

**Day & Robert, P.C.**

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March 24, 2021

**VIA EMAIL AND REGULAR MAIL**

[laffa@naperville.il.us](mailto:laffa@naperville.il.us)

Ms. Allison Laff, AICP  
Deputy Director – Planning & Development – TED Business Group  
City of Naperville  
400 South Eagle Street  
Naperville, Illinois 60540

*RE: Extension of Temporary Use  
433-435 Spring Avenue - Ordinance No. 17-059*

Dear Ms. Laff:

Day & Robert, P.C. represents Richard Kramer, the owner of Kramer Restoration of DuPage County L.L.C. (“Kramer Restoration”). Kramer Restoration owns the property located at 433-435 Spring Avenue, Naperville, Illinois (“Subject Property”) and is doing business as Paul Davis Restoration of DuPage County.

On April 18, 2017, the City of Naperville adopted Ordinance No. 17-059 which granted a temporary use and approved an Owner’s Acknowledgement and Acceptance Agreement, landscaping plan and building elevations for the R2 zoned Subject Property. This ordinance granted a temporary use for the Subject Property based upon the City finding that use of the Subject Property for the Paul Davis Restoration of DuPage County operations (a non-R2 permitted use) provided an appropriate transitional land use while Ozinga Ready Mix Concrete, Inc. (“Ozinga”) operated a concrete ready-mix plant (also a non-R2 permitted use) continued to operate as a grandfathered legal non-conforming use on the immediately adjacent parcel.

Kramer Restoration purchased the Subject Property after the grant of the temporary use. It was originally contemplated that the temporary use would be granted for eight years rather than the four years permitted by Ordinance 17-059. Even the staff report written by Kasey Evens, AICP submitted for the April 3, 2017 Planning and Zoning Commission public hearing reported that the temporary use and the Owner’s Acknowledgment and Acceptance Agreement would run for eight years and expire in April of 2025, or until the Ozinga use terminated if earlier. But between the Planning and Zoning Commission and approval of the City Council, the term of the temporary use was reduced to four years.

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Mr. Kramer's plans have not changed. His plan is to continue to operate doing business as Paul Davis Restoration of DuPage County at the Subject Property until April of 2025, at which time the business will relocate and end operations at the Subject Property. To do so, he must obtain permission from the City of Naperville to extend his temporary use for an additional four years.

Mr. Kramer advises that his operations have met all obligations and responsibilities imposed under the Owner's Acknowledgment and Acceptance Agreement, and he is willing to accept responsibility for compliance with each obligation and responsibility for an additional four years. He has expressed his plan is to retire at the end of the requested four-year extension and sell his restoration business to a key senior employee who has confirmed plans to relocate the business from the Subject Property at that time.

Ozinga continues to operate a concrete ready-mix plant as a legal non-conforming industrial land use on the adjacent R2 zoned property. The staff report from 2017 acknowledged that "the potential for the Subject Property to be redeveloped in compliance with the R2 zoning regulations is severely limited while the concrete plant continues to operate next door...." This land use conflict is just as restrictive today as it was four years ago.

Please let this letter serve as Kramer Restoration's request to extend the temporary use for four years, through April 30, 2025.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott M. Day", with a long horizontal line extending to the right.

Scott M. Day

SMD:kg

cc: Richard Kramer  
Patricia Johnson Lord