

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR  
A VARIANCE FROM CITY CODE SECTION 6-7D-4 TO PERMIT A FITNESS USE TO  
OCCUPY THE FIRST FLOOR OF THE PROPERTY LOCATED AT 236 S.  
WASHINGTON STRET**

THE UNDERSIGNED Petitioner, 236 S. Washington Street, LLC., an Illinois limited liability company (hereinafter “the Petitioner”) respectfully petitions the City of Naperville to approve a variance from City Code Section 6-7D-4 to permit a fitness use to be located on the first floor of the Subject Property and such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

**BACKGROUND INFORMATION**

1. The Petitioner, 236 S. Washington, LLC. is the Petitioner and owner of the Subject Property.
2. The Subject Property is occupied by a building that contains approximately +/- 7,000 sq. ft.
3. The Subject Property consists of two units. The westerly located unit has frontage along Washington Street and is occupied by Potbelly’s.
4. The easternly located unit has no frontage/visibility from Washington and is adjacent to an alley as well as the city’s Central parking deck.
5. The eastern located unit is not suitable for retail purposes due to lack of visibility and

pedestrian traffic which has resulted in several past tenants going out of business.

6. A service retail use allowing for an Aerial Fitness Studio is a use that will benefit downtown and be viable in this challenged location.

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

- a. North: "B4" Business Zoning: Karisma Boutique
- b. East: "B5" Business Zoning: Central Parking Facility
- c. South: "B4" Business Zoning: Barnes & Noble
- d. West: "B4" Business Zoning: Potbelly's

8. The Subject Property is currently vacant as depicted on **Exhibit B**.

**VARIANCE TO PERMIT A FITNESS USE ON THE 1<sup>ST</sup> FLOOR OF THE PROPERTY  
LOCATED AT 236 S. WASHINGTON STREET**

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

City Code requires first floor occupancy be retail or service establishments dealing directly with the public which is generally consistent with a fitness facility. Important to consider is the fact that this property has no street frontage making it unfit for retail uses only. The proposed variance will provide for optimum use of the Subject Property by allowing for a service/fitness use that will compliment the surrounding uses and allow the Subject Property to be viable.

*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*

The Subject property has no visibility from the street thereby making retail use virtually impossible. Currently vacant, this property has been home to several failed retail uses in the past due to its location. Strict enforcement of this title would ensure this

property stays vacant due to the lack of visibility and little to no pedestrian traffic. The Aerial fitness use would bring a new and unique use to an otherwise unusable space. The proposed variance will provide the Subject Property with an opportunity to utilize the space enhancing the area and providing a new fitness use.

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

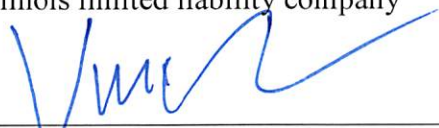
The variance, if granted, will actually have a positive effect on the essential character of the neighborhood and will benefit adjacent properties. The proposed variance will allow for a fitness facility to fill the vacant space thus bringing a vibrant and exciting new use to the area and enhancing the sustainability of the adjacent properties. A description of the proposed Aerial Fitness use is attached here as Exhibit C.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to grant a variance to allow a fitness use to be located on the first floor of 236 S. Washington Street and such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), and as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of December, 2019.

PETITIONER:

236 S. Washington LLC  
An Illinois limited liability company

  
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Rosanova & Whitaker, Ltd.