

EXHIBIT 1: 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; and

Owner purchased an office condominium unit 110 at 2323 Naperville Road which allows for medical office use. The issue is that the current parking ordinance prohibits my client from getting an occupancy permit because the parking lot surrounding the office building has 173 spaces but the City Parking Code would require 183 spaces in order for Owner to operate a medical office in the building. The overall intent of the zoning code and the comprehensive master plan will still be maintained if this specific variance is granted as the parking lot is barely occupied and the Owner's use of parking spaces would not impact the other owners or visitors of the building. As referenced in the Parking Study accompanying this application, approximately two-thirds (and often even more) of the parking lot remains unoccupied at any time. Therefore, approving this variance of reducing the parking requirement to allow for a medical office in the building will not affect day to day parking needs at this building and no one in the office building or surrounding area would be impacted by the reduced parking requirement.

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

My client purchased this condominium unit, Unit 110 at 2323 Naperville Rd., on March 27, 2024 to use for her dental practice. It appears that while there may have originally been a sufficient number of parking spaces to comply with the Naperville parking ordinance requirements when this condominium building was first constructed approximately 17 years ago, over time, as certain condo units have re-sold or leased their units, and the particular uses of these certain units have changed, it has led to a situation where technically there are not enough parking spaces per condo unit in the parking lot surrounding the building to comply with ordinance. In fact, even if my client had intended to build out her space for general office use and continued same use as prior owner, there would still not technically be enough parking spaces at this building to comply with the Naperville parking ordinance. Another words, due to changes through the years in individual uses of units in this condominium building, the parking count is encumbered for all remaining and future owners of units in the building. Accordingly, my client faces an exceptional hardship of not being able to obtain a certificate of occupancy to open her medical office in this condominium building because other owners in this condo office building have changed their use over time and used up the parking count. It is obviously an exceptional hardship to Owner to not be able to obtain a certificate of occupancy and open her practice in the unit she purchased for this purpose.

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

Granting this parking variance would in no way result in an improvement that is out of character or inconsistent with surrounding properties and has no effect on abutting properties. It is simply allowing occupancy of an office unit by a small dental office owner who may have a few cars parked in the parking lot at any time and which parking lot has more than sufficient amount of parking at all times. As referenced in the Parking Study accompanying this application, at its absolute peak, the parking lot occupancy reached only 32%. This translates to at least 118 parking spaces and more readily available at any given time during the observation period of the study.

Therefore, accommodating the dental office's parking variance will not negatively impact the parking availability for other tenants or businesses at Danada Center. Based upon the parking study, and the substantial amount of unused parking spaces everyday, there will still be adequate parking for the other condominium owners, office users and visitors to the building. It should not be necessary to have any overflow parking on adjacent properties or along the street.