

October 18, 2018

VIA EMAIL: [shubbard@vah.com](mailto:shubbard@vah.com)

Mr. Sam Hubbard  
Development Planner  
Department of Planning and Community Development  
Village of Arlington Heights  
33 S. Arlington Heights Road  
Arlington Heights, IL 60005

Re: JUSTIFICATION FOR LANDSCAPING VARIANCE REQUEST  
PURSUANT TO VARIATION CRITERIA  
3650 N. Wilke Road, Arlington Heights, IL

**Zoning requirement:**

Three-foot-high plant material to screen parking/paved areas adjacent to public way

**Variation requested:**

One-foot-high plant material to screen parking/paved areas adjacent to public way

Criteria A. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property

Response: The Petitioner's variation request is specifically intended to address this criterion. Our proposed variance will bring the property into compliance with the essential character of the locality and be compatible with existing uses and zoning of nearby properties. Petitioner's neighbor to the immediate north, Courtyard by Marriott, maintains a screen of varying heights and consistency along N. Wilke Road. Petitioner's proposed one-foot-high screen will be more uniform and more attractive than its northern neighbor's. Petitioner's proposed variance will not only not alter the essential character of the locality, but improve it.

Furthermore, Petitioner's next closest neighbor is Lexus of Arlington Heights to its east and southeast. Petitioner's request for a variance is specifically intended to maintain the essential character of the locality by being compatible with this nearby property. Lexus of Arlington Heights maintains a one-foot-high screen of plant material along N. Wilke Road. Petitioner's request is to maintain a one-foot-high screen of plant material along N. Wilke Road.

Criteria B. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned

Response: The plight of the owner/Petitioner is indeed due to unique circumstances. The property had been zoned M-1 and been vacant for two years. Petitioner is seeking re-zoning to B-3 and wishes to bring it ‘up to code.’ More specifically, the property had been the location of Suburban Press, a weekly news publication, with offices and printing capability on site. Petitioner intends to use the property as an automobile repair facility to ease the congestion at its Chrysler dealership nearby on Dundee Road which has limited repair/service facilities and a high volume of sales traffic. Upon information and belief, the subject property has been vacant for at least two years. In that time, it has deteriorated. Petitioner’s goal is to bring what had been a vacant property into compliance with B-3 zoning requirements.

Criteria C: The proposed variation is in harmony with the spirit and intent of this Chapter

Response: The variation is in harmony with Chapter 28 of the Arlington Heights Municipal Code (Sec 28-2) as the facility will protect the public health, safety, convenience and general welfare by making use of an otherwise vacant property. The proposed variation improves on what is currently at the location and is further in harmony with the spirit and intent of the Chapter than it would be otherwise.

Criteria D: The variance requested is the minimum variance necessary to allow reasonable use of the property

Response: The proposed variation is not only the minimum variance necessary to allow reasonable use of the property, but also to bring it into compliance with Criteria A and C above. The one-foot-tall screen is in harmony with the spirit and intent of the Code to protect the public health, safety, convenience, and general welfare of the public as it will improve the condition of the property as it sits currently. Furthermore, the variation is the minimum necessary to maintain the essential character of the area which currently sports the very variance Petitioner is requesting here.

**Zoning requirement:**

Four-inch caliper shade trees at the end of each parking row

**Variation requested:**

Four-inch caliper shade trees only at the end of the parking rows most visible to the public

Criteria A. The proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property

Response: The Petitioner's variation request will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby properties. Petitioner's neighbor to its immediate north, Courtyard by Marriott, maintains trees of various caliper throughout its property. There is no indication to the casual observer that the trees are in a designated location for a specific purpose. Petitioner's proposed variance will not only not alter the essential character of the area as compared to its northern neighbor, but will improve upon what is currently at the location by planting trees where there otherwise would be none.

Furthermore, Petitioner's next closest neighbor is Lexus of Arlington Heights to its east and southeast. This neighbor too maintains trees of various caliper and in locations not necessarily at the end of parking rows where some are inadequate or missing altogether. Petitioner's variance would in no way deviate from the essential character of the locality and will be more compatible with this nearby property.

Criteria B. The plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned.

Response: The plight of the owner/Petitioner is indeed due to unique circumstances. Petitioner intends to use the property as an automotive repair facility. As a result, cars awaiting repair or cars awaiting delivery following completion of repair will need to be parked on the property. Trees are the natural enemy of automobile repair facilities. Trees produce leaves, branches, animal excrement, and other potential detritus that is damaging to vehicles. Trees also have the potential of falling over in extreme weather and present additional obstacles to be avoided, both potentially causing damage to vehicles.

Criteria C: The proposed variation is in harmony with the spirit and intent of this Chapter.

Response: The variation is in harmony with Chapter 28 of the Arlington Heights Municipal Code to protect the health, safety, convenience, and general welfare of the public. Petitioner is seeking to plant 5 trees (instead of the required 11) at the locations indicated in its proposed site plan. Petitioner does not seek to omit trees at the ends of parking rows that are most visible to traffic on North Wilke Road and Route 53. As such, Petitioner's variance will still adhere to the spirit and intent of this Chapter. Petitioner respectfully requests relief from a requirement that is potentially damaging to its intended purpose and has no bearing on the spirit and intent of this Chapter.

Criteria D: The variance requested is the minimum variance necessary to allow reasonable use of the property.

Response: The proposed variation is indeed the minimum variance necessary to allow reasonable use of the property. As mentioned, trees are the enemy of automobiles.



Petitioner's preference is to have no trees at all at the end of any parking row. However, in order to be in harmony with the spirit and intent of this requirement, Petitioner believes five trees in the locations most visible to the public is the minimum necessary to allow reasonable use of the property. Requiring more than the five trees placed at the proposed locations is superfluous and will not provide the intended zoning result.

Once again, we appreciate all of the help and cooperation we receive from Arlington Heights and look forward to our ongoing successful relationship.

Very truly yours,

/s/ Joon Park

Joon Park  
Assistant General Counsel

cc: Richard P. Brandstatter, Director of Real Estate