

Wednesday, October 17, 2018

Mr. Bill Enright
Bill Enright, Deputy Director of Planning and
Community Development
Village of Arlington Heights
33 South Arlington Heights Road
Arlington Heights, Illinois 60005

**RE: Land Use Variation to allow a Day Care Facility within the OT District
1316 N Arlington Heights Rd., Arlington Heights, IL 60004 as more fully
described in the Agreement (“Property”)**

Dear Mr. Enright:

I represent Amir Khowaja and his assigns (“Purchaser”) who is a contract purchase of the above-referenced Property. My client intends on acquiring the Property for the operation of a Day Care Facility. As you know, the Property is currently zoned R-3: One-Family Dwelling District.

Purchaser seeks a rezoning and land use variation of the Property to OT, Office-Transitional Zoning District in order to facilitate the use of the Property as a Day Care Facility.

In accordance with your zoning code and the land use variation criteria, the Purchaser states as follows:

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

The proposed use of the Property is a Day Care Facility. Currently, the nearby properties have the following existing uses:

<u>Direction</u>	<u>Existing Use</u>
North	Daycare (KinderCare)
South	Single-Family Home
East	Single-Family homes, Thomas Middle School
West	Single-family homes

Based on the existing uses of the nearby properties, which include another day care facility, a middle school and single-family residences, we can state that the proposed use by Purchaser as a Day Care Facility will be consistent with the essential character of this locality.



- **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**

This is a vacant building that is not in use and to our knowledge has been vacant since March 31, 2015.

- **The proposed variation is in harmony with the spirit and intent of this chapter.**

We believe the proposed land use variation will bring an otherwise vacant and non-productive Property into use for a legitimate business purpose, and is consistent with the spirit and intent of the zoning code.

- **The variance requested is the minimum variance necessary to allow reasonable use of the property.**

Based upon our research and investigation, the proposed land use variation is the minimum necessary facilitate the proposed use of the Property as a Day Care Facility.

We look forward to working with the Village of Arlington Heights, and can provide you with any additional information you may require in connection with the foregoing.

Very Truly Yours,

AMIN LAW OFFICES, LTD.

Jayal Amin



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11/13/18

Mr. Bill Enright
Development Planner
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Goddard School - 1316 Arlington Heights Rd – Front Yard Fence Variance

Dear Mr. Enright

Mr. Amirali Khowaja is purchasing the vacant building located at 1316 Arlington Heights Road for the purpose of operating The Goddard School as a franchisee. The Goddard School is a national franchise with 460 locations across 36 states that offers daycare and preschool services for infants and children up to five years old, as well as private kindergarten classes and afterschool programs for children in elementary school. The proposed location will offer care for children as young as six weeks up to pre-school (five years old). This location will not offer private kindergarten or afterschool care for elementary children at this time but may do so in the future.

The current location is zoned R-3 Residential but is currently being petitioned to be rezoned to OT Office Transitional District. The location of the existing building as it pertains to the site allows for two (2) outdoor play areas; one immediately to the west of the building and one immediately east of the building facing Arlington Heights Road. To ensure child safety, Goddard maintains a minimum fence height of six feet around all playground areas however Arlington Heights maximum allowable fence in the front yard is three feet for all districts. Therefore, Mr Khowaja respectfully requests a zoning variation from the Village of Arlington Heights to permit a six foot tall fence in the front yard around the children play area instead of the maximum three foot high fence permitted by the Village of Arlington Heights Zoning Code.

- **The fence height variation will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**

Granting a variance to allow for a six (6) foot high fence around the play area in the front yard will not alter the essential character of the locality and be compatible with existing uses because Thomas Middle School directly across the street has a 6-foot-high chain link fence abutting the public sidewalk along Arlington Heights Road.

- **Plight of the owner.**

The current building is vacant and has been for several years. By granting the variance it will allow Mr Khowaja to operate a reputable franchise.

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- **The fence height variation is in harmony with the spirit and intent of this chapter.**

According to Goddard School representatives and goddardschool.com, granting a variance to allow for a six (6) foot high fence around the play area in the front yard will ensure the safety and welfare of the children occupying that said play area.

- **The fence height request is the minimum variance necessary to allow reasonable use of the property.**

A fence height of six feet around the perimeter of the play area is a requirement of Goddard to ensure the safety of the children occupying the outdoor play areas. Without the variance, Goddard will not allow the play area in the front yard. Given the existing building location on the site and the DCFS requirement for outdoor play space, the existing site conditions would only allow for one (1) outdoor play area which would drastically reduce the child capacity of the building making the use no longer feasible for Mr Khowaja.

Thank you for the opportunity to submit this application. We look forward to working with the Village of Arlington Heights.

Sincerely,

Atul Karkhanis, AIA, LEED AP BD+C

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11/13/18

Mr. Bill Enright
Development Planner
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Goddard School - 1316 Arlington Heights Rd – Accessory Structure Variance

Dear Mr. Enright

Mr. Amirali Khowaja is purchasing the vacant building located at 1316 Arlington Heights Road for the purpose of operating The Goddard School as a franchisee. The Goddard School is a national franchise with 460 locations across 36 states that offers daycare and preschool services for infants and children up to five years old, as well as private kindergarten classes and afterschool programs for children in elementary school. The proposed location will offer care for children as young as six weeks up to pre-school (five years old). This location will not offer private kindergarten or afterschool care for elementary children at this time but may do so in the future.

The current location is zoned R-3 Residential but is currently being petitioned to be rezoned to OT Office Transitional District. The location of the existing building as it pertains to the site allows for two (2) outdoor play areas; one to the west of the building serving the preschool aged children, and one to the east of the building serving the preschool aged children. Each playground includes playground equipment and structures geared to a specific age group and designed to help develop motor skills and encourage children to use their imaginations while they have fun and investigate the world. The playground equipment will include a small slide, climbing equipment and other items complimenting the main daycare building.

The Village of Arlington Heights requires that playground structures be designated as accessory structures and as such will require a variance to be located in the front yard of the building. Due to existing building and site conditions, Goddard has no option but to locate one of the playgrounds in the front yard of the building which will include accessory structures ie, the playground equipment. Therefore, Mr Khowaja respectfully requests a zoning variation from the Village of Arlington Heights to allow accessory structures such as the playground equipment within the front yard of the building and within the playground area.

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- **The front yard accessory structure variation will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**

Granting a variance to allow for accessory structures within the playground area in the front yard will not alter the essential character of the locality and be compatible with existing uses because the playground structure will maintain the required 25 foot front yard setback.

- **Plight of the owner.**

The current building is vacant and has been for several years. By granting the variance it will allow Mr Khowaja to rehab and reuse an existing building to operate a reputable franchise.

- **The front yard accessory structure variation is in harmony with the spirit and intent of this chapter.**

According to Goddard School representatives and goddardschool.com, granting a variance to allow playground structures within the playground area in the front yard will enhance the welfare, education and development of the children. They will be able to further develop their motor skills and enhance their creativity through imagination and play.

- **The front yard accessory structure variation is the minimum variance necessary to allow reasonable use of the property.**

Given the current site and building conditions, there are (2) separate playgrounds; one for the preschool aged children which is in the rear yard, and one for the toddlers which is in the front yard. Playground equipment within a playground area is a requirement of Goddard and a core element of its curriculum to encourage play, imagination and development. Without the accessory structure variance, that is the playground equipment within the playground area in the front yard, Goddard's curriculum would not be possible within that playground area and would have to be removed. Given the existing building location on the site and the DCFS requirement for outdoor play space, the existing site conditions would only allow for one (1) outdoor play area in the rear yard which would drastically reduce the child capacity of the building making the use no longer feasible for Mr Khowaja.

Thank you for the opportunity to submit this application. We look forward to working with the Village of Arlington Heights.

Sincerely,

Atul Karkhanis, AIA, LEED AP BD+C

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2/20/19

Mr. Bill Enright
Development Planner
Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL 60005

Re: Goddard School - 1316 Arlington Heights Rd – Side Yard Setback Variance

Dear Mr. Enright

Mr. Amirali Khowaja is purchasing the vacant building located at 1316 Arlington Heights Road for the purpose of operating The Goddard School as a franchisee. The Goddard School is a national franchise with 460 locations across 36 states that offers daycare and preschool services for infants and children up to five years old, as well as private kindergarten classes and afterschool programs for children in elementary school. The proposed location will offer care for children as young as six weeks up to pre-school (five years old). This location will not offer private kindergarten or afterschool care for elementary children at this time but may do so in the future.

The current location is zoned R-3 Residential but is currently being petitioned to be rezoned to OT Office Transitional District. The adjacent lots to the North, South and West of the property are zoned R-3 Residential. The OT district has a minimum required side yard setback of 20 feet when abutting a residential zoned property. The existing building on the property is setback from the north property approximately 1 foot. Because of this, Mr. Khowaja respectfully requests a zoning variation from the Village of Arlington Heights to permit the existing building to be within 1 foot of the northern property line instead of the minimum 20 feet as outline in the Arlington Heights Zoning Code.

- **The side yard setback variation will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property.**

This is an existing condition of the building and cannot be altered.

- **Plight of the owner.**

The current building is vacant and has been for several years. By granting the variance it will allow Mr Khowaja to rehab the façade and operate a reputable franchise.

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- **The side yard setback variation is in harmony with the spirit and intent of this chapter.**

By granting the variance it will allow the occupation and beatification of an existing vacant building on Arlington Heights road and help restore the taxable value of land

- **The side yard setback request is the minimum variance necessary to allow reasonable use of the property.**

As mentioned this is an existing condition of the building and cannot be altered. By granting the variance it allows reasonable use and rehabilitation of the property.

Thank you for the opportunity to submit this application. We look forward to working with the Village of Arlington Heights.

Sincerely,



Atul Karkhanis, AIA, LEED AP BD+C

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