

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

PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR ZONING VARIANCES REGARDING 620 N. WASHINGTON STREET NAPERVILLE

The Law Firm of Rosanova and Whitaker Ltd., on behalf of 600 Washington Street LLC, an Illinois limited liability company (hereinafter the “Petitioner”), respectfully petitions the City of Naperville (the “City”) to grant a zoning variance from Section 6-16-5:2.2.5.3. and Section 6-16-5:2.2.1. of the City’s Municipal Code (hereinafter the “Code”) to permit construction of a monument sign to be located within forty feet (40’) from an interior property line and with less than one hundred feet (100’) of lot frontage, for the property legally described on **Exhibit A** (“Subject Property”).

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

1. The Owner of the Subject Property is 600 Washington Street LLC, an Illinois limited liability company, with a principal place of business of 600 N. Washington Street, Naperville, Illinois (hereinafter “Owner”).

2. The Subject Property is zoned “OCI” (Office, Commercial, and Industrial) and consists of approximately 8,350 sq. ft. commonly known as 620 N. Washington Street in Naperville, Illinois.

3. The existing land uses surrounding the Subject Property are as follows:

- a. North OCI: Cosmetic Surgery Facility and Office
- b. East R-2: Single Family Residence
- c. South OCI: Computer Repair and Travel Agency
- d. West B-3: General Business Retail and Office

4. The Subject Property is located in DuPage County, Illinois and is improved with a Day Spa (Luxe Skin).

5. The Petitioner respectfully seeks approval of zoning variances to permit construction of a new monument sign. The variance arises from the fact that Code requires monument signs to be setback forty feet (40') from interior property lines and placed on lots with a minimum of one hundred feet (100') of lot frontage. In this instance, the Subject Property is approximately fifty feet (50') wide.

6. Notably Petitioner also owns the adjacent property at 616 N. Washington Street which is also fifty feet (50') wide.

7. The requested relief 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

Since acquiring the Subject Property Petitioner has substantially improved the Subject Property along with the three (3) adjacent properties to the south. Recently, Petitioner made substantial improvements to the exterior of the Subject Property including improvements to the entryway, landscaping, rear parking lot, and façade. Through these efforts Petitioner enhanced the general area in a complimentary fashion.

A stated purpose of the Code is “to enhance the City’s economy, business, and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity and the public it seeks with its message.” To that end, Code permits a business in a single-tenant building one (1) monument sign when the following requirements have been met: i) there is a minimum of one hundred feet (100') of lot frontage; and ii) the monument sign is setback forty feet (40') from the interior property line.

In the case at bar, the proposed monument sign will meet all Code requirements with respect to height, size, and design. In fact, Petitioner spent substantial resources in an effort to

design the proposed monument sign such that it will be in harmony and consistent with the character of the neighborhood. Petitioner's variance requests herein relate only to the location of the monument sign to the underlying lot lines. However, due to the fact that Petitioner is the legal title holder of the three (3) lots to the south, Petitioner believes the purpose and intent of the Code will be met. Additionally, through the use of extensive landscape treatment and design, the monument sign will provide substantial aesthetic improvement to the existing condition and provide an enhancement to the Washington Street frontage. Lastly, there will be no negative impact to the character of the neighborhood. Washington Street has numerous signs many of which are monument signs located on lots with street frontages that are also less than the required one hundred feet (100'). Approval of the variance request herein would allow the Subject Property to be utilized consistent with the other properties in this area.

b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardship due to special and unusual conditions which are not generally found on other properties in the same zoning district; and

The hardship has not been created by the Petitioner or any person having a proprietary interest in the monument sign. The lot size together with the nature of the surrounding neighborhood creates a unique set of circumstances. Because the Subject Property is only fifty feet (50') wide, it is impossible for Petitioner to meet the forty foot (40') interior property line setback requirement without the variance. The proposed monument sign will be setback approximately thirty three feet (33') from the northern interior property line and sixteen feet (16') from the southern interior property line. The northern property line abuts a parking lot which serves the liposuction and cosmetic institute and the southern property abuts Petitioner's three (3) other lots. Petitioner believes because of the Subject Property's location, placement of the proposed monument sign on the Subject Property will meet the purpose and intent of the Code.

- 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 proposed variations will not be materially detrimental or injurious to other property or improvements in the neighborhood. In fact, approval of the variances will provide a substantial improvement to the Subject Property. Moreover, the proposed variations will have no effect on the visibility to adjacent property, will not increase danger or traffic problems, and will not endanger the public safety. Instead, allowing construction of the new monument sign will improve the overall aesthetic of the neighborhood. Additionally, approval of the variances will allow the Subject Property to be used as many other properties are utilized on Washington Street. Approval and ultimate construction of this monument sign will not alter the essential character of the neighborhood. The property to the north of the Subject Property has a very large electronic monument sign and the three (3) properties to the south are owned by Petitioner and will not be negatively impacted should the variance be approved. Lastly, the monument sign will be installed pursuant to Code requirements and preserve sight lines at the intersection.

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WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve: (1) a zoning variance from Section 6-16-5:2.2.5.3. to permit the construction of new monument sign to be located within forty feet (40') of the interior property line; (2) a zoning variance from Section 6-16-5:2.2.1. to permit construction of a monument sign to be located on a lot with less than the required one hundred feet (100') of lot frontage; and (3) approve such other variances, departures or deviations as may deemed necessary to construct the proposed monument sign according to the plans submitted herewith.

RESPECTFULLY SUBMITTED this 5 day of February, 2018

PETITIONER:
ROSANOVA AND WHITAKER LTD.

By: 
Attorney for Petitioner

EXHIBIT A

LOT 11 IN BLOCK 12 IN PARK ADDITION TO NAPERVILLE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 12, AND PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST QUARTER OF SECTION 7. AND PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 26, 1873 AS DOCUMENT 16618, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 08-18-102-004

COMMONLY KNOWN AS: 620 N. Washington St.
Naperville, Illinois 60563