



## CITY OF NAPERVILLE

TRANSPORTATION, ENGINEERING, AND DEVELOPMENT (TED)  
BUSINESS GROUP  
400 S. Eagle Street  
Naperville, IL 60540  
[www.naperville.il.us](http://www.naperville.il.us)

# PETITION FOR ZONING VARIANCE

November 8, 2023

## TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request a variance from the City of Naperville zoning regulations. Zoning variances are subject to a public hearing before the Planning and Zoning Commission and approval by the Naperville City Council. This Petition for Zoning Variance is available on the City's website at <http://www.naperville.il.us/developmentpetition.aspx>. Questions may be directed to the City of Naperville TED Business Group at [DRT@naperville.il.us](mailto:DRT@naperville.il.us).

### **E-Plan Review**

"E-plan review" is short-hand for electronic plan review. It is the process of reviewing development submittals in a digital format instead of on paper. All development projects submitted to the City require e-plan review. All plans (e.g., site plan, engineering plans, landscape plans, etc.) and application materials (e.g. parking and traffic studies, application forms, etc.) associated with these projects must be provided to the City of Naperville electronically per the following table:

<b>Required E-Plan Review Submittals</b>	<b>Format*</b>	<b>Page</b>
Zoning Variance Form (Exhibit A)	PDF File	5 - 9
Response to Standards (Exhibit B or Exhibit C)	PDF File	9 - 10
Disclosure of Beneficiaries (Exhibit D)	PDF File	11 - 14
Legal Description**	MS Word File	N/A
Site Plan (e.g., Plat Survey) depicting all existing structures, patios, decks, and proposed structures, additions, signs, and/or fences and the setbacks from lot lines to such improvements ( <i>drawn to scale</i> ).	PDF File	N/A
\$500 application fee	Check payable to the City of Naperville	N/A

\*Submittals must comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).

\*\*It is the petitioner's sole responsibility to verify that the correct legal description including address and PIN(s) is being submitted. Failure to do so may result in additional resubmittals, additional fees, meeting rescheduling, project delays, etc.

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### OVERVIEW OF ZONING VARIANCE PROCESS

1. Prior to submittal of a Petition for Zoning Variance, please email a brief description of your project to the TED Planning Department at [planning@naperville.il.us](mailto:planning@naperville.il.us) to determine whether or not a concept meeting is required. A project manager will be assigned to you at this time.
2. Following your concept meeting (if required), prepare a complete Petition for Zoning Variance including all items noted in the Required E-plan Review Submittals table above. All submittals shall comply with the formatting and filename specifications detailed in the Naperville [PDF Submittal Requirements](#) and [Naperville Required Submittal List](#).
3. Contact your Project Manager to obtain access to Naperville's e-Review Submittal Portal. See the [Naperville E-Review Submittal Instructions](#) for additional details.



4. Electronically submit the complete Petition for Zoning Variance including all items (except for fee) noted in the Required E-plan Review Submittals table above. *Submittals will not be accepted and/or processed until all of the submittal requirements are met.*
5. Drop off a check in the amount of \$500 to the Development Services Counter on the 1<sup>st</sup> floor of the Municipal Center, 400 S Eagle Street, or mail it to your Project Manager's attention at City of Naperville, 400 S Eagle Street, Naperville IL 60540.
6. Once the completed Petition for Development Approval is accepted, it will be forwarded to City departments (e.g. planning, utilities, engineering, etc.) for review and comment.
7. At the conclusion of the review cycle, if all fees have been paid, the Project Manager will transmit the City's technical review comments to the Primary Contact identified on the Zoning Variance Form (see page 6). Comments may necessitate revisions to plans prior to scheduling the project for a Planning and Zoning Commission (PZC) and/or City Council meeting.
8. Once department review of the Petition is completed, the project will be scheduled for a public hearing before the Planning and Zoning Commission (PZC). The Petitioner will be notified of the hearing date approximately three weeks in advance. City staff will complete newspaper notification requirements; the Petitioner is required to complete mailed notice and posting of a sign on the property (see [Public Hearing Information Packet](#) for additional information).
9. Following a public hearing and recommendation by the PZC, the case will be scheduled for City Council consideration. The Petitioner will be notified of the City Council date approximately four weeks in advance of the meeting. A summary of the meeting format for the PZC and City Council is provided on the next page of this packet.
10. Zoning variances are subject to City Council approval. Permits associated with the variance will only be granted upon City Council approval of the variance request.

### **EFFECTIVE PERIOD OF APPLICATION**

Please note that Applications for Engineering Approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the Applicant after the two-year period has expired.



### SUMMARY OF PUBLIC MEETING FORMAT

A summary of the meeting format for the Planning and Zoning Commission (PZC) and City Council is provided below. The following is intended to provide a general overview of the format for each meeting; and the role of the Petitioner, City staff, the general public, the PZC, and the City Council. For additional information, please contact your assigned project manager.

#### PLANNING AND ZONING COMMISSION (PZC)

The Planning and Zoning Commission meeting begins at 7 p.m. (first and third Wednesday's of each month). Prior to the start of the meeting, City staff will be available to provide assistance and answer any questions or concerns. The following is a summary of the meeting format:

- City Staff Presentation – At the start of the public hearing City staff will provide a brief overview of the requested variance.
- Petitioner Testimony – Following City staff's presentation, the Petitioner, attorney representing the petitioner, and/or consultant(s) will have an opportunity to speak. The extent of the Petitioner's presentations varies by case. The Petitioner may provide a presentation, outline key points, or state that they are available for questions only.
- Public Testimony – The public will have an opportunity to provide comments on the case. The PZC Chairman will ask if any member of the audience is present to speak on the case.
- PZC Questions/Comments – Following public testimony (if any), the PZC members will discuss the variance request and may address questions to City staff and/or the Petitioner.
- PZC Recommendation – The PZC will provide a recommendation at the conclusion of their discussion. The recommendation will be forwarded to City Council for final determination. City staff will confirm a City Council meeting date with the Petitioner following the PZC meeting.

#### CITY COUNCIL

The City Council meeting begins at 7 p.m. (first and third Tuesday of each month). The Petitioner should arrive prior to 7 p.m. to register with the City Clerk's Office in order to 1) speak on the case; or 2) respond to questions only (i.e., no presentation).

The Petitioner or attorneys representing petitioner(s) may speak on an agenda item first and will be allotted up to 10 minutes. Other speakers who have signed up for the agenda item will be allotted up to three minutes to speak.

For additional information about the Naperville City Council, visit the City's website at [www.naperville.il.us/government/meet-your-city-council](http://www.naperville.il.us/government/meet-your-city-council).

CITY OF NAPERVILLE  
**ZONING VARIANCE FORM**



Exhibit A

**ADDRESS OF SUBJECT PROPERTY:** 1575 W OGDEN AVENUE

**PARCEL IDENTIFICATION NUMBER (PIN):** 07-22-200-027

**I. PETITIONER:** Gerald Realty Holdings LLC, a Delaware limited liability company

PETITIONER'S ADDRESS: 213 HANSEN BLVD

CITY: NORTH AURORA STATE: ILLINOIS ZIP CODE: 60542

PHONE: 630-878-5867 EMAIL ADDRESS: DLAWLER@GERALDAUTO.COM

**II. OWNER(S):** Gerald Realty Holdings LLC, a Delaware limited liability company

OWNER'S ADDRESS: 213 HANSEN BLVD

CITY: NORTH AURORA STATE: ILLINOIS ZIP CODE: 60542

PHONE: 630-878-5867 EMAIL ADDRESS: DLAWLER@GERALDAUTO.COM

**III. PRIMARY CONTACT** (review comments sent to this contact): ZACHARY BLAIR

RELATIONSHIP TO PETITIONER: ATTORNEY

PHONE: 630-355-4600 X 105 EMAIL ADDRESS: ZACHARY@RW-ATTORNEYS.COM

**IV. OTHER STAFF**

NAME: \_\_\_\_\_

RELATIONSHIP TO PETITIONER: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

RELATIONSHIP TO PETITIONER: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_



**V. SUBJECT PROPERTY INFORMATION**

ZONING OF PROPERTY: B3

AREA OF PROPERTY (Acres or sq ft): 8.61

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

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SIGN VARIANCE FROM SECTION 6-16-5:2.2 TO PERMIT INSTALLATION OF A REPLACEMENT NISSAN DEALERSHIP IDENTIFICATION SIGN LOCATED ALONG OGDEN AVE.

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**VI. REQUIRED DISCLOSURE**

DISCLOSE ANY ORDINANCES, COVENANTS, DEED RESTRICTIONS, OR AGREEMENTS RECORDED AGAINST THE PROPERTY WHICH CURRENTLY APPLY TO OR AFFECT THE PROPERTY.

- For ordinances, provide only the title(s) of the ordinance and their recording number.
- For mortgages, provide only the name of the current mortgagee and the recording number.
- For all other documents, provide an electronic copy with this Petition with the recording number.

**FAILURE TO FULLY COMPLY WITH THIS REQUIRED DISCLOSURE WILL ENTITLE THE CITY TO REVOKE ONE OR MORE ENTITLEMENTS SOUGHT IN THIS PETITION.**

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R2021-176763

MORTGAGEE: COMERICA BANK, a Texas banking association, successor by merger to Comerica Bank, a Michigan banking corporation

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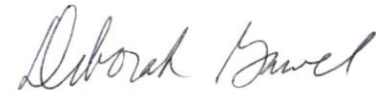
**VII. PETITIONER'S SIGNATURE**

I, John C. Dvorak, CFO (Petitioner's Printed Name and Title), being duly sworn, declare that I am duly authorized to make this Petition, and the above information, to the best of my knowledge, is true and accurate.

  
(Signature of Petitioner or authorized agent)

3/6/24  
(Date)

SUBSCRIBED AND SWORN TO before me this 6<sup>th</sup> day of March, 2024

  
(Notary Public and Seal)





**VII. OWNER'S AUTHORIZATION LETTER**

I/we hereby certify that I/we am/are the owner(s) of the above described Subject Property. I/we am/are respectfully requesting processing and approval of the request(s) referenced in this Petition. I/we hereby authorize the Petitioner listed on this Petition to act on my/our behalf during the processing and presentation of this request(s).

*[Signature]* \_\_\_\_\_  
(Signature of 1<sup>st</sup> Owner or authorized agent) (Signature of 2<sup>nd</sup> Owner or authorized agent)

3/6/24 \_\_\_\_\_  
(Date) (Date)

John C. Dvorak, CFO & Agent \_\_\_\_\_  
1<sup>st</sup> Owner's Printed Name and Title 2<sup>nd</sup> Owner's Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 6<sup>th</sup> day of March, 2024

*[Signature]*  
(Notary Public and Seal)







## **REQUIRED VARIANCE STANDARDS**

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

### **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.*

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").*

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?*



## **REQUIRED PUD DEVIATION STANDARDS**

The Naperville Municipal Code requires a petitioner who is seeking a variance to respond to a set of standards that demonstrate both the need and appropriateness of the variance request. Your response to the standards is forwarded to the Planning and Zoning Commission and City Council for consideration, along with a report prepared by staff, when reviewing your requested variance. It is important to provide thorough responses to each of the standards listed below. To assist in better understanding the intent of each standard, a more detailed explanation for each standard is provided below along with helpful information to consider when preparing your responses.

### **EXHIBIT 2: Section 6-4-3:12.1: Standards for Approving a PUD Deviation**

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and

*Explanation: The purpose of a Planned Unit Development (PUD) is to provide an alternate under which land can be developed with innovation, imagination, and creative architectural design. The objective of a PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise standards zoning regulations. With all PUD's, the underlying zoning district still remains in place and many of the associated zoning regulations continue to apply to the development and redevelopment of land and properties within the PUD. In this response, you should provide details as to why and/or how the deviation will still maintain the overall intention of the underlying zoning district.*

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and

*Explanation: Explain how the request to vary from the approved PUD, if approved, will not significantly impact the delivery of public services. Your response should demonstrate that the deviation will not interfere with the City's ability to provide services; such as traffic control and management, water and sanitary services, maintenance of public space and facilities, etc.*

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.

*Explanation: Explain how the deviation from the PUD requirements will still maintain the integrity of the planned development's superior design, amenities, or environmental benefits; or further the City's character by the inclusion of attainable housing (if applicable to the requested deviation). Questions to ask yourself when preparing this response may include: will the deviation result in an improvement that is out of character or inconsistent with the remainder of the development? If so, what considerations/alterations/ conditions have been made to protect the PUD from the proposed improvement? Are there similar improvements within the immediate area improved in a similar manner?*

**CITY OF NAPERVILLE**  
**PETITIONER/APPLICANT - DISCLOSURE OF BENEFICIARIES**

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

1. Petitioner: GERALD REALTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
 Address: 213 HANSEN BLVD., NORTH AURORA, IL 60542

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2. Nature of Benefit sought: SIGN VARIANCE

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3. Nature of Petitioner (select one):

- |               |                     |
|---------------|---------------------|
| Individual    | Partnership         |
| Corporation   | Joint Venture       |
| Land          | Limited Liability   |
| Trust/Trustee | Corporation (LLC)   |
| Trust/Trustee | Sole Proprietorship |

4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:

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5. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (or on a separate sheet):

- **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
- **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
- **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
- **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
- **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
- **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

Virginia Gerald Asset Holding Trust dated 11/27/2012 - 99% Ownership

Neil D Gerald is Trustee - 213 Hansen Blvd., North Aurora, IL 60542

Gerald Management Company LLC, General Partner - 1% Ownership

Neil D Gerald Trust dated 02/29/1988 is Manager of Gerald Managment Company LLC

213 Hansen Blvd., North Aurora, IL 60542

6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:

JOHN DVORAK, CFO - GERALD REALTY HOLDINGS, LLC

213 HANSEN BLVD, NORTH AURORA, IL 60542

VERIFICATION

I, John Dvorak (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 8<sup>th</sup> day of March, 20 24.

  
Notary Public and seal



**CITY OF NAPERVILLE**  
**PROPERTY OWNER - DISCLOSURE OF BENEFICIARIES**

In compliance with Title 1 (Administrative), Chapter 12 (Disclosure of Beneficiaries) of the Naperville Municipal Code ("Code"), as amended, the following disclosures are required when any person or entity applies for permits, licenses, approvals, or benefits from the City of Naperville unless they are exempt under 1-12-5:2 of the Code. Failure to provide full and complete disclosure will render any permits, licenses, approvals or benefits voidable by the City.

2. Owner:  
 Address: GERALD REALTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
213 HANSEN BLVD., NORTH AURORA, IL 60542
  
7. Nature of Benefit sought: SIGN VARIANCE
  
8. Nature of Owner (select one):
 

Individual	Partnership
Corporation	Joint Venture
Land	Limited Liability
Trust/Trustee	Corporation (LLC)
Trust/Trustee	Sole Proprietorship
  
9. If Owner is an entity other than described in Section 3, briefly state the nature and characteristics of Owner:  


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10. If your answer to Section 3 was anything other than "Individual", please provide the following information in the space provided on page 9 (or on a separate sheet):
  - **Limited Liability Corporation (LLC):** The name and address of all members and managing members, as applicable. If the LLC was formed in a State other than Illinois, confirm that it is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
  - **Corporation:** The name and address of all corporate officers; the name and address of every person who owns five percent (5%) or more of any class of stock in the corporation; the State of incorporation; the address of the corporation's principal place of business. If the State of incorporation is other than Illinois, confirm that the corporation is registered with the Illinois Secretary of State's Office to transact business in the State of Illinois.
  - **Trust or Land Trust:** The name, address and interest of all persons, firms, corporations or other entities who are the beneficiaries of such trust.
  - **Partnerships:** The type of partnership; the name and address of all general and limited partners, identifying those persons who are limited partners and those who are general partners; the address of the partnership's principal office; and, in the case of a limited partnership, the county where the certificate of limited partnership is filed and the filing number.
  - **Joint Ventures:** The name and address of every member of the joint venture and the nature of the legal vehicle used to create the joint venture.
  - **Sole Proprietorship:** The name and address of the sole proprietor and any assumed name.
  - **Other Entities:** The name and address of every person having a proprietary interest, an interest in profits and losses or the right to control any entity or venture not listed above.

Virginia Gerald Asset Holding Trust dated 11/27/2012 - 99% Ownership

Neil D Gerald is Trustee - 213 Hansen Blvd., North Aurora, IL 60542

Gerald Management Company LLC, General Partner - 1% Ownership

Neil D Gerald Trust dated 02/29/1988 is Manager of Gerald Managment Company LLC

213 Hansen Blvd., North Aurora, IL 60542

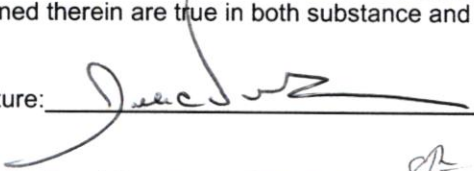
11. Name, address and capacity of person making this disclosure on behalf of the Owner:

JOHN DVORAK, CFO - GERALD REALTY HOLDINGS, LLC

213 HANSEN BLVD, NORTH AURORA, IL 60542

VERIFICATION

I, John Dvorak (print name), being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Owner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: 

Subscribed and Sworn to before me this 8<sup>th</sup> day of March, 2024.

  
Notary Public and seal

