

ATTACHMENT A

July 20, 2016

President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

Re: Application for Use-Related Variation for 805 Lake Street, referred to the Zoning Board of Appeals. 19-16-Z.

Dear Trustees:

On June 28, 2016, Scoville Square Associates, LP, of 137 North Oak Park Avenue, Suite 406, Oak Park, Illinois, via its agent Lisa Grimes (the "Applicant") filed an application (Calendar No. 19-16-Z) with the Zoning Board of Appeals for the Village of Oak Park, seeking a variation from Section 3.9.3 (F) (2) (e) of the Village Zoning Ordinance (Transit-Related Retail Overlay District use restrictions), which prohibits general office uses, considered incompatible with retail uses at grade level or on the ground floor of any building or structure unless located at least fifty (50) feet from any street line in areas adjacent to and in close proximity to mass transit stations. The Applicant seeks to allow a general office use (District House LLC Sales Office) on the ground floor of the existing building within fifty (50) feet of a street line at 805 Lake Street within the Transit-Related Overlay District ("T-RROD").

Michael Quinn, Chairperson of the Zoning Board of Appeals (the “ZBA”), set Wednesday evening, July 20, 2016, at 7:00 p.m. as the date and hour of a public hearing to be held in the Council Chambers of the Oak Park Village Hall, Madison Street and Lombard Avenue, Oak Park, Illinois.

The notice of the time and place of said public hearing was duly published on July 6, 2016, in the “The Wednesday Journal,” a newspaper of general circulation in the Village of Oak Park, and a sign notifying the passers-by of these proceedings was posted on the Subject Property.

This Zoning Board of Appeals, having fully heard and considered the testimony of all those present at the hearing who wished to testify and being fully advised in the premises, makes the following findings and recommendations to the President and Board of Trustees, pursuant to Sections 2.2.4(A)(2) and 2.2.4(D) of the Village Zoning Ordinance:

The Subject Property.

1. The five-story building is located at 805 Lake Street (the “Subject Property”).
2. The Subject Property is located in the B-3 Central Business District and in a Transit-Related Retail Overlay District (“T-RROD”).
3. The tenant space at 805 Lake Street is approximately 929 square feet, located on the south side of Lake Street in the space formerly occupied by Mac Specialist.

4. The Applicant seeks relief from the Transit-Related Retail Overlay District to allow District House LLC Sales Center to operate on the ground floor of the tenant space located at 805 Lake Street.

The Applicant.

5. The Applicant submitted the following written documentation in support of their application, which documents were considered by the ZBA:

- a. Application for Zoning Variation
- b. Disclosure of Beneficiaries
- c. Project Summary
- d. Response to Standards
- e. Layout of Proposed Space
- f. Scoville Square Area Parking Map
- g. District House Advertisement Flyer

Greater Downtown Master Plan.

6. The Greater Downtown Master Plan (“GDTMP”) was adopted by the Village Board on March 21, 2005, as an update to the Central Business District Master Plan approved in 1994.

7. The GDTMP aims to revitalize retail, reduce traffic congestion, improve transit usage, provide additional open space and enhance pedestrian environment.

8. The GDTMP designates the Subject Property, located on Lake Street adjacent to Oak Park Avenue, as a secondary retail street in the Village of Oak Park.

9. The GDTMP identifies the purpose of secondary retail streets as follows:

“These areas are for retail uses that do not require the rigorous requirements of exposure or floor plate size. As retail demand grows, these areas provide sites for retail expansion and infill. These streets should be characterized and mainly occupied by locally-owned and-operated retail shops and commercial businesses.”

10. Based on the GDTMP’s recommendation for secondary streets, the addition of a sales office is not an appropriate use for the area.

Compatibility With the Neighborhood.

11. The character of the neighborhood is concentrated retail, office and service uses.

12. The proposed use would be located in a vacant tenant space formerly occupied by Mac Specialists.

13. The proposed use is a temporary destination use that could bring customers to the area that could increase foot traffic in the area, which in turn could support the already existing businesses, especially given the Applicant’s goal of selling residential real estate that would support the retail establishments in the neighborhood.

14. For the above reasons, the proposal would be compatible with the neighborhood.

Use Related Variation.

15. With respect to a use-related variation request, the Zoning Board of Appeals makes a recommendation to the Village Board.

16. The Applicant requests a use-related variation from the T-RROD prohibitions of offices on the first floor within fifty (50) feet of the street.

17. As stated above, the Subject Property is located in the B-3 Central Business District and the Transit-Related Retail Overlay District, wherein general office uses are not allowed on the ground floor within fifty (50) feet of any street line.

18. Section 3.9.3 (F) (2) (“Use Restrictions”) lists uses that shall not be located at grade level or on the ground floor of any building or structure unless located at least 50 feet from any street line.

19. These listed uses are considered incompatible with or detract from retail vitality on the ground floor of buildings in areas adjacent and in close proximity to mass transit stations.

20. Section 3.9.3 (F) (2) (e) specifically lists offices as not being allowed on the ground floor within 50 feet of any street line.

Use Variation Standards.

21. Section 2.2.4 (C) of the Village Zoning Ordinance, entitled “Standards for Use-Related Variations,” lays out the five (5) elements that must each be met if the Village is to grant a variation:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
- b. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship that would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district;
- c. The alleged hardship has not been created by any person presently having a proprietary interest in the premises;
- d. The proposed variation will not alter the essential character of the neighborhood; and

- e. The proposed variation is in harmony with the spirit and intent of this Zoning Ordinance.

22. That each of the above five (5) elements must be met by the Applicants in order to receive a variation from the ZBA.

23. Regarding these elements, the evidence presented by the Applicants, Village Staff, and upon questioning by the ZBA members at public hearing, the following was found:

- a. The Applicant demonstrated that the Subject Property cannot yield a reasonable return if permitted to be used only under conditions allowed in the T-RROD, given the time period of its vacancy;
- b. The evidence indicated that the proposed variation would not merely serve as a convenience to the Applicant, and would alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other properties in the District;
- c. The alleged hardship has not been created by any person presently having a proprietary interest in the premises;
- d. The proposed variation will not alter the essential character of the neighborhood, will encourage pedestrian traffic with the ultimate goal of bringing higher residential density to support existing retail downtown; and
- e. The proposed variation is consistent with the spirit and intent of the Zoning Ordinance to bring residents, consumers and pedestrians to the retail areas of the Village of Oak Park.

RECOMMENDATIONS

Pursuant to the authority vested in it by the statues of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Zoning Board of Appeals, hereby recommends to the President and Board of Trustees that the requested use-related

variation from Section 3.9.3 (F) (2) (e) of the Village Zoning Ordinance (Transit-Related Retail Overlay District use restrictions), to allow the rear portion of the tenant space at 1144 Lake Street, a tenant space located at grade or ground level and less than 50 feet from the street line, to be used as an office use (sales office for District House) within the Transit-Related Overlay District (“T-RROD”) be GRANTED, by a vote of 6-0, SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the Applicant’s and tenant’s use of the Subject Property comply in all other ways to the building and zoning requirements of the Village of Oak Park.
2. That the Applicant’s and tenant’s use of the Subject Property substantially comply with the depictions in the plans and drawings submitted and taken into evidence by the ZBA.
3. That the use-related variation be limited to the District House sales office as discussed in the Applicant’s proposal.
4. That the use-related variation be temporary in nature, lasting only six (6) months from the date of approval.
5. Upon the failure or refusal of the Applicant or tenant to comply with any of the foregoing conditions and restrictions, this variation shall become null and void and the Zoning Administrator is instructed to bring such Zoning Ordinance enforcement as may be indicated under the circumstances

This Report ADOPTED by a 6-0 vote of the Zoning Board of Appeals at a public meeting this 20th day of July, 2016.