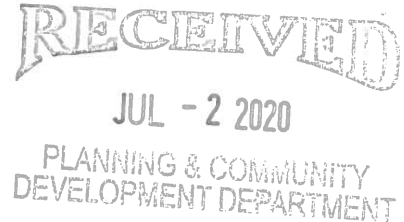


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June 30, 2020



Mr. Terrence Ennes and  
Members of the Plan Commission of the  
Village of Arlington Heights  
33. S. Arlington Heights Road  
Arlington Heights, IL 60005-1403

**Re: PetSuites at 1050 East Rand Road (the "Property"); Novogroder Properties, LLC  
("Petitioner") for Plan Commission Hearing and Recommendations**

**WRITTEN JUSTIFICATION FOR LAND USE VARIATIONS**

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**A. Variation to Chapter 28, Section 5.1-1, Permitted Use Table, to operate a Commercial Kennel in a B-2 District.**

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

Correct. Petitioner seeks to operate a commercial kennel in a B-2 district, noting that pursuant to the current zoning ordinance for the Village, the operation of a commercial kennel is a special use that is permitted only in a B-3 district. However, the request for a special use in a B-3 District would require both a zoning change from the currently zoned B-2 zoning district, as well as a special use approval. Due to the fact that there are permitted uses in a B-3 zoning district that would be inconsistent and incompatible with the current uses in the area, Petitioner is requesting a variation within the existing B-2 district. Neighboring properties, include commercial businesses such as the Midas Auto Shop to the southwest of the Property and the Dunkin' Donuts to the northwest of the Property, in addition to numerous other commercial businesses located just beyond the Property. The essential character of this locality will not be altered and will be compatible with other existing uses of zoning of nearby properties.

- 2. 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.*

Correct. The Property has been vacant for over two (2) years. As such, it is beneficial for the Village to allow this special use for a commercial kennel, rather than allowing the Property to

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remain vacant. As a result of the vacancy at the Property, homeless individuals have been observed sleeping in the existing Teddy's Liquors entryway, the Property has become overgrown with weeds, including in the parking lot, and unauthorized vehicles, including large trucks and campers, have been parking in the parking lot. Petitioner's operation of the Property as a commercial kennel would include exterior enhancements to the Property, providing a more aesthetically pleasing appearance than that of the existing vacant Teddy's Liquors.

3. *The proposed variation is in harmony with the spirit and intent of this Chapter.*

Correct. It is the intention of the Village Municipal Code "[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas." Petitioner seeks to develop the Property into a commercial kennel in order to provide revenue to the Village, employment opportunities, more customers for associated uses in the area, and essential pet-boarding services for Village residents.

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

Correct. This variance is the minimum variance necessary to allow a commercial kennel in a B-2 district. Alternatively, rezoning the Property to B-3, and obtaining a special use would entail a much broader scope and would not be the minimum variance necessary to allow this use. A commercial kennel is a reasonable use of the Property given the nature of the neighboring properties.

**B. Variation to Chapter 28, Section 6.13-3b., to allow a seven (7) foot tall solid fence in an exterior yard parallel to a major road.**

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

Correct. The essential character of the locality will not be altered as this variance is only one (1) foot above that which is allowed by the current zoning ordinance, which provides that a six (6) foot tall fence is allowed by right in a B-2 district. The outdoor activity area at the kennel would be enclosed by a seven (7) foot fence. A small portion of the fence surrounding the outdoor activity area would run parallel to Rand Road, and the one (1) foot difference in height of the fence will hardly be noticeable to car passengers driving past the Property. Additionally, the seven (7) foot fence will provide better security to keep all animals staying at the commercial kennel on the Property. Petitioner operates many similar facilities all over the United States and this additional one foot is significant in keeping any dogs from leaping over the fence.



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- 2. 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.*

Correct. The Property is unique in that the Property is bordered by both residential and commercial properties. The extra one (1) foot of fencing will serve to keep all animals staying at the commercial kennel on the Property, preventing any animals from entering onto the neighboring properties and busy streets.

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

Correct. It is the intention of the Village Municipal Code “[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas.” The purpose of increasing the height of the fence surrounding the outdoor play area is to maintain and promote order as related to the development of the Property into a commercial kennel by keeping all animals safely on the Property.

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

Correct. As Petitioner is only seeking to increase the fence height by one (1) foot, Petitioner is taking extra care to ensure that all animals are kept safely on the Property, and so as not to disturb any of the neighboring properties.

**C. Variation to Chapter 28, Section 10.8, Schedule of Bicycle Parking Requirements, to omit requirement for Bicycle Parking at the Property.**

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

Correct. Since there is no currently existing Bicycle Parking at the Property, there will not be any incompatibility with the proposed development of the Property without Bicycle Parking. Furthermore, as the proposed development of the Property is for a commercial kennel, customers of the commercial kennel will not require the use of Bicycle Parking to drop off or pick up their pets for daycare and boarding services.



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2. *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.*

Correct. The unique circumstances include that as the Property is located on Rand Road, there are not many bicyclists in the area and most, if not all, customers will access the Property by motor vehicle.

3. *The proposed variation is in harmony with the spirit and intent of this Chapter.*

Correct. It is the intention of the Village Municipal Code “[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas.” Nothing about the omission of Bicycle Parking at the Property will, in any way, disrupt the spirit and intent of this Chapter.

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

Correct. As customers of the commercial kennel will not require the use of Bicycle Parking to drop off or pick up their pets, this variance will save Petitioner from spending unnecessary funds to have a bicycle rack that would never be used is totally unnecessary.

Should you require any further information or clarification, please do not hesitate to contact the undersigned.

Sincerely,

Michael D. Firsell



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August 6, 2020

Mr. Terrence Ennes and  
Members of the Plan Commission of the  
Village of Arlington Heights  
33. S. Arlington Heights Road  
Arlington Heights, IL 60005-1403

**Re: PetSuites at 1050 East Rand Road (the "Property"); Novogroder Properties, LLC  
("Petitioner") for Plan Commission Hearing and Recommendations**

**SUPPLEMENTAL WRITTEN JUSTIFICATION FOR ADDITIONAL LAND USE VARIATION**

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**A. Variation to Chapter 28, Section 5.2., to allow an accessory structure in a side yard (shade canopy).**

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

Correct. The essential character of the locality will not be altered as this variance is to place a 4-post covered shade structure in the side yard rather than the rear yard of the subject property. There is more distance to the property borders by placing this structure in the side yard rather than the rear yard.

- 2. 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.*

Correct. The Property is unique in that it is somewhat of an odd shape, and the adjacent streets cause the property front and rear yards to be narrower than the side yards, where there is more room for this accessory structure

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

Correct. It is the intention of the Village Municipal Code "[t]o protect the character and stability of the residential, business and manufacturing areas within the Village and to promote the orderly and



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beneficial development of such areas.” The purpose locating this accessory structure in the side yard is to promote order as related to the development of the Property into a commercial kennel by keeping this accessory structure as far away from neighboring properties as possible, and keeping all employees and animals in a safe shaded area when the weather is too hot or otherwise inclement.

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

Correct. As Petitioner is only seeking to relocate this accessory structure from a smaller rear yard to a more expansive side yard, Petitioner is taking extra care to ensure that all animals are kept as far away as possible from the neighboring properties.

Sincerely,

A handwritten signature in blue ink that reads 'Michael D. Firsell'.

Michael D. Firsell