

## EXHIBIT 7

### STANDARDS FOR GRANTING A ZONING VARIANCE

#### Section 6-3-6:2 – Standards for Granting a Zoning Variance

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

- a. Petitioner is seeking a variance from Section 6-16-3:7 of the Code to locate an off-premises sign for the Orion STEM Schools on The Prosperita property at the Mill Street entrance to the Subject Property. Petitioner is allowed one (1) sign for the School and two (2) residential development monument signs on Mill Street. Petitioner, instead, would like to locate the sign for the Orion Stem Schools at the entrance to the Subject Property on Mill Street. The intent of the signage code in relevant part is to limit the number of signs while still providing identifying signage to advertise or identify a use to passersby and direct persons to that use. Petitioner feels that the shared signage will meet the intent of the Code. Because this is a private school, identifying the building as a STEM school is critical to its success. The sign variance request is in harmony with the purpose and intent of the Code and Master Plan.

- b. Petitioner is also seeking a variance from Section 5-2C-3 to reduce the fifty percent (50%) brick requirement on the exterior elevations of the townhomes to twenty-five percent (25%). Petitioner is committed to utilizing a variety of high-quality materials on the exterior walls of the townhomes, including brick, cast stone, composite siding (vertical board and batten, horizontal lap, and panels), architectural shingles, and metal standing seam accent roofing as shown on the materials board. No vinyl siding will be used. The intent of the masonry requirement is to encourage the use of high-quality, long lasting building materials to drive higher home values. The masonry requirement was established in the early 2000's when masonry was a predominant single-family building component and siding was deemed an inferior building product. Two decades later, siding options are substantially improved, and in some applications like composite siding, may even provide a higher quality and higher performance, with long-term color stability, and lower maintenance applications than other exterior wall options. The market has shown broad acceptance of this product, revealing that fifty percent (50%) masonry does not equate to higher quality or higher value in today's market. Therefore,

the variance is in harmony with the general purpose and intent of this Title and the Master Plan.

Additionally, in order to keep the townhome units affordable and competitive with other townhome developments in the area, while using superior products that are durable, Petitioner is seeking a reduction in the City's masonry requirement. The variance from the 50% masonry coverage requirement is justified through the thoughtful application of design. It is not the overall quantity of brick that makes an elevation attractive, but the careful study of proportion, massing, ornamentation, color, and function of elements that make up the whole of a successful elevation. We intentionally placed brick at logical transition points on the front and sides, which, when contrasted with the composite siding, generates far more visual interest than a monolithic mass of a single material. Monolithic brick architecture is no longer favored in the marketplace. These transitions and material changes help the building read as a collection of units and become a focal point of the design. The proposed brick colors are complementary in nature and help establish interest and diversity while still maintaining a common design element for each building. The composite siding is a high-quality product with durability and longevity, comparable to masonry. The exterior townhome elevations will provide a superior product with 100% masonry and composite siding on all elevations, with no vinyl siding product. In order to be consistent with Avenida and HarborChase, all townhomes facing West Street, Mill Street, and HarborChase will have more than 50% brick on the front façade.

c. Petitioner is also seeking a variance from Section 5-10-3:3.2 requiring the planting of parkways trees on Diehl Road and Mill Street. DuPage County has jurisdiction over Diehl Road and Mill Street adjacent to the Subject Property. In Petitioner's meetings with DuPage County, they have requested that Petitioner not plant parkway trees in the rights-of-way. On Mill Street, Petitioner will plant trees just outside of the right-of-way, consistent with the properties along Mill Street to the south and east. On Diehl Road, Petitioner is seeking a variance to permit Petitioner to not plant trees to keep the area consistent with the commercial, institutional and office properties to the west. The parkway tree variance request is in keeping with DuPage County's request and in harmony with the purpose and intent of the Code and Master Plan.

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;*

a. Strict enforcement of the sign location would create identification issues for the STEM School and the townhome community, resulting in practical difficulties because the Orion STEM Schools is a private school, and its viability is dependent upon passersby being able to identify the school as a STEM school. Petitioner would be allowed to locate a sign on Mill Street on the school property, but there is only one entrance on Mill Street, which might cause confusion on where to enter the school property. The shared sign at the Mill Street entrance will provide motorists with direction on where to enter the Subject Property to get to the Prosperita and Orion STEM Schools. While public schools are not dependent upon the advertising signage provides because they are destination locations and are not seeking student enrollment, The Orion STEM Schools viability is based on attracting students to the school. Therefore, not allowing a shared sign at the entrance on Mill Street will create practical difficulties not otherwise found in the OCI District

b. Petitioner is seeking a reduction in the masonry requirement for the townhome portion of the development. 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. Most properties in the OCI District do not provide single family attached units. Additionally, the cost of utilizing fifty percent (50%) of brick causes a difficulty and a hardship on Petitioner because other townhome developments in the area do not meet the fifty percent (50%) brick requirement. To keep the townhomes affordable and to be competitive with other townhome developments in the area, the Petitioner is requesting a reduction in the brick requirement as other newer construction townhomes in the area have little to no brick. The materials utilized by Petitioner will result in 100% masonry/composite which is far superior to 50% brick and vinyl siding and will not cause a decrease in value of the townhome units.

c. Strict enforcement of the parkway tree requirements of the Code would require that Petitioner not comply with DuPage County's request that Petitioner not plant

parkway trees in DuPage County's right-of-way along Diehl Road and Mill Street. Strict compliance would result in the practical difficulty that Petitioner would have to ignore the County's request regarding its right-of-way while we are also seeking permission for a right-in/right-out on Mill Street to enter the Subject Property. This condition is not found on many other properties in the City since in most cases, the City has jurisdiction over the adjacent streets or obtains jurisdiction during annexation. As a compromise, along Mill Street, Petitioner proposes to plant trees just outside of the right-of-way, consistent with the properties along Mill Street to the south and east. On Diehl Road, Petitioner is proposing to not plant trees to keep the area consistent with the commercial, institutional and office properties to the west.

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

a. The off-premises sign will have no impact on the essential character of the neighborhood, which is largely office, commercial and institutional, nor will it be a substantial detriment to the adjacent property, which in this case is Nike Park. The shared sign will result in one (1) sign along Mill Street, rather than the three (3) signs that would otherwise be permitted. There will not be a detriment to the vacant property to the north, the office and the Nike Park property to the east, or the institutional property to the south.

b. The requested variance from the masonry requirement will not alter the essential character of the neighborhood, which is largely commercial, office, and institutional uses and the park site across Mill Street. The front facades on the townhomes facing West Street, Mill Street, and Harbor Chase will have in excess of 50% brick on the front facades to be compatible with Avenida and HarborChase. Petitioner intends to utilize high-end materials on the exterior walls of the townhomes, which will result in higher quality, higher performance, long-term color stability, and lower maintenance applications for the townhomes. As stated above, the 100% masonry/composite siding will result in a superior townhome development. There will be no detriment to the park, institutional, office and commercial uses immediately adjacent to The Prosperita.

c. The requested parkway tree variance will not alter the essential character of the neighborhood nor be a substantial detriment to the adjacent properties in that the location of "parkway" trees just outside of the right-of-way on Mill Street will be consistent with

the look and feel of properties to the south, and not planting trees in the Diehl Road right-of-way will be consistent with the look and feel of properties immediately to the west.