

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

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR  
A SIGN VARIANCE**

**THE UNDERSIGNED** Petitioner, Route 34 Holdings, LLC, a Wisconsin limited liability company (hereinafter the “Petitioner”), respectfully petitions the City of Naperville (the “City”) to: (i) grant a sign variance from Section 6-16-5.2 of the City’s Municipal Code (the “Sign Code”) to permit a wall sign to be located on an accessory structure on the property legally described on **Exhibit A** (the “Property”), and (ii) grant such other variances, departures or deviations as may be necessary to permit the installation of a wall sign as depicted on the sign exhibit attached hereto as **Exhibit B**.

In support of this Petition, the Petitioner represents to the City as follows:

1. The Petitioner is the owner and operator of the Culvers restaurant located 1515 N. Naper Blvd., Naperville, Illinois 60563.
2. Recently the Petitioner granted the adjacent property owner to the north (“Adjacent Owner”) easements so that the Adjacent Owner could construct a grocery store and associated out lots on the adjacent property.
3. The Adjacent Owner is in the process of constructing said grocery store, and upon completion the new structure will block visibility to Culvers from the south.
4. Visibility is critical for Culvers to remain a viable restaurant.
5. Pursuant to section 6-16-5.2 of the Sign Code, wall signs are permitted on the primary façades with street frontage or façades adjacent to parking areas.
6. The Petitioner is allowed to place a sign on the west façade of the building facing

Naperville-Wheaton Road, but not on the back of the trash enclosure which faces the same direction.

7. If the Petitioner is allowed to place a Culver's sign on the west façade of the trash enclosure it would be visible from the corner of Ogden Avenue and Naperville-Wheaton Road.

8. As part of the accommodation to the Adjacent Owner, the Petitioner has granted the Adjacent Owner an access easement through the Property which will necessitate the demolition and reconstruction of the Petitioner's trash enclosure.

9. Upon the reconstruction of the Petitioner's trash enclosure would be an optimal time to install the requested wall sign on the west façade of the trash enclosure.

10. The trash enclosure is built of masonry materials and has been constructed in a manner that complements the surrounding area.

11. The requested relief meets the requirements for a sign variance under the Naperville Municipal Code and is appropriate based on the following factors:

**A Sign Variance To Permit A Wall Sign On The West Façade of The Trash Enclosure.**

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

A stated purpose of the Sign Code is to "advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public." However, pursuant to section 6-16-5.2 of the Sign Code, wall signs are only permitted on the primary structure. In accordance with the stated purpose of the Sign Code, the Petitioner requests the wall sign be located on the west façade of the trash enclosure where it will be visible from Ogden Avenue and Naperville-Wheaton Road. The existing signage on the rear façade of the building is not visible from said intersection. Granting this variance ensures adequate site identification and

will therefore encourage effective communication to the public consistent with the City's Sign Code.

*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 location of the Property creates a unique set of circumstances creating a significant hardship in identifying the Property. The identification challenge arose as a result of the new development of the adjacent property. Without the proposed variance, Petitioner will be required to operate a business without proper signage, which is contrary to the intent of the Sign Code fostering effective communication between signs and the public. Approval of the variance will encourage better communication between Petitioner and the general public by fulfilling the stated purpose of the Code and providing for a successful business.

*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 surrounding area is an intensive commercial area, and the proposed sign will not alter the essential character of the area. In fact, the Petitioner's restaurant was a considerable improvement to the area and helped spark additional investment in the surrounding area. Additionally, overall the Petitioner is well under its allotted sign allowance for the west façade of the building. Per code, the Petitioner is allotted a sign on the west façade of the building up to 80 square feet. The existing sign on the south façade is only 30 square feet and the proposed sign for the trash enclosure is only 29 square feet. Together the two signs are approximately 59 square feet, which is less than 75% of the sign allowance for the west façade.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: (i) grant a sign variance from Section 6-16-5-2 of the Sign Code to permit a wall sign to be located on the west façade of the trash

enclosure, and (ii) grant such other variances, departures, deviations or other relief which is deemed necessary to approve the installation of the proposed sign as depicted on the plans submitted herewith.

**RESPECTFULLY SUBMITTED** this 10<sup>th</sup> day of March, 2021.

**PETITIONER:**

**ROUTE 34 HOLDINGS, LLC**

By:   
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Vincent M. Rosanova  
Attorney for Petitioner

**EXHIBIT A  
LEGAL DESCRIPTION**

**Culver's Property**

**LOT 2 IN THE FINAL PLAT OF SUBDIVISION FOR TARTAN POINT SUBDIVISION  
BEING PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 38  
NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO  
THE PLAT RECORDED AS DOCUMENT ON R2019-044716 ON JUNE 7, 2019 IN  
DUPAGE COUNTY, ILLINOIS.**