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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 03/31/2017 04:28 PM PG: 1 OF 8

Space Reserved for Recorder of Deeds

**Village of Worth
Cook County, Illinois**

Ordinance No. 2016-42

“AN ORDINANCE GRANTING A VARIANCE TO SECTION 5-9-6(K)(3) OF THE VILLAGE OF WORTH MUNICIPAL CODE TO REDUCE THE REQUIRED NUMBER OF VEHICLE PARKING SPACES FOR A BARBERSHOP LOCATED AT 11224 S. HARLEM AVENUE, WORTH ILLINOIS”

ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF WORTH

ON THE 15TH DAY OF NOVEMBER, 2016

This document prepared by:

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VILLAGE OF WORTH
COOK COUNTY, ILLINOIS

ORDINANCE NO. 2016-42

“AN ORDINANCE GRANTING A VARIANCE TO SECTION 5-9-6(K)(3)
OF THE VILLAGE OF WORTH MUNICIPAL CODE TO REDUCE THE
REQUIRED NUMBER OF VEHICLE PARKING SPACES FOR A BARBERSHOP
LOCATED AT 11224 S. HARLEM AVENUE, WORTH, ILLINOIS”

ADOPTED BY THE
VILLAGE BOARD OF THE
VILLAGE OF WORTH
THIS 15 DAY OF NOVEMBER, 2016

Published in pamphlet form by authority of the Village Board of the Village of Worth, Cook County, Illinois, this 15 day of November, 2016.

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VILLAGE OF WORTH COOK COUNTY, ILLINOIS

ORDINANCE NO. 2016-42

AN ORDINANCE GRANTING A VARIANCE TO SECTION 5-9-6(K)(3) OF THE VILLAGE OF WORTH MUNICIPAL CODE TO REDUCE THE REQUIRED NUMBER OF VEHICLE PARKING SPACES FOR A BARBERSHOP LOCATED AT 11224 S. HARLEM AVENUE, WORTH, ILLINOIS

WHEREAS, 6500 College, LLC, an Illinois limited liability company (the "Owner"), owns the property commonly known as 11224 S. Harlem Avenue, Worth, Illinois, legally described on Exhibit A and depicted on Exhibit B (the "Subject Property"); and

WHEREAS, the Owner and Sam Shaibi (collectively, the "Applicant") have petitioned the Village of Worth for approval of a variance to Section 5-9-6 of the Worth Municipal Code to reduce the required number of vehicle parking spaces for a barbershop located on the Subject Property; and

WHEREAS, Worth Municipal Code Section 5-9-6(K)(3) requires barbershops to provide 1 parking space for each 150 square feet of floor area; and

WHEREAS, the Applicant proposes to occupy a 1,500 square foot tenant space on the Subject Property, which requires the provision of 10 off-street parking spaces; and

WHEREAS, the Subject Property currently provides only 9 parking spaces, 1 space fewer than the number required by Worth's Municipal Code; and

WHEREAS, after publishing notice in the Daily Southtown on October 23, 2016, the Village of Worth Real Estate Development Board (the "REDB") conducted a public hearing on November 7, 2016 to consider the Applicant's variance request; and

WHEREAS, the REDB recommended that the Village Board approve the Applicant's variance request; and

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WHEREAS, Section 5-2-8(D) of the Worth Municipal Code authorizes the Village Board to approve variances to the Worth Municipal Code; and

WHEREAS, the Village Board of Trustees and President of the Village of Worth find that it is in the best interests of the Village to grant the requested variance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Worth, Cook County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. FINDINGS OF FACT. The Real Estate Development Board's findings, as set forth below and in the minutes from the November 7, 2016 Real Estate Development Board meeting, are approved and adopted:

- A. **Reasonable Return:** The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations. The Subject Property's parking lot contains only 9 parking spaces to serve a 1,500 square foot tenant space. Based on the Worth Municipal Code's parking requirements, the number of existing parking spaces is insufficient to accommodate nearly any business on the Subject Property, including business and professional offices, restaurants, medical clinics, and general retail facilities. A variance to the Village's parking regulations would be necessary to accommodate any of these uses. Absent a variance, the Applicant's proposed barbershop could not operate on the Subject Property, the tenant space would remain vacant, and the Subject Property's owner, the Applicant, and the Village would not realize any revenue from the tenant space.
- B. **Essential Character:** Granting the variance will not alter the essential character of the surrounding neighborhood. The proposed barbershop – My Barber – is currently located immediately south of the Subject Property. The Applicant is simply requesting to relocate his existing business. Approving the variance will keep the barbershop in the area and encourage neighborhood stability. Further, the Harlem Avenue corridor is home to many service uses, including restaurants, banks, automotive services, and other barbershops. The proposed use is consistent with and complimentary to the existing service uses.

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- C. Unique Circumstances: The Applicant's plight is attributable to unique circumstances not present elsewhere in the community. The existing structure was built more than a half century ago when automobile reliance was less pronounced. The parking lot constructed to serve the facility was presumably sufficient at that time. As automobile use increased and the surrounding area developed, the Subject Property's parking lot was not expanded. This was largely due to the Subject Property's modest size and, presumably, the unavailability of additional property in the surrounding area. Despite not providing the number of parking spaces required by Worth's Municipal Code, the proposed business is uniquely suited to the Subject Property. Unlike other businesses, the proposed barbershop relies heavily on scheduled appointments. As a result, the Applicant is able to exert greater control over the Subject Property's parking demand than businesses that do not involve appointments.

Section 3. VARIANCE GRANTED. A variance is granted to Worth Municipal Code Section 5-9-6(K)(3) to reduce the number of required parking spaces for a barbershop from ten (10) spaces to nine (9) spaces.

Section 4. COMPLIANCE WITH PLANS. Approval of the variance identified in this Ordinance is conditioned upon compliance with all Village codes, rules, and regulations.

Section 5. RECORDATION. The Village Clerk is directed to record this Ordinance and its exhibits with the Cook County Recorder of Deeds.

Section 6. SUPERSEDER. All ordinances, resolutions, motions, or orders in conflict herewith are repealed to the extent of such conflict.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, in accordance with law.

Passed by the Village President and Village Trustees this 15 day of November, 2016, on a roll call vote as follows:

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AYES: Ryan, Soldan, Muersch Jr., McElroy, and Dziejczak (5)

NAYS: (0)

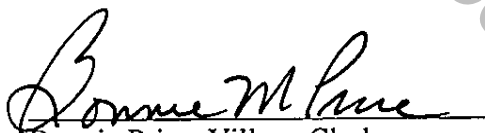
ABSENT: Kats (1)

ABSTAIN: (0)

Approved by the Village President on November 15, 2016


Mary Werner, Village President

ATTEST:


Bonnie Price, Village Clerk

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EXHIBIT A

LEGAL DESCRIPTION

LOT 91 IN ARTHUR DUNAS HARLEM AVENUE ADDITION, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 23-24-208-019-0000

Address: 11224 S. Harlem Avenue, Worth, Illinois 60482

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EXHIBIT B

MAP OF SUBJECT PROPERTY

