

## **Justification for Variations e- g: Village Review Comments /Planning and Zoning**

Property Address: 1000 West Northwest Highway

Petitioner: Olympia Acquisitions LLC

Use: Day Care Center / Private School

Current Zoning: B-2 / R-3

- e. **Variation to Chapter 28, Section 6.5-3, to allow accessory structures (play equipment) in the front yard, if extended, of the adjacent property to the rear.**
- **The proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property.**
    - Due to the constraints of the site and placement of play equipment within safe distances, the variation is necessary. It is fenced and landscaped thereby blocked from view to the nearby property. The playground is only used during school hours - never at night.
  - **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.**
    - The prior 2012 special use variation was for a day care, but was not acted upon given the challenges in developing this site. A condition for day care is to have a playground - As previously noted, this property has been vacant for approximately 10 years as zoned.
  - **The proposed variation is in harmony with the spirit and intent of this Chapter.**
    - The variation is in harmony with the spirit and intent of this Chapter: this variance is required to have a playground that meets both the regulatory requirements and the type of service provided by Higher Ground Education.
  - **The variance requested is the minimum variance necessary to allow reasonable use of the property.**
    - Day care Centers require a play ground area - the equipment that will be installed is both high quality with safety standards meeting state requirements. Higher Ground uses this equipment nationally - as such it is the minimum to allow reasonable use of the property.
- f. **Variation to Chapter 28, Section 6.5-7(b) to allow an 816 square foot accessory structure with a height at its peak of 16.85' (toddler shade structure) in a rear yard where code restricts the maximum size of accessory structures to 300 square feet and a height of 15'.**
- a. **The proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property.**
    - i. Due to the constraints of the site and placement of play equipment within safe distances, the variation is necessary. It is fenced and landscaped thereby blocked from view to the nearby property. The playground is only used during school hours - never at night.
  - 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.**
    - i. The prior 2012 special use variation was for a day care, but was not acted upon given the challenges in developing this site. A condition for day care is to have a playground. A condition for a toddler play area is to have the shade structure

shown on the plan- As previously noted, this property has been vacant for approximately 10 years as zoned.

- c. The proposed variation is in harmony with the spirit and intent of this Chapter.**
    - i. The variation is in harmony with the spirit and intent of this Chapter: this variance is required to have a playground and toddler shade structure that meets both the regulatory requirements and the type of service provided by Higher Ground Education.
  - d. The variance requested is the minimum variance necessary to allow reasonable use of the property.**
    - i. Day care Centers require a playground area - the toddler shade structure that will be installed is both high quality with safety standards meeting state requirements. Higher Ground uses this shade structure nationally - as such it is the minimum to allow reasonable use of the property.
- g. New requested variance based on revised parking lot plan: Arlington Heights landscape regulations require a shade tree at the ends of all rows of parking, including two shade trees where there is a double row of parking. Our plan shows the required trees; however, we request a variance for the size of the two northern parking islands where there is a double row of parking from 9' wide island to 6'1" and 7'9" respectively.**
- a. The proposed use will not alter the essential character of the locality and will be compatible with the existing uses and zoning of nearby property.**
    - i. Due to the constraints of the site, when we revised the parking lot plan to provide the required 49 parking spaces, the double row parking islands were reduced in size. This will not alter the essential character of the locality and is compatible with the existing uses and zoning of nearby property.
  - 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.**
    - i. The prior 2012 special use variation was for a day care, but was not acted upon given the challenges in developing this site. A condition for this facility is 49 parking spaces, which have been provided, but necessitates adjusted island sizes for two landscape islands. As previously noted, this property has been vacant for approximately 10 years as zoned.
  - c. The proposed variation is in harmony with the spirit and intent of this Chapter.**
    - i. The variation is in harmony with the spirit and intent of this Chapter: this variance is required to have an adequate parking for the proposed use, with a revised parking island size at the north end of the double row parking islands.
  - d. The variance requested is the minimum variance necessary to allow reasonable use of the property.**
    - i. Providing required parking required the slight reduction in parking island size which are still able to support the tree requirement - as such it is the minimum to allow reasonable use of the property