

**VARIANCE TO THE MAXIMUM PERMITTED HEIGHT OF 43 FEET TO ALLOW
FOR A BUILDING HEIGHT OF UP TO 47 FEET**

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

The purpose and intent of the City’s zoning ordinance is to permit the orderly and harmonious use of lands within the City, including the heights of buildings. The minor height variance requested would allow the Forest Meadows building to exceed the height maximum by only four feet. The land uses immediately adjoining the Subject Property—a City electric substation, a heavily-wooded forest preserve parcel, a parking lot for a religious institution, and 75th Street—would not suffer a detriment with a building that is four feet higher than allowed in the OCI district. The essentially mixed-use pattern of the immediate neighborhood with commercial, retail, medical and veterinary office, electric utility, car wash/sales, forest preserve, preschool, religious institution and single-family attached and detached uses will not be altered with the height of the proposed Forest Meadows building. Forest Meadows, with a moderately increased height under the requested variance, will be heavily screened with existing, mature trees. The current terrain of the site will further minimize the impact and appearance of the height of the building.

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 this title would cause the property to be developed with a building that would not have the aesthetics and density of the proposed Forest Meadows building. The

Subject Property has an unusual condition in that it is uniquely adjoined by an electric substation (and corresponding transmission towers), forest preserve parcel, and large parking lot, creating a condition that minimizes any impact of a slightly taller building on these neighboring properties. This circumstance is unique to this parcel and not generally found in other similarly zoned properties.

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 character of the neighborhood around the Subject Property is already that of a mixed use area varying in type, size, and height of buildings. The variance to allow four extra feet to the height of the Forest Meadows building will simply add to the variety and mix of buildings and uses making up the essential character of the area, resulting in no detriment to the adjoining properties. The heights of the electric substation, transmission towers, and the mature trees in the forest preserve parcel already meet or exceed the proposed height of the Forest Meadows building. The building housing the adjoining religious institution will be 200 or more feet from the proposed Forest Meadows structure, highly diminishing any visual effect of the height of the new development. Further, the natural fall of the existing terrain from the north property line to the south property line of the Subject Property, combined with the City Code requirement for measuring a building's height, also mitigate any impact related to height variance requested. This variance will allow the development of an aesthetically pleasing Forest Meadows building, a positive addition to this quadrant of town as promoted in the City's Master Plan, resulting in the highest and best use of the Subject Property.

VARIANCE TO PERMIT 38 UNITS IN LIEU OF ONLY ONE UNIT FOR EVERY 2,600 SQUARE FEET OF LAND AREA

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

The purpose and intent of the City's zoning ordinance is to permit the orderly and harmonious use of lands within the City. The land uses in the vicinity of the Subject Property currently reflect a mixed use pattern of commercial, retail, medical and veterinary office, electric utility, car wash/sales, forest preserve, preschool, religious institution and single-family attached and detached uses. Forest Meadows, with a moderately increased density under the requested variance, simply becomes part of the mix in an already varied area of the community. It will not alter the character of the existing mixed use neighborhood but will become part of it. The immediately adjoining uses—a religious institution, a forest preserve parcel, and an electric substation—will suffer no detriment due to Forest Meadows. There are no residential neighbors immediately adjoining the Subject Property that would be affected by this variance. As stated throughout this Petition, the proposed development is in harmony with the City's adopted Master Plan by introducing a needed multi-family use, adding to the range and diversity of housing options currently lacking especially in this section of Naperville.

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 this title would cause the Subject Property to not be redeveloped and continue to be occupied by a neglected single-family structure and garage that cannot be used due to its lack of a kitchen and overall unsuitability as a place to live or raise a family (i.e., former conversion to doctor's office, lack of any residential neighbors, etc.). This circumstance is unique to this parcel and not generally found in other similarly zoned properties in the County. Multi-family housing is consistent with the City's Master Plan designation of this stretch of 75th Street as City Corridor, since multi-family residential buildings are supporting uses for areas designated as City Corridor.

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 other properties near the proposed Forest Meadows apartment community vary greatly in land use and intensiveness: residential, retail, restaurant, medical office, electric utility, car wash/sales, veterinary clinic, religious institution, forest preserve, etc. The variance to allow additional dwellings within the Forest Meadows development will not result in any detriment to these areas, but will supplement the wide array of uses already present in the area by introducing a new type of housing not currently available.

The City's current zoning districts and their corresponding densities date back to a time when the City was not focused on providing a wider variety of housing, resulting in the need for variances like this one to carry out the City's updated vision as expressed via the Master Plan. Density limitations exist in zoning codes to prevent overburdening of public facilities. Here, there is no lack of water or sewer facilities. 75th Street is a major arterial roadway and will not be overtaxed by the traffic from Forest Meadows. The few school children anticipated to be generated by Forest Meadows will not unduly burden School District 203. All required parking is satisfied on the site. The Forest Meadows building and site layout will meet or exceed all required setbacks. There are no residential dwellings immediately adjoining Forest Meadows — single-family or otherwise — that would be impacted by the proposed development. And Forest Meadows as proposed would certainly result in a less intense use than any extension of the commercial uses located nearby.

Additional density in the form of a needed multi-family apartment building is desirable for this use in this location and is consistent with the City's vision for the area as evidenced by future land use designated in the Master Plan. The Forest Meadows proposal will result in the highest and best use of the Subject Property.