

Response to Standards

PETITIONER SUBDIVISION DEVIATION STANDARDS APPROPRIATENESS RESPONSE

The Petitioner requests a Subdivision Deviation from the 90% rule (Title 7 Subdivision Regulations, Chapter 4, Section 7-4-4)(commonly referred to as the 90% Rule) for a minimum lot size for Lot 13 to a size of 12,515 square feet and for Lot 14 a size of 11,727 from the required minimum size of 13,662 square feet.

EXHIBIT 1: Section 7-1-8: 2.3: Standards for Granting a Subdivision Deviation

Petitioner's Appropriateness Response for its request for a Subdivision Deviation from the 90% rule (Title 7 Subdivision Regulations, Chapter 4, Section 7-4-4)(commonly referred to as the 90% Rule) for a minimum lot size for Lot 13 to a size of 12,515 square feet and for Lot 14 a size of 11,727 from the required minimum size of 13,662 square feet.

- 1. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to condition which are unique to the site and not caused by the Owner or Petitioner;**

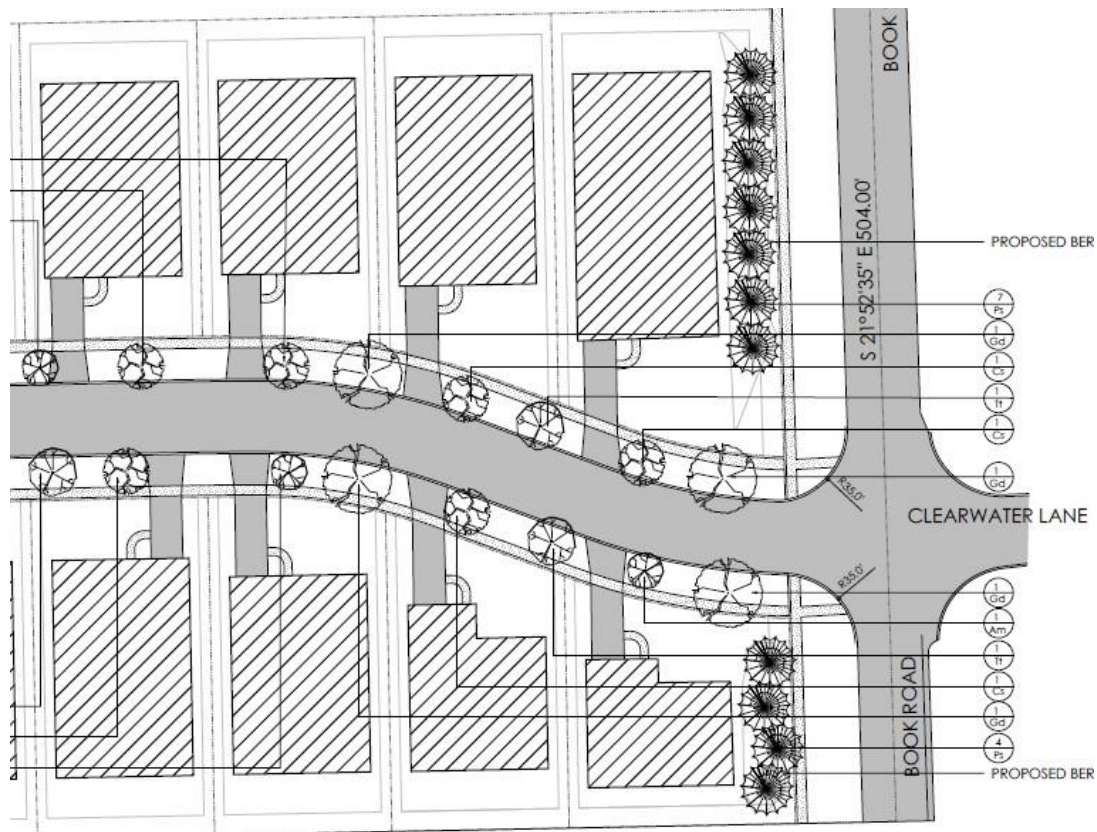
The petitioners intended for Single-family dwellings are permitted use in the R1A zone. The minimum lot size in the R1A zone is 10,000 square feet. The Average lot size of the 14 lots in the subdivision is 14,751 square feet which is substantially larger than the minimum requirement in the R1A zoning. Subdivision of the lots into two or more lots also requires compliance with the 90% rule of the City subdivision code. The 90% rule requires the minimum lot size of the newly subdivided lots to be equal to or greater than 90% of the mean of the lot sizes within 300' of the subject property. This equates to approximately 13,662 square feet for the lots in the proposed subdivision. The Petitioner requests a Subdivision Deviation of minimum lot size for Lot 13 to a size of 12,515 square feet and Lot 14 a size of 11,727 square feet. This realignment of the street to match the existing west and east portions of Clearwater Lane results in practical difficulties and imposes exception hardships on the property due to the special and unusual conditions which are not generally found on other properties in the same zoning district. The average lot size in the subdivision of 14,751 square feet exceeds both the 10,000 square foot R1A zoning requirement and the 13,662 square foot requirements of the 90% Rule if used as an average. Lots 13 and 14 would not require a Subdivision Deviation were in not for the requirement to align Clearwater Lane with the entrance to the subdivision to the east across Book Road. This street alignment is a special condition and an unusual hardship for the property that makes compliance with the code difficult. This hardship is due to the necessary alignment with two existing entrances of other existing subdivisions, is beyond the control of the Petitioner and is not financial based and is not self-imposed.

2. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title;

Explanation: The property is currently located in Will County and zoned A-1. The property is contiguous and eligible for annexation into the City of Naperville. The Comprehensive Land Use Master Plan lists the future land use of the property as single-family and duplex residential. Staff recommended rezoning to R1A (Low Density Single-Family Residence District) upon annexation. The petitioner intent for use is for Single-family dwellings as is permitted use in the R1A zone. The minimum lot size in the R1A zone is 10,000 square feet. The Average lot size of the 14 lots in the subdivision is 14,751 square feet which is substantially larger than the minimum requirement in the R1A zoning.

Subdivision of the lots into two or more lots also requires compliance with the 90% rule of the City subdivision code. The 90% Rule requires the minimum lot size of the newly subdivided lots to be equal to or greater than 90% of the mean of the lot sizes within 300' of the subject property. This equates to approximately 13,662 square feet for the lots in the proposed subdivision. The Petitioner requests a Subdivision Deviation of minimum lot size for Lot 13 to a size of 12,515 square feet and Lot 14 a size of 11,727.

This lot size variation is caused by the desire of the City for planning and safety considerations that the subdivision street, Clearwater Lane, be aligned for its access entrance point to be directly across from and align with the access entrance of the subdivision street in the subdivision on the other side of Book Road. This connects Clearwater Lane on the west side of the subdivision with Clearwater Lane to the subdivision across Book Road on the east side of the subdivision. This provides a valuable second access for safety of an existing dead-end street. The existing portions of Clearwater Lane on the west and Clearwater Lane are not directly aligned. Consequently, aligning them by a connection through the subdivision requires a bending of Clearwater Lane in the subdivision street to permit the fully desired alignment. This alignment of Clearwater Lane will improve and protect the public health, safety, comfort, convenience, and general welfare of the people and surrounding subdivisions.



Response to Standards for Granting a Map Amendment (Rezoning) 6-3-7.1 of the Naperville Code or Ordinances

1.1. The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and

The subject property is currently located in Will County and zoned A-1. The property is contiguous and eligible for annexation into the City of Naperville. The City of Naperville's Comprehensive Land Use Master Plan lists the future land use of the property as single-family and duplex residential. The City staff recommends rezoning R1A (Low Density Single-Family Residence District) upon annexation. The proposed use is for single family dwellings which is a permitted use in the R1A zone. Except for the variances requested as part of the Development Application the plan and development will comply with all the policies and the official land use plan and other official plans of the City and the planned use promotes the public health, safety, comfort, convenience and general welfare.

1.2. The trend of development in the area of the subject property is consistent with the requested amendment; and

The property contains a single-family residence and some agricultural structures with the adjoining existing and planned uses single family residential. The City of Naperville's Comprehensive Land Use Master Plan lists the future land use of the property as single-family and duplex residential. The trend of development in the area of the subject property is consistent with the requested amendment

1.3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and

The property contains a single-family residence and some agricultural structures with the adjoining uses single family residential. The City of Naperville's Comprehensive Land Use Master Plan lists the future land use of the property as single-family and duplex residential. Currently the property is zoned A-1 in Will County. The property has a public utility wastewater sewer and a public utility water service available to it. The property is 18 acres in size and is more suitable for single-family homes than for agriculture use. The requested zoning change to R1A and the planned use as single family residential promotes the public health, safety, comfort, convenience and general welfare.

1.4. The subject property has not been utilized under the existing zoning classification for a substantial period of time; and

The subject property has not been developed and other than farming and it has not otherwise been utilized under the existing zoning classification for a substantial period of time. The highest and best use for the property is single family residential homes.

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

The property contains a single-family residence and some agricultural structures with the adjoining existing and planned uses single family residential. All future planned homes and accessory structures will be required to meet all applicable requirements of the Municipal Code. The property contains a single-family residence and some agricultural structures with the adjoining existing and planned uses single family residential. The City of Naperville's Comprehensive Land Use Master Plan lists the future land use of the property as single-family and duplex residential. The trend of development in the area of the subject property is consistent with the requested amendment. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

PETITIONER VARIANCE STANDARDS APPROPRIATENESS RESPONSE

Petitioner's Appropriateness Response to Section 6-3-6:2 Standards for Granting a Zoning Variance and/or Sign Variance for its request for a variance from Section 6-6A-7 of the R1A building setback requirement of a 28.2 foot rear yard setback to a reduced 20 foot rear yard setback for Lot 14.

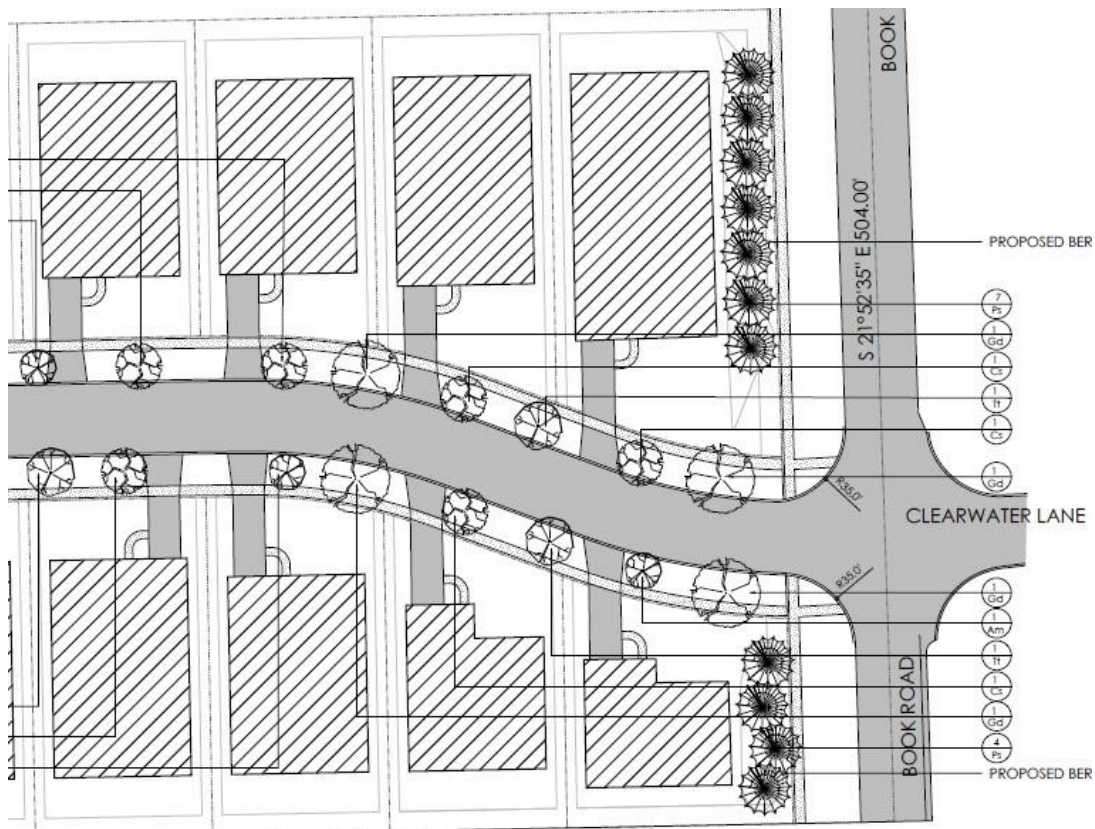
1. **The variance requested is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.** The minimum lot size in the R1A zone is 10,000 square feet. Lot 14 is 11,727 sq.ft in size which is larger than the minimum requirement in the R1A zoning.

Lot 13 is 108.67 feet wide, and its depth is restricted to 123.53 feet on the west lot line and 102.19 on the east lot line. This lot size configuration is created to accommodate the desire of the City for planning and safety considerations that the subdivision street, Clearwater Lane, be aligned for its access entrance point to be directly across from and align with the access entrance of the subdivision street in the subdivision on the other side of Book Road. This connects Clearwater Lane on the west side of the subdivision with Clearwater Lane to the subdivision across Book Road on the east side of the subdivision. This provides a valuable second access for safety of an existing dead-end street. The existing portions of Clearwater Lane on the west and Clearwater Lane are not directly aligned. Consequently, aligning them by a connection through the subdivision requires a bending of Clearwater Lane in the subdivision street to permit the fully desired alignment. This alignment of Clearwater Lane will improve and protect the public health, safety, comfort, convenience, and general welfare of the people and surrounding subdivisions. This necessary configuration of Lot 14 results in Lot 14 a maximum depth of 123.53 and a minimum

depth of 102.19. This configuration without relief from of a variance to building setback requirement of a 28.2 foot rear yard setback to a reduced 20 foot rear yard setback will severely impact the usability of the rear yard and a deck or patio which are market requirements for home plans the builder intends to construct for the future homeowners.

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;

This realignment of the street to match the existing west and east portions of Clearwater Lane results in practical difficulties and imposes exception hardships on the property due to the special and unusual conditions which are not generally found on other properties in the same zoning district. Lot 14 would not require a variance to the rear yard setback were it not for the requirement to align Clearwater Lane with the entrance to the subdivision to the east across Book Road. This necessary configuration of Lot 14 has resulted in Lot 14 having a maximum depth of 123.53 and a minimum depth of 102.19. This street alignment is a special condition and an unusual hardship for the property that makes compliance with the code difficult. This reduction in lot depth negatively impacts



the usability of the lots with no measurable benefit to the health safety or welfare of the City or the Public. This hardship is due to the necessary alignment with two existing entrances of other existing subdivisions, is beyond the control of the Petitioner and is not financial based and is not self-imposed.

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

Lot 14 would not require a variance if there was not the requirement to align Clearwater Lane with the entrances of the subdivision to west and the east across Book Road. Lots 13 and 14 do not border any other subdivided lots. Lot 12 in the proposed subdivision directly west of Lot 13. Lots 6 and 7 are to the north and north of them is Outlot A for stormwater of 64,504 square feet in area. On the east lot line of Lot 14 is Book Road. The single-family homes to be built on the lots will be in character and consistent with the surrounding subdivided properties and will be in compliance with all codes and ordinances of the City of Naperville. The lot width of Lot 14 is 102.47 feet, which is consistent with the other 13 lots in the subdivision, the subdivision building setbacks in the other 13 Lots in the subdivision are consistent and the setback requirements will not significantly impact the type of single-family home built on the lots. The rear yard Lot 14 borders on an unincorporated, unsubdivided parcel of property in Will County. The parcel has a residence which is approximately 100' from the southwest property line of lot 14. Consequently, the reduction of the rear yard setbacks from 28.3 feet to 20 feet will not significantly negatively impact on the adjoining properties. With the exception of the requested variances, the subdivision plan will be consistent with and will not alter the essential character of the neighborhood and will not be a significant detriment to the surrounding property and neighborhood.

**APPROVAL OF A DEVIATION TO SECTION 2.5.4.2 OF THE CITY DESIGN
MANUAL TO PERMIT A MAXIMUM SIDE-SLOPE OF 4:1 FOR A DETENTION
BASIN ADJACENT TO A RESIDENTIAL AREA IN LIEU OF 6:1**

2.3.1. The petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the owner or petitioner; and

The three sides of the detention basin that could easily be accessed by the residents are at the required 6:1 slope. Only the north side along the Clow Creek Greenway is 4:1, which is an area that will be less accessible and will have native plantings that discourage people from walking here, making a fall into the basin less likely. The existing slopes along Clow Creek are already at the 4:1 slope, or steeper, and would not be changed for this area. Providing a side-slope of 4:1 on the north side of the basin would cause Lots 1 through 7 to be smaller and potentially adversely affect compliance of the lots with the 90% rule, causing a substantial hardship to the owners.

2.3.2. The requested subdivision deviation is not contrary to the intent and purpose of the provisions of this Title.

The requested deviation does not undermine the intent and purpose of the provisions of this title which is to establish the requirements and standards regulating the subdivision and platting of land within the corporate limits and plat approval jurisdiction of the City for the promotion of public health, safety, comfort, morals and welfare of the community. The requested deviation will facilitate development of the Subject Property quality single family homes, that will be compatible with the surrounding area and improve the quality of life and housing options within the City. Providing a side-slope of 4:1 on the north side of the detention basin, which is adjacent to Clow Creek and not easily accessed by residents, allows for larger lots while minimizing impacts to the Greenway.