

EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

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

Explanation: The Zoning Code seeks to improve and protect the public health, safety, comfort, convenience, and general welfare of the people by establishing a uniform set of rules applicable to each zoning district. A variance is a request to deviate from the standard rules. In this response, you should provide an explanation as to how the overall intent of the zoning code (see [Purpose and Intent of the Zoning Code](#)) and the comprehensive master plan (see [City's website](#)) will still be maintained if the specific variance you are requesting is granted.

Kingdom Martial Arts is where we provide martial arts to the community to ensure that our students live in a safe and healthy environment. The business was required to submit a petition for zoning variance as TED believed there is a deficit of approximately 21 parking spaces on the current parking lot to accommodate additional tenants, including our business and two more vacant spaces for next newcomers. However, due to the type and size of our local martial arts business, we do not require a lot of parking spaces. According to the Parking Occupancy Summary and the Parking Analysis Study that was performed, there is no possibility that our presence would cause a concentration of population in the parking lot on both off-peak and on-peak time since our operation hours start when most of the other tenants of the building are about to close for the day. Our existing tenants are engineering office, tax office, optometrists, orthodontics, financial analysts, and business officers who operate 5 days a week with typical office hours when our business operates from 4 pm to 7:30 pm from Monday through Friday. We might share the parking lot with other tenants, but the Parking Analysis Study shows that the parking demand would never exceed 50% rather, based on the maximum occupied parking spaces and the occupied tenant space, the observed peak parking is less than required by the City Code.

Also, our center has been running based off on a drop-off system. Approximately 80% of our students are dropped-off by their parents or guardians. The students who are not getting dropped off are the Little Dragon students who are age between 4 to 6 years old and only have 30 minute-classes that take place typically from 4:00pm-4:30pm which is after our neighbor tenants are close to being closed for the day. Due to the size of the business, the number of students in each class, drop-off style, and being outside of normal operation hour compared to other business, there is no need for us to require more parking space and there should be no traffic conflicts with other tenants in the building that could possibly cause congestion or shortage on the existing parking lot.

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; and

Explanation: Explain how your property is different from others that are zoned and used in a similar manner (i.e., other residential lots) and how these differences make it difficult to comply with the standard code requirements. For example, the location of a mature tree on your property may make it difficult to build an addition onto your home in a location that complies with required setbacks. As a result, you may be seeking a variance to locate a portion of the addition within the required setback in order to preserve the tree. In this case, the tree presents a special condition and unusual hardship for your property that makes compliance with the code difficult. Per the code, hardships should not be self-imposed (i.e., "I would simply like a bigger addition than permitted") and should not be financially based (i.e., "It will be too costly to build in compliance with the Code").

According to our current operation, approximately 80% of our students are dropped-off by their parents or guardians. The students who are not getting dropped off are the younger students who are age between 4 to 6 years old and only have 30-minute classes that take place typically from 4:00pm-4:30pm. This system has been used for about 8 years in our business and it is not planned to be changed. On average, we have about 7 to 8 cars per class and the most we have seen is 10 parking lots being occupied during the class hours.

According to the Parking Analysis Study, even with this customer demand at the peak time, the total occupancy of the building does not exceed 50% rather 46 percent (65 of 140) of the total parking spaces surveyed were occupied at its peak, which occurred at peak time on the weekday. Thus, the business would not require more parking space nor would impact our surrounding neighbors and business units.

If the code gets strictly enforced, the business would not be able to open for occupancy by not passing the parking and zoning permit, which would result in failure of opening business in Naperville. If we fail to open in Naperville, our children will not have a better learning environment as this was our main reason for the move. We decided to come into this Naperville location as it provides a healthy environment and learning atmosphere to the students with spacious performance area. More importantly, if the business is not able to be open in this Naperville location, we would need to find out a way to get out of the lease agreement which is redlined for 10 years. Breaking the 10-year lease would cause us to be out of business, possibly without even having a chance to open the business at a new location as we would be required to pay for the 10-year lease while paying for the current rent. Our new location is already our biggest investment as we doubled the space which led to double rent.

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

Explanation: Provide details as to how the requested variance, if granted, will not significantly impact the surrounding properties and neighborhood. Questions to ask yourself when preparing this response may include: Will the variance result in an improvement that is out of character or inconsistent with surrounding properties? Will abutting properties be impacted by the variance I am requesting? If so, what considerations/alterations/conditions have been made to protect the adjacent properties from the proposed improvement? Are other properties in the immediate area improved in a similar manner?

Our business won't impact the surrounding properties and neighborhoods as currently the existing parking lot is not being utilized for more than 46% of the full occupancy according to the Parking and Traffic Analysis Study. When the visit was made before for this parking variance application form, I noted that 11 to 15% of the parking lot was being occupied, which is 22 to 29 cars as shown on the included photos below. According to the Parking and Traffic Analysis Study, there are a total of 140 parking spaces and during the peak hour for both our business and other tenants, the maximum occupied was 65 out of 140 parking spaces, which is only 46% of the capacity. If the parking demand does not exceed a half of the supply, then there is no reason for substantial detriment to adjacent property nor neighborhood. Based on our observations and calculations, the parking supply at the building should be sufficient to accommodate us as a tenant. This parking calculation included the required parking spaces for the next tenant also, so at this time, 6 out of the 20 additional parking spaces are not needed now. Regardless of this fact, our business won't be utilizing all given 12 parking spaces.

Hypothetically, if most of the parking lot was full, our parents would continue to just drop off the students and visit Trader Joe's or Starbucks or Pioneer Park or Casey's like now. They will continue to run errands as they are doing now.

With all these supporting data and current operational style, there is no existing or potential impact that will interfere with public comfort, convenience, and/or welfare.

****PLEASE SEE provided photos and explanation below that support our response.***