

# CITY OF NAPERVILLE

## PETITION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): R.R. Breitwieser Corner

ADDRESS OF SUBJECT PROPERTY: 41 W. Jefferson Avenue, Naperville, IL 60540

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-13-423-009

**I. PETITIONER:** Jefferson & Main LLC

PETITIONER'S ADDRESS: 510 White Oak Drive

CITY: Naperville STATE: IL ZIP CODE: 60540

PHONE: 630-355-5825 EMAIL ADDRESS: csysto@lauzenaccounting.com

**II. OWNER(S):** Jefferson & Main LLC

OWNER'S ADDRESS: 510 White Oak Drive

CITY: Naperville STATE: IL ZIP CODE: 60540

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

**III. PRIMARY CONTACT** (review comments sent to this contact): Paul M. Mitchell

RELATIONSHIP TO PETITIONER: Attorney

PHONE: 630-753-8065 EMAIL ADDRESS: paul.mitchell@kuhnlaw.com

### IV. OTHER STAFF

NAME: Roake and Associates, Inc. (James G. Caneff)

RELATIONSHIP TO PETITIONER: Engineer

PHONE: 630-355-3232 EMAIL ADDRESS: jcaneff@roake.com

NAME: Stewart - Noshy Architects, Ltd. (Mark D. Nosky)

RELATIONSHIP TO PETITIONER: Architect

PHONE: 630-577-1655, Ext. 101 EMAIL ADDRESS: mark@stewart-nosky.com

## V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

<input type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)*	<input type="checkbox"/> Landscape Variance (Exhibit 5)
<input type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2)	<input type="checkbox"/> Planned Unit Development Deviation (Exhibit 6)
<input type="checkbox"/> Annexation (Exhibit 3)	<input type="checkbox"/> Sign Variance (Exhibit 7)
<input type="checkbox"/> Plat of Easement/Vacation/Dedication	<input checked="" type="checkbox"/> Zoning Variance (Exhibit 7)
<input type="checkbox"/> Rezoning (Exhibit 4)	<input type="checkbox"/> Platted Setback Deviation (Exhibit 8)
<input type="checkbox"/> Subdivision Plat	<input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 8)
<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Other (Please Specify: _____)

*\*When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 9 instead of Exhibit 1.*

ACREAGE OF PROPERTY: 0.091 Acres (3,950 sq.ft.)

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

Section 6-7D-7 of the Municipal Code regarding Yard Requirements in the B4 Downtown Core

District requires that the setback shall be no greater than six (6) feet from any property line.

Petitioner is requesting a variance to allow the building setback at the north property line to

13.41 Feet.

## VI. REQUIRED SCHOOL AND PARK DONATIONS (RESIDENTIAL DEVELOPMENT ONLY)

(per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:

☐ Cash Donation      ☐ Land Dedication

Required Park Donation will be met by:

☐ Cash Donation      ☐ Land Dedication

**PETITIONER'S SIGNATURE**

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I, Russell R. Breitwieser, Manager (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.

Jefferson & Main LLC

By: *Russell R. Breitwieser*  
(Signature of Petitioner or authorized agent)

3-21-18  
(Date)

SUBSCRIBED AND SWORN TO before me this 21st day of March, 2018

*Paul M. Mitchell*

(Notary Public and Seal)



**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).

Jefferson & Main LLC

By:

Russell R. Breitwieser

(Signature of 1<sup>st</sup> Owner or authorized agent)

\_\_\_\_\_  
(Signature of 2<sup>nd</sup> Owner or authorized agent)

3-21-2018

(Date)

\_\_\_\_\_  
(Date)

Russell R. Breitwieser, Manager

1<sup>st</sup> Owner's Printed Name and Title

\_\_\_\_\_  
2<sup>nd</sup> Owner Printed Name and Title

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of March, 2018

[Signature]

(Notary Public and Seal)



\* Please include additional pages if there are more than two owners.

**CITY OF NAPERVILLE**  
**DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Petitioner: Jefferson & Main LLC  
Address: 510 White Drive  
Naperville, IL 60540
2. Nature of Benefit sought: Zoning Variance
3. Nature of Petitioner (select one):
  - a. Natural Person
  - b. Corporation
  - c. Land Trust/Trustee
  - d. Trust/Trustee
  - e. Partnership
  - f. Joint Venture
4. If Petitioner is an entity other than described in Section 3, briefly state the nature and characteristics of Petitioner:  
Limited Liability Company
5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:
  - a. Russell R. Breitwieser Trust, 510 White Oak Dr., Naperville, IL 60540 - 99.8752%
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
6. Name, address and capacity of person making this disclosure on behalf of the Petitioner:  
Russell R. Breitwieser, 510 White Oak Drive, Naperville, IL 60540

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

**VERIFICATION**

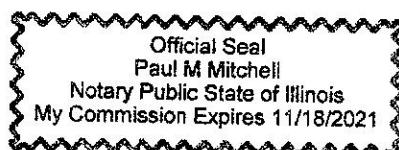
I, Russell R. Breitwieser, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained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

Signature: *Russell R. Breitwieser*

Subscribed and Sworn to before me this 21st day of March, 2018.

*Paul M. Mitchell*

Notary Public and seal



## EXHIBIT 7

### STANDARDS FOR GRANTING A ZONING VARIANCE

#### R.R. BREITWIESER CORNER/41 W. JEFFERSON AVENUE

Section 6-7D-7 of the Municipal Code regarding Yard Requirements in the B4 Downtown Core District requires that “the setback shall be no greater than six (6) feet from any property line” (emphasis added). Petitioner is requesting a variance to allow the building setback at the north property line to be 13.41 feet.

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

Section 6-7D-1 states that the B4 District “is intended to contain intensive retail business activities”. Virtually every other zoning district has the opposite setback requirements that a building can be no closer than a certain number of feet. The intent is to not have open space and to have the building up close to the street which will enhance the retail shopping experience. This is primarily for the retail traffic which is along Jefferson Avenue and Main Street. The proposed building complies with these requirements along Jefferson and Main. The only variance is along the north side which fronts on the City parking lot. A building set back more than six feet adjacent to the parking facility would be in harmony with the general purposes of the master plan and the B4 Downtown Core District.

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.

Originally the City requested a 10-foot public utility easement along the north line of the property. Clearly a building could not be constructed within the easement area. Subsequently the requested easement was reduced to 5 feet. However, by then, the architectural plans had been completed. In addition, besides the utility easement, space is needed along the north line for door swings and outdoor space for a grease trap. Thus, it would impose an exceptional hardship to require the building along the north line to be no greater than 6 feet from the north property line.

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

All the buildings on the north side of Jefferson Avenue in this block are built with basically no setback from the Jefferson right of way. However, virtually all of these buildings are set back more than six feet from the north property line adjacent to the city parking facility. Thus, granting the requested variance would not alter the essential character of the neighborhood and would not be a substantial detriment to adjacent property.