owned by the homeowner's association to the west. Therefore, the Petitioner requests to not be required to build a second 6' tall fence adjacent to the existing fence, which would be a waste of resources and which would look odd. Accordingly, strict enforcement would cause the Petitioner to have to build a 6' tall

fence adjacent to an existing 6' tall fence which is a condition not generally found on other residential properties in the same zoning district, and would be a waste of resources as well as detract from the City's intention of providing a positive aesthetic impact.

*b. The principal reason for the variance is other than an increased income or revenue from the property; and*

There is already a 6' fence in place, so the Petitioner's request to not be required to build a 6' tall fence adjacent to the existing fence is due to practicality concerns, maintenance concerns relating to two parallel fences, and aesthetic concerns. Additionally, having a residential use adjacent to a residential use is consistent with the general purpose and intent of the Code and comprehensive plan for which a privacy fence should not be required. Installation of said second fence would be a waste of resources and would detract from the City's intention of providing a positive aesthetic impact. In lieu of additional fencing, the Petitioner is open to installing additional landscape material along the property line to enhance buffering from the property to the west.

*c. The variance, if granted, will not alter the essential character of the neighborhood, will not be a substantial detriment to adjacent property, and will not increase congestion or traffic hazards in the public streets, or otherwise impair the public health, safety, comfort, and general welfare.*

The Petitioner is proposing a residential use adjacent to a residential use which is consistent with the general purpose and intent of the Code and comprehensive plan. The requested variance will not alter the essential character of the neighborhood or be a substantial detriment to the adjacent property. In fact, allowing for the variance will provide for redevelopment of the Subject Property with a complementary residential use which will enhance and build upon the essential character of the neighborhood, preserve property values, and hopefully spark additional investment in this quadrant of town. The elimination of a redundant 6' tall fence will provide an

enhancement to the area and avoid an unnecessary expense.

**VARIANCE FROM SECTION 6-2-10:5 OF THE CITY CODE TO ALLOW FOR REAR  
YARD LOT COVERAGE OF 64%**

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

The proposed variance is in harmony with the intent and Title of the Code and comprehensive plan. The R-2 Zoning District intent is to “provide multiple-family areas of a low-density character to accommodate a variety of housing types and compatible uses”. The Petitioner is proposing a low-density duplex development which is a permitted use in the City’s R-2 zoning district and which exceeds the R-2 zoning district density requirement of 4,000 square feet of land area per home. Additionally, the proposed duplex homes are consistent with the City’s comprehensive plan which promotes a diverse housing stock with housing options available for everyone at varying ages with varying needs. The variance arises from the Code requirement that detached accessory buildings and structures not exceed 25% of the required rear yard. In addition to the detached garage, the Code considers the access drive a structure which is included in this calculation. Accordingly, with a rear yard of 3,056 square feet, the permitted coverage would be 764 square feet, and the Petitioner is proposing 1,957 square feet. It is important to note that the access drive makes up a significant portion of this calculation.

The variance will allow the Petitioner to construct new single-family attached homes consistent with the R-2 zoning district intent and comprehensive plan which are accessed from Spring Avenue and not N. West Street. Additionally, the variance will allow Petitioner to provide for covered patios and decks in the rear yard along with detached garages so all residents have covered parking. As a result, the Petitioner is seeking a rear yard coverage variance.

- 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*

Strict enforcement of the rear yard lot coverage requirements would cause the Petitioner to have to potentially eliminate the covered garages and would impose exceptional hardships on the Subject Property and future residents. The Petitioner is complying with all required setbacks as well as lot area requirements. Additionally, the detached garages are located in excess of 25' off the property line away from the homes to the west.

*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 requested variance will not alter the essential character of the neighborhood or be a substantial detriment to the adjacent property. In fact, allowing for the variance will provide for redevelopment of the Subject Property with a complementary residential use which will enhance and build upon the essential character of the neighborhood, preserve property values, and hopefully spark additional investment in this quadrant of town. The increased rear yard lot coverage area and location of the detached garages will provide for a nice usable rear yard with private patios/decks and a detached garage which is located more than 25' from the west property line. Additionally, the Petitioner owns the property to the south, there is a 6' fence to the property to the west, and the properties to the north are all industrial in nature. Lastly, the Petitioner is exceeding all required setbacks in relation to the location of the detached garages, and many properties in this area have detached garages or other ancillary structures in their rear yards.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission to re-subdivide two (2) existing lots located at the corner of N. West Street and Spring Avenue, grant a variance from Section 5-10-3:5.2.4.1 of the Code to not require a fence along the rear property line, and grant a variance from Section 6-2-10:5 of the