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Doc#: 0815750039 Fee: \$46.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 06/05/2008 01:23 PM Pg: 1 of 6

NOTICE OF APPROVAL

An ordinance granting relief pursuant to Chapter 118, Section 118-255, of the Skokie Village Code to allow a nonconforming building and use at 8950 Niles Center Road, Skokie, Illinois in an R4 General Residential district was approved by the Board of Trustees of the Village of Skokie on May 19, 2008.

The approval granted is shown on the document attached hereto, marked Exhibit "1" and hereby made a part of this Notice of Approval.

IMPORTANT: THE ABOVE PROVISION IS CONDITIONED UPON THE CERTIFICATION AND THE PAYMENT OF FEES AND EXPENSES IN CONNECTION WITH THE RECORDING OF THIS NOTICE. ALL DEPARTMENTS HAVE BEEN INSTRUCTED TO TAKE NO ACTION ON THE GRANT UNTIL THIS HAS BEEN SATISFIED.

OWNER'S CERTIFICATION

The undersigned, being the owners or duly authorized representative of the owners, of the real estate commonly known as **8950 Niles Center Road, Skokie, Illinois** and legally described in Exhibit "1" attached hereto and hereby made a part of this Notice of Approval certify that such Notice is true and correct and accepts and approves all of the provisions and conditions set forth in Exhibit "1", attached hereto.

Dated this 16 day of May, 2008.

CHOON KON KIM

Choon Kon Kim
Signature

Choon Kon Kim
Print name

Owner
Title

32362 Fernleaf Dr
Address

Lake Elsinore CA 92532
City, State, Zip

951-244-6799
Phone Number

JUNG JA KIM

Jung Ja Kim
Signature

Jung JA Kim
Print name

Owner
Title

32362 Fernleaf Dr
Address

Lake Elsinore CA 92532
City, State Zip

951) 244-6799
Phone Number

Village Ordinance Number 08-5-Z- 3619

bp

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JPH: *5/19/08

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| <p style="text-align: center;">THIS ORDINANCE MAY BE CITED AS VILLAGE ORDINANCE NUMBER</p> |
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08-5-Z-3619

**AN ORDINANCE GRANTING RELIEF PURSUANT TO CHAPTER 118,
SECTION 118-255, OF THE SKOKIE VILLAGE CODE TO ALLOW
A NONCONFORMING BUILDING AND USE AT 8950 NILES CENTER
ROAD, SKOKIE, ILLINOIS IN AN R4 GENERAL RESIDENTIAL DISTRICT**

1 **WHEREAS**, the owner of the following described real estate:

2 LOT 21 IN BLOCK 3 IN SECOND ADDITION TO THE BRONX, BEING A
3 SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP
4 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
5 COUNTY, ILLINOIS.

6 PIN: 10-15-316-010-0000

7
8
9 more commonly described as 8950 Niles Center Road, Skokie, Illinois (the "Subject Property"),
10 petitioned the Village of Skokie (the "Village") for relief under Chapter 118, Section 118-255, of
11 the Skokie Village Code (the "Code") to allow the reuse of the building (the "Building") on the
12 Subject Property as a carpet and rug cleaning business in an R4 General Residential district;
13 and

14 **WHEREAS**, in 1920, when the Subject Property was zoned for commercial use, a
15 single-story building was constructed for the purpose of operating a dry cleaning business. A
16 second floor was added to the building in 1940 for use as a residential unit, which is the
17 current structure of the Building situated on the Subject Property; and

18 **WHEREAS**, in 1946, the Subject Property and the surrounding area were rezoned to
19 R4 General Residential making the Building and the dry cleaning use nonconforming. As a
20 part of the rezoning efforts, nonconforming buildings, with their attendant uses, were
21 authorized to continue for a forty-year period pursuant to an amortization schedule; and

22 **WHEREAS**, in 1975, the owner, at the time, requested a variation from the Skokie
23 Zoning Board of Appeals to extend the time to allow the commercial use of the Building, and
24 therefore its dry cleaning use, until February 4, 2006, which was granted; and

25 **WHEREAS**, the current owner (the "Petitioner") indicated that he purchased the
26 building in 1979 and operated a dry cleaning business until he retired in 2004, and the Building
27 has been vacant since that time; and

28 **WHEREAS**, the Subject Property has been marketed for a residential use, but it has
29 been represented by the Petitioner that the substandard lot size, 30 feet by 114 feet, combined
30 with the expense of removal of the structure and cost associated with constructing a new
31 conforming structure is the reason no purchaser has agreed to acquire the Subject Property;
32 and

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1 **WHEREAS**, the Petitioner has presented a sales agreement for the Subject Property,
 2 representing that the purchaser would utilize it for a carpet cleaning business, as an apparent
 3 franchisee of ServiceMaster. Petitioner has requested that the Village allow the Building and
 4 Subject Property to be used as a place of business for a carpet cleaning business; and

5 **WHEREAS**, adjacent property owners were provided notice of Petitioner's request and
 6 several people appeared at May 5, 2008, public meeting of the Village Board, objecting to the
 7 request citing concerns about vehicles blocking the alley, an air duct blowing air, fumes and
 8 dust at their condominiums, and potentially harmful chemicals being used in the operation of
 9 the carpet cleaning business; and

10 **WHEREAS**, the prospective purchaser represented that these three problems would
 11 not exist during his use of the Subject Property. The prospective purchaser stated that: (i) he
 12 will seal off the major offending air duct and not utilize it; (ii) most of the work is done at
 13 people's homes, with only a small portion being the cleaning of area rugs inside the Building,
 14 and his business will utilize two vehicles that will be stored inside the garage; and (iii) any
 15 chemicals used in the cleaning process must be of the type that are used inside a person's
 16 home and are therefore not dangerous to someone's health; and

17 **WHEREAS**, the Subject Property was inspected by the Village's Community
 18 Development and Fire Departments and it was determined that the Building is structurally
 19 sound and still has a useful life. The results of the inspections and recommendations for
 20 improvements to the Building are stated in the April 29, 2008, Memorandum by the Community
 21 Development Director, which was presented to the Village Board; and

22 **WHEREAS**, the Community Development Department would prefer that the Subject
 23 Property be used in conformance with the R4 General Residential district requirements,
 24 however, it acknowledges that this does not appear to be economically feasible. The Director
 25 of the Community Development Department concludes that "[b]ased upon a review of the five
 26 factors listed in Section 118-255, the rug cleaning business would be an acceptable use of the
 27 Building, with little negative impacts on the neighborhood if operated in compliance with the
 28 recommended conditions"; and

29 **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held May 5,
 30 2008, after consideration of the information presented by the owner, the objections presented
 31 by the neighbors, the representations of the prospective purchaser, the Community
 32 Development Director's Memorandum with Attachments, and the five factors listed in Section
 33 118-255, voted to grant relief from the provisions of Article V of Chapter 118 of the Code, and
 34 to allow the carpet cleaning business, a nonconforming use, to use the Building and Subject
 35 Property, subject to the conditions attached to the Director's Memorandum;

36 **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the
 37 Village of Skokie, Cook County, Illinois:

38 **Section 1:** The above stated recitals are material and are restated and incorporated
 39 herein as if stated in full.

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Section 2: That pursuant to Section 118-255 of the Skokie Village Code, the Petitioner is hereby granted relief from Article V of Chapter 118 of the Code, and is hereby allowed to use of the Building and Subject Property, legally described above and commonly known as 8950 Niles Center Road, Skokie, Illinois, in an R4 General Residential district, as a nonconforming Building and use for the purpose of operating a carpet and rug cleaning business, subject to each of the conditions set forth below:

1. The property owner shall enter into a covenant, to be recorded at the Cook County Recorder's Office, for the use of the nonconforming Building and attendant use.
2. That the Building shall be used for a carpet and rug cleaning business, including fire/water damage restoration. Any change in the business use shall require reconsideration of the covenant or agreement by the Board of Trustees;
3. That building permits be applied for by the business owner for the required interior and exterior work on the building;
4. That all processes and storing of equipment and materials shall occur inside the building;
5. That all vehicles owned or operated by the business shall be parked inside the building;
6. That no residences shall be allowed at the building;
7. That the 500 gallon underground storage tank shall be removed or decommissioned to the satisfaction of the Fire Department;
8. That the second floor frame porch addition shall be removed;
9. That excess soil on the south side of the building shall be removed to be below the top of the foundation wall;
10. That the loose electric cable and sump pump discharge line shall be removed from the south side of the building;
11. That the exterior of the building shall be maintained in a state of good repair;
12. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, address, and telephone number of the company and contact person responsible for site maintenance in compliance with the covenant or agreement;
13. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations;
14. Failure to abide by any and all terms of this covenant or agreement shall be cause for the Village to initiate hearings to determine whether the subject covenant or agreement, as well as any applicable business licenses, should be revised or revoked;
15. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of this covenant or agreement. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing; and
16. The covenant or agreement shall be recorded with the Cook County Recorder of Deeds at the Petitioner's expense.

Section 3: That this Ordinance shall be recorded against the Subject Property legally described above and commonly known as 8950 Niles Center Road, Skokie, Illinois. .

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STATE OF ILLINOIS }
 COUNTY OF C O O K } SS

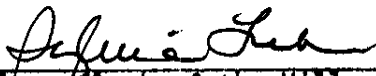
I, SYLVIA LUKE DO HEREBY CERTIFY
 that I am the duly appointed Deputy Clerk of the Village of
 Skokie, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing ordinance
 is a true and correct copy of an ordinance adopted by the Mayor
 and Board of Trustees of the Village of Skokie on the 19th day of
May, A.D. 2008 by a vote of 7 AYES 0 NAYS
0 ABSENT; that said ordinance adopted as aforesaid was
 deposited and filed in the Office of the Village Clerk of the Village of
 Skokie on the 20th day of May, A.D. 2008, and
 was approved by the Mayor of the Village of Skokie on the 19th day
 of May, A.D. 2008.

I DO FURTHER CERTIFY that the original, of which the foregoing
 is a true copy is entrusted to my care and safekeeping and I am the keeper
 of the same.

I DO FURTHER CERTIFY that I am the keeper of the records, journals,
 entries and ordinances of the said Village of Skokie.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the
 corporate seal of the Village of Skokie this 2nd day of June,
 A.D. 2008.


 Deputy Village Clerk of the Village of
Skokie, Cook County, Illinois

(SEAL)