07/27/26

VILLAGE OF BARRINGTON

ORDINANCE NO. 2026-4667

AN ORDINANCE GRANTING A FURTHER AMENDMENT TO AND AMENDING AND RESTATING THE SPECIAL USE PREVIOUSLY GRANTED FOR THE SUBJECT PROPERTY WHICH AUTHORIZED THE ESTABLISHMENT AND OPERATION OF A VEHICLE REPAIR BUSINESS AND VEHICLE SALES BUSINESS BY ORDINANCE NO. 2021-4143 AS AMENDED BY ORDINANCE NO. 2023-0802

(RE: ZBA 25-06 – Petition of Andriy Gontar and Vitalii Biletskyi
On Behalf of A&A Automotive Co. for the Subject Property at
475, 485, 495 W. Northwest Highway/P.I.N. 13-35-403-011-0000

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 10 DAY OF AUGUST, 2026.

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 10 day of AUGUST, 2026.

ORDINANCE NO. 2026-4667

AN ORDINANCE GRANTING A FURTHER AMENDMENT TO AND AMENDING AND RESTATING THE SPECIAL USE PREVIOUSLY GRANTED FOR THE SUBJECT PROPERTY WHICH AUTHORIZED THE ESTABLISHMENT AND OPERATION OF A VEHICLE REPAIR BUSINESS AND VEHICLE SALES BUSINESS BY ORDINANCE NO. 2021-4143 AS AMENDED BY ORDINANCE NO. 2023-0802

(RE: ZBA 25-06 – Petition of Andriy Gontar and Vitalii Biletskyi On Behalf of A&A Automotive Co. for the Subject Property at 475, 485, 495 W. Northwest Highway/P.I.N. 13-35-403-011-0000

WHEREAS, Callas Family Partners, 505 W. Northwest Highway, Barrington, IL, 60010 ("Owner") is the owner of record of the Subject Property identified as 475, 485, and 495 W. Northwest Highway which is improved with a large, one-story multi-tenant commercial building (the "existing multi-tenant commercial building"), which property is located within the Village's B-1 General Business Service Zoning District, and which is legally described as follows:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 AND 11 IN BLOCK 2 IN KAINER'S BLOCK, A SUBDIVISION OF THE NORTH 10 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1925 AS DOCUMENT NUMBER 265990, IN BOOK "O" OF PLATS, PAGE 65, IN LAKE COUNTY, ILLINOIS.
P.I.N. 13-35-403-011

(the "Subject Property"); and

WHEREAS, Andriy Gontar and Vitalii Biletskyi, representatives and authorized agents of, and doing business as A&A Automotive Co. (collectively, the "Petitioners" or the "Tenants") are existing Tenants operating a vehicle repair and vehicle sales business within an approximately 5,221 square foot tenant space located within the existing multi-tenant commercial building on the Subject Property with six (6) service bays, a customer waiting area and storage area, as well as the use of sixteen (16) parking spaces within the parking lot located on the Subject Property which may be utilized for the display of a limited number of vehicles which are being offered for sale (hereinafter, the "Existing Business") as authorized pursuant to a Special Use previously approved by Village of Barrington Ordinance No. 2021-4143, and as amended by Ordinance No. 2023-0802 (hereinafter collectively referred to as the "Existing Special Use" or the "Existing Special Use Ordinances") ; and

WHEREAS, the Petitioners have requested that the Village of Barrington, Cook and Lake Counties, Illinois (hereinafter the "Village") approve a further amendment to the Existing Special Use to permit the Petitioners to retain their existing tenant space and further expand their Existing Business

into additional tenant space which has been vacated by a previous tenant and which is located within, at the center of, and in the rear of the existing multi-tenant commercial building on the Subject Property (hereinafter, the "additional tenant space"); and

WHEREAS, the Petitioners intend to continue the operations of their Existing Business in their existing tenant space, and no change in use or in the operations and/or services provided by the Existing Business are proposed by the Petitioners, only the expansion of the Existing Business into the additional tenant space within the existing multi-tenant commercial building on the Subject Property, the floor plan for which expanded operations includes but is not limited to a reception area and office, storage areas, eight (8) work stations, and two (2) bathroom facilities, which Further Amended and Restated Special Use shall be specific to the Petitioners and shall not be transferrable to another auto repair use (hereinafter collectively referred to as the "Further Amended and Restated Special Use"), and which shall all be subject to the Petitioners' timely and continued compliance with the terms, conditions and restrictions set forth in this Ordinance and in the Existing Special Use Ordinances, which Existing Special Use Ordinances shall remain in full force and effect, except as amended herein; and

WHEREAS, the aforesaid Petition for a further amendment to the Existing Special Use was referred to the Zoning Board of Appeals ("ZBA") of this Village and the ZBA, after due publication and notice, held a public hearing on July 14, 2026, as required by the ordinances of the Village and by the laws of the State of Illinois, and the ZBA has filed with the Board of Trustees of the Village its favorable recommendation for the approval of said Petition and the requested amendment to the Existing Special Use, all pursuant to law; and

WHEREAS, the Corporate Authorities of the Village do hereby find that the expansion of the Existing Business within the proposed additional tenant space within the multi-tenant commercial building on the Subject Property is in harmony with the general intent of the Comprehensive Plan of the Village (the "Comprehensive Plan") and the Zoning Ordinance for the reasons set forth below and that, upon review of the required standards for a Further Amended and Restated Special Use, the Corporate Authorities of the Village do hereby find that those standards have all been or will be met; and

WHEREAS, the following has been considered by both the Village's Zoning Board of Appeals and the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois, who do hereby find that:

1. The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the Property is located.

The use proposed to be established by the Petitioners in the additional tenant space is the expansion of the Existing Business, i.e., primarily vehicle repair and limited vehicle sales, which is a listed special use in the B-1 General Business Service District. Therefore, this standard has been or will be met.

2. The proposed special use is consistent with the objectives of the Comprehensive Plan and the Zoning Ordinance.

The Land Use Plan in the 2021 Comprehensive Plan identifies the Subject Property for commercial (retail/office) use. The Existing Business presently operating in another tenant space located on the Subject Property is considered to be a commercial use, and such use, an automotive repair facility, is consistent with the intended land use and objectives of the 2021 Comprehensive Plan and Zoning Ordinance. Therefore, this standard has been or will be met.

3. The proposed special use is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The floor plan for the proposed additional tenant space submitted to the Village by the Petitioners, which is attached hereto as part of the 2026 Amended Approved Plans, indicates that the Special Use proposed to be expanded and operated within both the existing tenant space and the proposed additional tenant space of the existing multi-tenant commercial building located on that portion of the Subject Property commonly known as 495 W. Northwest Highway has been designed and will be constructed, operated and maintained so as to be harmonious with the character of the general vicinity. The Owner of the Subject Property has also indicated that they plan to update the exterior of the existing commercial building in a manner which is consistent with the neighboring building that the Owner also owns at 505 W. Northwest Highway. All proposed signage and exterior wall color will be required to comply with the Zoning Ordinance as no exceptions for signage or exterior color have been requested. Therefore, this standard has been or will be met.

4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.

The proposed Further Amended and Restated Special Use, which consists of the expansion of the Existing Business, which is primarily a vehicle repair service with limited vehicle sales and vehicle display, from a single tenant space into and to include a second tenant space which is currently vacant, within the existing multi-tenant commercial building on the Subject Property, will not diminish the safety, use and enjoyment of surrounding properties and will be compatible with neighboring commercial uses along Northwest Highway as the use and general appearance of the Subject Property will remain consistent with those uses which have already been established on the Subject Property. The Petitioners have and shall continue to conduct all vehicle services within the interior of both tenant spaces, and no vehicles in any state of disrepair will be permitted to be parked on the exterior of the building or on the exterior of the Subject Property at any time. Therefore, this standard has been or will be met.

5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water, sewer and schools, or the persons or agencies responsible for the establishment of the proposed special use shall adequately provide any such services.

The Further Amended and Restated Special Use is and will continue to be adequately served by all essential public services and facilities. Therefore, this standard has been or will be met.

6. The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

The proposed Further Amended and Restated Special Use consists of the continued operation and expansion of the Existing Business which currently operates in a tenant space located in the existing multi-tenant commercial building on the Subject Property, which Existing Business has not created and does not create an excessive additional public expense for public facilities or services and which has not been and will not be detrimental to the economic welfare of the community. Therefore, this standard has been or will be met.

7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed Further Amended and Restated Special Use will be conducted wholly within the existing multi-tenant commercial building on the Subject Property and therefore will not generate any additional noise, smoke, fumes, or odors. No work on vehicles or storage of vehicles, materials, and/or equipment anywhere on the exterior of the Subject Property, including in the dumpster enclosure on the Subject Property, is permitted by the Existing Special Use Ordinances and/or by the underlying zoning regulations for automobile repair uses.

In addition, the terms, conditions, and restriction related to the operation of the Existing Business in the existing tenant space pursuant to the Amended and Restated Special Use previously authorized by the Existing Special Use Ordinances, which includes a vehicle repair business and a limited vehicle sales business, will continue to be operated within the confines of the existing tenant space, will remain in full force and effect, and will not create any traffic, noise, smoke, fumes, glare or odor unusual for a commercial development during business hours and will be fully compliant with all Village regulations. That portion of the operation of the Existing Business for vehicle sales will be permitted to continue to operate on the exterior of the Subject Property in the form of parking of not more than sixteen (16) vehicles offered for sale in the designated parking spaces in the existing parking lot on the Subject Property, however, the Petitioners shall be prohibited from placing any signage relative to vehicle pricing on the vehicles which are parked on the exterior of the Subject Property.

No exterior paging systems or other exterior sound amplification systems will be permitted on the Subject Property with regard to the Further Amended and Restated Special Use herein granted in order to reduce noise generated by the Existing Business being operated on the Subject Property. The Petitioners have previously provided a traffic circulation plan and a parking plan which was

previously approved by the Village in order to mitigate traffic in the parking lot and facilitate the flow of traffic, which plans shall remain in full force and effect.

The Petitioners have previously complied with the terms and conditions of the Existing Special Use by, among other things, installing a dumpster and dumpster enclosure and three (3) exterior building-mounted lights along the east elevation of the commercial building on the Subject Property to better illuminate the parking lot.

Therefore, this standard has been or will be met.

8. The proposed special use provides vehicular access to the Property that does not create an interference with traffic on surrounding public thoroughfares.

The vehicular access to and from the Subject Property will remain unchanged. Therefore, this standard has been or will be met.

9. The proposed special use does not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

There are no natural, scenic, or historic features on the Subject Property. Therefore, the establishment of the proposed Further Amended and Restated Special Use will not result in the loss or damage of natural, scenic, or historic features as no significant exterior changes to the site are proposed. Therefore, this standard has been or will be met.

10. The proposed special use complies with all additional regulations in this Ordinance specific to the special use requested.

The Petitioners have complied with all the additional regulations of the Village's Zoning Ordinance and are not requesting approval of any additional exceptions from the Zoning Ordinance for the Further Amended and Restated Special Use. Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village of Barrington have also considered the following additional standards with respect to the approval of the proposed Further Amended and Restated Special Use for the Subject Property and find as follows:

11. The existing uses and zoning of nearby property.

The surrounding uses are primarily retail, service and restaurant uses Therefore, this standard has been or will be met.

12. The extent to which property values are diminished by the particular zoning restrictions.

While current zoning restrictions applicable to the Subject Property have had an impact on the Owner's ability to lease tenant space in the existing multi-tenant commercial building located on the

Subject Property, the Existing Business has successfully operated within the existing tenant space for several years. Therefore, it is not anticipated that the proposed Further Amended and Restated Special Use, which includes the Tenants' lease of additional tenant space in the center and at the rear of the existing multi-tenant commercial building, will diminish the value of the Subject Property or the value of surrounding properties. While there is an extensive list of uses that are permitted at this location, the center tenant space which is the subject of this Ordinance, has been vacated by the previous tenant, and the lease and use of the subject tenant space will have a positive impact on the Petitioners and the community in general. The tenant space which is the subject of this Ordinance is one (1) of two (2) spaces in the existing commercial building with entrances that are located at the rear of the building off a rear access drive without visibility or frontage, which is not an ideal location for a retail business or a restaurant use as a result of its lack of visibility, which is crucial for the success of retail and restaurant businesses. Therefore, this standard has been or will be met.

13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.

Neither denial nor approval of the proposed Further Amended and Restated Special Use will limit or destroy the value of the Subject Property. The Existing Business which is the subject of the Further Amended and Restated Special Use has successfully operated within a separate tenant space within the existing commercial building on the Subject Property, which promotes the general health, safety and welfare of the community. The Subject Property is located in the B-1 General Business Service District which has a broad list of permitted uses. Therefore, this standard has been or will be met.

14. The relative gain to the public as compared to the hardship imposed upon the petitioner.

The Existing Business has successfully operated within tenant space on the Subject Property for many years, and the Petitioners have determined that it would be advantageous for the Existing Business to expand its operations into additional tenant space within the existing multi-tenant commercial building on the Subject Property. If the requested Further Amended and Restated Special Use is not approved, the Petitioners will be denied the opportunity to expand their business at its present location and could be forced to consider relocation. Therefore, this standard has been or will be met.

15. The suitability of the particular property for the purpose for which it is now zoned.

The Subject Property is zoned B-1 General Business Service District which is appropriate given that the Subject Property is commercial in nature and located along Northwest Highway. The successful operation by the Petitioners of the Existing Business within tenant space on the Subject Property is also an indication that the Subject Property will also be suitable for the Further Amended and Restated Special Use. Therefore, this standard has been or will be met.

16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.

The subject additional tenant space has been vacant for approximately 3-5 years. The prior use of the respective tenant space for the business "Xscape in time" was operating intermittently toward the end of their lease in the subject space. Therefore, this standard has been or will be met.

17. The care with which the community has undertaken to plan its land use development.

The Village has taken great care in land use planning through its Zoning Ordinance and Comprehensive Plan, and the expansion of an Existing Special Use on the Subject Property complies with the terms and intent of the Village's Zoning Ordinance and Comprehensive Plan. Therefore, this standard has been or will be met.

18. The evidence or lack of evidence of community need for the use proposed by the property owner.

The success of the operation of the Existing Business within the Village and its need to expand to accommodate the needs of the business and its clientele is evidence of the community need for this use on the Subject Property. Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village desire to grant the requested Further Amended and Restated Special Use to authorize the further expansion of the Existing Special Use within a second tenant space within the existing multi-tenant commercial building on the Subject Property for the primary use as a vehicle repair business with limited vehicle sales and limited outdoor display of vehicles which are offered for sale on the Subject Property, subject to certain conditions and restrictions as provided herein:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: FINDINGS. The Corporate Authorities of the Village do hereby find that the recitals hereinabove set forth are true and correct, and such recitals are incorporated into the text of this Ordinance as its findings of fact to the same extent as if each such recital had been set forth herein in its entirety, and the report and recommendation of the Zoning Board of Appeals is hereby approved.

SECTION 2: ORDINANCES PREVIOUSLY GRANTING A SPECIAL USE FOR THE SUBJECT PROPERTY. Except as further amended herein, and/or to the extent of any inconsistency among this Ordinance and the Existing Special Use Ordinances, i.e., Village of Barrington Ordinance No. 2021-4143 and Ordinance No. 2023-0802 and the respective Exhibits thereto, the Existing Special Use Ordinances, and each of the respective Exhibits thereto, subject to the conditions and restrictions therein stated, shall remain in full force and effect, but in the event of any inconsistency, this Ordinance and the 2026 Amended Approved Plans (2026 Amended Group Exhibit A) attached to this Ordinance, which are hereby approved, shall prevail and control.

SECTION 3: AMENDED AND RESTATED SPECIAL USE GRANTED SUBJECT TO CONDITIONS. Subject to the terms, conditions, restrictions, and limitations contained herein, a Further Amended and Restated Special Use is hereby granted to the Petitioners, Andriy Gontar and Vitalii Biletskyi, representatives and authorized agents of, and doing business as A&A Automotive Co., and for the Subject Property and for the additional tenant space which is the subject of this Ordinance, to authorize the continued operation of the Existing Business on the Subject Property and within the existing tenant space within the existing multi-tenant commercial building on the Subject Property, pursuant to the terms and conditions of the Existing Special Use Ordinances, and the expansion of the Existing Business into an additional tenant space located in the center of and at the rear of the existing multi-tenant commercial building on the Subject Property, all in compliance with this Ordinance, the Existing Special Use Ordinances, and all applicable laws and all applicable ordinances of the Village within the existing tenant space and within the additional tenant space located in the center of and at the rear of the existing multi-tenant commercial building on the Subject Property (hereinafter, the "additional tenant space"), which additional tenant space shall be constructed and built out as depicted on the 2026 Amended Approved Plans which are attached hereto as part of 2026 Amended Group Exhibit A and thereby made a part hereof (collectively, the "Further Amended and Restated Special Use"), all as more specifically described herein, which Further Amended and Restated Special Use shall be and is hereby made subject to the Petitioners' timely and continued compliance with the terms, conditions, and restrictions set forth in the Existing Special Use Ordinances, except as amended herein, and with this Ordinance and the following terms, conditions, and restrictions as set forth below:

A. The Further Amended and Restated Special Use herein granted shall consist of the Existing Business, i.e., two (2) associated business uses to be operated by the Petitioners within the existing tenant space and within the additional tenant space located within the multi-tenant commercial building located on the Subject Property, which has been established, operated, and maintained, and shall hereafter be required to be maintained in good condition within the existing tenant space, as expanded into the additional tenant space, and specifically:

(1) Vehicle Repair Business: The continued use of the existing tenant space, as expanded into the additional tenant space, for the operation of the Petitioners' Existing Business as authorized by and pursuant to the terms and conditions as set forth in the Existing Special Use Ordinances, as further amended and restated herein, which use shall consist of the repair and maintenance of vehicles by utilizing the six (6) existing service bays in the existing tenant space, which includes a business office, customer waiting area, and the required associated parking utilizing sixteen (16) parking spaces located within the existing parking lot on the Subject Property, and eight (8) additional service bays, office, reception area, storage areas, and two (2) bathroom facilities located in the additional tenant space to be occupied by the Tenants and the Existing Business as herein approved and as depicted on the plans prepared by Gino Romozzi, Architect, and last revised October 3, 2025, which plans are attached hereto as part of 2026 Amended Group Exhibit A and thereby made a part hereof; and

(2) Vehicle Sales Business: The establishment, operation, and maintenance of a vehicle sales business in the existing tenant space, as expanded into the additional tenant space, as previously authorized by the Existing Special Use Ordinances, which use shall include but not be limited to:

(a) The Petitioners were previously authorized to and did update the existing tenant space and are authorized herein to expand said tenant space into the additional vacant tenant space located in the center of and at the rear of the multi-tenant commercial building on the Subject Property, within which additional tenant space the Petitioners shall be permitted to construct, establish, and maintain in good condition eight (8) service bays, an office, an expanded customer waiting area, storage, and two (2) bathroom facilities, which shall serve the Existing Business;

(b) The outdoor display of not more than sixteen (16) vehicles offered for sale at any given time was previously authorized by the Village and shall not be expanded, which vehicles shall at all times be parked within designated spaces in the existing parking lot on the Subject Property in compliance with the Parking Plan previously submitted by the Petitioners and approved by the Village. The Petitioners shall be prohibited from displaying any signage on any vehicles parked on the Subject Property for the purpose of being offered for sale, including but not limited to any signage related to pricing; and

(c) The Petitioners shall be permitted to expand the Existing Business into an additional tenant space located in the center of and at the rear of the existing multi-tenant commercial building on the Subject Property (the "additional tenant space"), which additional tenant space shall be constructed and built out in full compliance with the applicable provisions of the Village of Barrington Village Code, the Village's Zoning Ordinance, and the 2026 floor plans prepared by Gino Romozzi, Architect, and last revised October 3, 2025, which plans are attached hereto and thereby made a part hereof as part of the "2026 Amended Approved Plans".

(d) No exterior storage of any materials of any kind shall be permitted, including but not limited to tires, rubbish or trash, car parts, containers, boxes, scrap metal, etc.

(3) All improvements relative to the Further Amended and Restated Special Use herein authorized shall be constructed and maintained in good condition in compliance with the current building, fire, and ADA codes, and any other applicable codes, adopted by the Village and shall be constructed and/or installed on the Subject Property in substantial compliance with the 2026 Amended Approved Plans which are attached hereto as part of 2026 Amended Group Exhibit A and thereby made a part hereof.

(4) The Further Amended and Restated Special Use as herein authorized shall be and is hereby made subject to the Petitioners' timely and continued compliance with the following additional terms, conditions, and restrictions as set forth below:

(a) The Further Amended and Restated Special Use as approved herein for the Existing Business, which is a vehicle repair business and a vehicle sales business as previously approved by the Existing Special Use Ordinances, which has been established, operated and maintained in the existing tenant space on the Subject Property and as shall be expanded into the additional tenant space as authorized herein shall be specific to the Petitioners only and shall not be transferred to any other person(s), or to any other vehicle repair or vehicle sales company, and/or to any other entity(ies) without the prior written approval by ordinance of the Corporate Authorities of the Village.

(b) The Petitioners shall be permitted to continue the operation of the Existing Business within the existing tenant space and/or within the additional tenant space on the Subject Property pursuant to the terms, conditions, and restrictions of the Existing Special Use Ordinances and this Ordinance, and to establish, operate, and maintain in good condition the Further Amended and Restated Special Use herein granted for a vehicle repair business and related vehicle sales business, all subject to the Petitioners' timely and continued compliance with the terms, conditions, and restrictions of this Ordinance, the Existing Special Use Ordinances, the applicable provisions of the Barrington Village Code and Zoning Ordinance, including but not limited to the following conditions:

(i) The operations of the Further Amended and Restated Special Use for a vehicle repair business and limited vehicle sales shall consist of providing vehicle repair and maintenance services utilizing the six (6) existing service bays located within the existing tenant space, as expanded to include the additional eight (8) service bays located within the additional tenant space and as depicted on the 2026 Amended Approved Plans.

(ii) All vehicle services, including the repair and servicing of vehicles on the Subject Property as previously approved by the Existing Special Use Ordinances and pursuant to the Further Amended and Restated Special Use herein granted shall be fully contained within and shall only occur within the existing tenant space and/or within the additional tenant space on the Subject Property. No vehicle repair or servicing of vehicles shall be conducted outside of the building at any time, whether during or after business hours.

(iii) No vehicle(s) in any visual state of disrepair shall be parked or stored on the exterior of the Subject Property at any time, whether during or after business hours.

(iv) No vehicle repair or other services shall be conducted outside of the building at any time, whether during or after business hours.

(v) With the exception of the not more than sixteen (16) vehicles which may be offered for sale on the Subject Property as previously authorized by Village of Barrington Ordinance No. 2023-0802, no vehicle inventory shall be stored on the Subject Property, or parked indoors or out-of-doors on the Subject Property.

(vi) With regard to the Further Amended and Restated Special Use as herein authorized, no exterior public address system(s) or audible paging system(s), or other exterior sound amplification of any kind shall be utilized and/or permitted to be installed on the Subject Property.

(vii) The Petitioners previously constructed and installed a new wood dumpster enclosure at a location on the Subject Property approved in advance in writing by the Village Manager, or by his designee, which dumpster enclosure shall be maintained in good, clean, and sanitary condition.

(viii) The exterior pavement improvements, lighting modification and new dumpster enclosure as provided for in the Existing Special Use Ordinance have been completed by the Petitioners.

B. Any and all other uses of the existing tenant space and/or of the additional tenant space on the Subject Property, other than the vehicle repair business and vehicle sales business as previously authorized by the Existing Special Use Ordinances, and as herein authorized, or any uses which are authorized as permitted uses in the Village's B-1 Zoning District, are hereby expressly prohibited and shall not be established and/or maintained without a specific amendment to this Ordinance, or unless the Further Amended and Restated Special Use herein authorized is abandoned or discontinued by any of the Petitioners and/or by the Owner of the Subject Property as provided in Paragraph C below.

C. The Further Amended and Restated Special Use herein granted shall automatically become null and void if said Further Amended and Restated Special Use is abandoned or discontinued for a period of twelve (12) consecutive months, regardless of any evidence of intent not to abandon and/or to resume such use, or if the Owner and/or any of the Petitioners files a written declaration with the Village indicating that such Further Amended and Restated Special Use has permanently ceased to operate on the Subject Property, in which event, any uses authorized as permitted uses in the B-1 General Business Service District may thereafter be established on

the Subject Property.

D. Signage: All signage related to the Further Amended and Restated Special Use herein authorized shall be fully compliant with the Sign Regulations of the Village as provided by the Zoning Ordinance from time to time inasmuch as no exceptions to the Village's Sign Regulations have been requested by the Petitioners or have been granted by this Ordinance. The Owner and the Petitioners shall be required to apply for and obtain all required sign permits from the Village and install all signage on the Subject Property in compliance with the Sign Regulations of the Village of Barrington Zoning Ordinance, and in compliance with the sign permits issued by the Village prior to the installation thereof. Any exception to this condition shall require an amendment to this Ordinance and the Further Amended and Restated Special Use herein granted.

E. Landscaping: The Petitioners have neither requested nor been granted permission to modify any of the existing shared landscaping on the Subject Property, and the landscaping on the Subject Property shall continue to be maintained in good and healthy condition by the Petitioners and/or by the Owner.

F. Vehicular Access to the Subject Property and Circulation:

(1) No change in the ingress and egress to the Subject Property has been requested by the Petitioners, and such access by vehicles to and from the Subject Property shall be restricted to that shown on the Plat of Survey which was originally attached to Village of Barrington Ordinance No. 2021-4143, as part of Group Exhibit A thereto.

(2) Pavement marking for the circulation pattern as shown on the Site Plan which is attached to Ordinance No. 2021-4143 as part of Amended Group Exhibit A have previously been installed on the parking lot on the Subject Property along with such signage as required by the applicable ordinances of the Village.

G. Parking: No changes to the parking layout have been requested. Any future modifications to the parking lot including but not limited to striping, ADA standards, exterior lighting and/or access must comply with the Village of Barrington Zoning Ordinance, as amended from time to time, and any other applicable provisions of the Barrington Village Code relative thereto.

H. Lighting: Three (3) exterior lights were previously installed on the Subject Property along the east elevation of the building on the Subject Property as required by the Existing Special Use Ordinances to better illuminate the parking lot, which lights shall be maintained by the Petitioners in good condition and proper working order. Prior to the installation of any additional lighting on the Subject Property or on the multi-tenant commercial building located thereon, a fully compliant photometric plan shall be provided to the Village by the Petitioners for the review and prior approval in writing by the Village Manager, or his designee, and shall thereafter be implemented by the Petitioners as a condition of any building permit(s) for the Subject Property and the additional tenant space.

I. Code Compliance:

(1) Any and all future improvements to the Subject Property shall be required to be fully compliant with all applicable provisions of the Village's Building Code and Fire Code as well as all local, state and federal ADA requirements relating to the Building, parking, and the site in general.

(2) Fire Protection: A fire suppression system and alarm system has been provided in the tenant spaces on the Subject Property by the Petitioners. Prior to the issuance of any further occupancy permit for the additional tenant space, such fire suppression system and alarm system shall be inspected and tested by the Village in order to confirm that such systems are properly installed and properly operating. Said fire suppression system(s) and alarm system(s) shall be maintained in good operating condition and shall be updated as required by the applicable ordinances of the Barrington Village Code, as such ordinances may exist from time to time.

J. No Variations or Waivers Implied: Nothing contained in this Ordinance shall imply or be construed as approving or granting any variation or waiver from any provisions of the Village of Barrington Zoning Ordinance or the Barrington Village Code, or from the provisions of any other ordinances of the Village, except for the Further Amended and Restated Special Use as herein granted.

K. Approved Plans: The Further Amended and Restated Special Use as herein granted shall be established, improved, operated, and maintained in good condition in substantial compliance with the 2026 Amended Approved Plans (2026 Amended Group Exhibit A) and in substantial compliance with the Existing Special Use Ordinances and all exhibits thereto, provided however, to the extent any of such exhibits are inconsistent or are in any way in conflict, the most recently approved exhibit(s) shall control and govern.

L. Right to Suspend or Revoke. Notwithstanding anything contained in this Ordinance to the contrary, if, at any time, the Corporate Authorities of the Village find that the Further Amended and Restated Special Use herein granted has caused or contributed to any substantial detriment to the surrounding area or to the public health, safety, and/or welfare, or that any of the Petitioners have violated any terms or conditions of this Ordinance, or any applicable provisions of the Village of Barrington Village Code and/or the Village of Barrington Zoning Ordinance in the operation of the Further Amended and Restated Special Use hereby authorized, the Petitioners shall be sent written notice of said findings by the Village via Certified Mail, return receipt requested, advising the Petitioners that the Petitioners are required to bring the Further Amended and Restated Special Use, including but not limited to the additional tenant space, into compliance with said ordinances and all applicable provisions of the Village of Barrington Village Code and the Village of Barrington Zoning Ordinance within thirty (30) days from the date of said notice, and the Petitioners may also request a hearing on such issue before the Corporate Authorities of the Village, or its designee. If any of the Petitioners fail to bring the

Further Amended and Restated Special Use into compliance as aforesaid, the Corporate Authorities of the Village may suspend or revoke this Further Amended and Restated Special Use, after such thirty (30) days written notice has been sent to the Petitioners, and after an opportunity to be heard has been given to the Petitioners within said thirty (30) day period.

SECTION 3: MISCELLANEOUS PROVISIONS

A. Escrow Account Required: The Petitioners shall be required to establish a cash escrow account with the Village in an amount determined by the Village Manager to provide for the reimbursement to said Village for all staff and outside consultants' time required to review and approve the Further Amended and Restated Special Use herein granted and related documents, including plans and specifications and inspections thereof. Charges will be made to the account for actual time spent by various staff members and/or for reasonable charges invoiced to the Village by outside consultants in connection with all such reviews, approvals and inspections. If such an account becomes substantially depleted during the pendency of this matter, the Petitioners shall be required to make additional deposits in such amounts as determined by the Village Manager to cover future expenses.

B. Binding Effect: The provisions of this Ordinance, including, without limitation, the grant of a Further Amended and Restated Special Use and all obligations, conditions, restrictions, limitations and rights related thereto shall be binding upon and inure to the benefit of the Petitioners as the Tenants of the subject tenant spaces on the Subject Property, but the Further Amended and Restated Special Use herein granted shall not be transferable to any other person(s), or to any other vehicle repair or vehicle sales company, and/or to any other entity(ies) without the specific written approval of the Corporate Authorities of the Village and shall not in any event be transferable to different tenant space in the same building.

C. Amendment or Repeal by Mutual Consent: The Village, by an ordinance approved by its Corporate Authorities and the Petitioners, may by mutual consent agree in writing to repeal this Ordinance or to amend the terms and conditions set forth in this Ordinance, but only after a public hearing before the Village of Barrington Zoning Board of Appeals or Plan Commission, but no purported oral amendment to or repeal of this Ordinance shall be binding or enforceable.

D. Petitioners' Responsibility for Certain Costs and Expenses: The Village agrees to cooperate with the Petitioners in defending any action which contests any aspect of this Ordinance, but all costs, including attorneys' fees, incurred by the Village in connection therewith shall be paid for by the Petitioners or reimbursed to the Village by the Petitioners. The Village may require a reasonable deposit by the Petitioners to cover the Village's costs of such defense as estimated by the Village Manager, or his designee.

E. Indemnification: The Petitioners agree to, and shall, to the greatest extent permitted by law, indemnify, defend, save and keep harmless the Village and its elected and appointed officials, officers, employees, contractors, subcontractors, and other agents (collectively, the "Indemnified Parties") from and against any loss, cost, damage, liability, claim or expense,

including attorneys' fees, which any of the Indemnified Parties may suffer, incur or sustain from or arising out of any injuries to or death of any person or persons, or damage to or loss of any real or personal property, resulting directly or indirectly from the Petitioners' use and occupancy of either of the subject tenant spaces in the multi-tenant commercial building on the Subject Property and/or the Further Amended and Restated Special Use herein granted.

F. Remedies: In the event that any of the Petitioners fail to pay or reimburse the Village for any fees and/or expenses due pursuant to this Ordinance or pursuant to the other applicable ordinances of the Village, or if any of the Petitioners otherwise violate any portion of this Ordinance, or is or are otherwise in default in his or its obligations under this Ordinance, and has been notified of and failed to cure such default, the Village shall be entitled to all remedies available at law and/or in equity and, in addition to all other remedies available, the Village may suspend, revoke, or decline to issue any building, occupancy and/or other permit or approvals required by the ordinances of the Village and/or the Village may suspend or revoke the Further Amended and Restated Special Use herein granted.

G. Effect of Existing Ordinances: Except as expressly set forth herein, the Petitioners and the Owner shall comply in all other respects with the conditions and requirements of the Village of Barrington Zoning Ordinance, the Village of Barrington Village Code, and all other applicable ordinances of the Village as they may exist from time to time, including but not limited to obtaining all required permits, the deposit of all required security in the form required, and the payment of all fees in connection with the review of plans and/or the issuance of such permits.

H. Severability Clause: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that it would have approved each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

I. Exhibits: Each exhibit which is attached to Ordinance No. 2021-4143, or to Ordinance No. 2023-0802, and to this Ordinance as part of the 2026 Amended Approved Plans (2026 Amended Group Exhibit A) is deemed to be and are expressly made a part of and incorporated into this Ordinance to the same extent as if each such exhibit had been set forth in its entirety in the body of this Ordinance, provided, however, the approval of any plans for the purposes of this Ordinance and the Further Amended and Restated Special Use herein granted shall not constitute approval of said plans for any other purposes under the Barrington Village Code, or any other applicable ordinances of this Village, and no grant of any other exception from any ordinance(s) of the Village shall thereby be implied.

J. Approval Authority:

(1) If any provisions of this Ordinance delegate approval authority to any Village officer, employee, or agent for any aspect of this Further Amended and Restated Special Use, then either the Petitioners or such officer, employee, or agent of the Village, as the case may be, or his or her designee, shall have the right to have any such decision of such Village officer, employee or agent, or his or her designee, reviewed, reconsidered, and a final decision thereon made by the Board of Trustees.

(2) Any reference in this Ordinance to the authority of the Village Manager to grant or deny an approval shall, whether or not so specified, include the authority for such decision to be made by a designee of the Village Manager.

SECTION 4: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and its acceptance and approval as provided below.

PASSED THIS 10 DAY OF AUGUST, 2026 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Wondrasek, Duncan, Prigge, Klauer and President Moran

NAYS: NONE

ABSENT: Trustee Shdeed

ABSTAIN: NONE

APPROVED THIS 10 DAY OF AUGUST, 2026

Michael D. Moran, Village President

ATTESTED AND FILED
THIS 10 DAY OF AUGUST, 2026

James P. Dillon, Village Clerk

Published in Pamphlet Form the 10 Day of AUGUST, 2026.

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned hereby state under oath that the undersigned are, respectively, the duly authorized agents of the Owner of the Subject Property and of the Petitioners and the Tenants thereon, and that each of the undersigned has the respective authority to execute this Ordinance on behalf of the Owner or the Petitioners and on behalf of the Tenants as set forth below, and all of their respective partners, heirs, successors, and assigns, and on behalf of said Owner and said Petitioners and on behalf of the Tenants, the undersigned hereby accept and agree to the provisions of the foregoing Ordinance this _____ day of _____, 2026. The provisions of this Ordinance shall run with title to the Subject Property.

OWNER:

CALLAS FAMILY PARTNERS

By: _____
[Print Name]_____
Its authorized agent

SUBSCRIBED AND SWORN TO this
____ day of _____, 2026

_____
Notary Public

My commission expires: _____

PETITIONERS AND TENANTS:

A&A AUTOMOTIVE CO.

_____
Andriy Gontar, as its authorized agent
and individually

SUBSCRIBED AND SWORN TO this
____ day of_____, 2026

_____
Notary Public

My commission expires: _____

_____
Vitalii Biletskyi, as its authorized agent
and individually

SUBSCRIBED AND SWORN TO this
____ day of_____, 2026

_____
Notary Public

My commission expires: _____

AN ORDINANCE GRANTING A FURTHER AMENDMENT TO AND AMENDING AND RESTATING THE SPECIAL USE PREVIOUSLY GRANTED FOR THE SUBJECT PROPERTY WHICH AUTHORIZED THE ESTABLISHMENT AND OPERATION OF A VEHICLE REPAIR BUSINESS AND VEHICLE SALES BUSINESS BY ORDINANCE NO. 2021-4143 AS AMENDED BY ORDINANCE NO. 2023-0802

(RE: ZBA 25-06 – Petition of Andriy Gontar and Vitalii Biletskyi
On Behalf of A&A Automotive Co. for the Subject Property at
475, 485, 495 W. Northwest Highway/P.I.N. 13-35-403-011-0000

AMENDED GROUP EXHIBIT A

2026 AMENDED APPROVED PLANS

(1) Project Summary/Business Plan
(2) Floor Plan prepared by Gino Romozzi last revised October 3, 2025
(3) Site Plan

COMPREHENSIVE BUSINESS PLAN

A&A; Automotive Co.
495 W Northwest Highway
Barrington, Illinois 60010

Prepared for: Village of Barrington, Illinois

1. EXECUTIVE SUMMARY

A&A; Automotive Co. is an independently owned and operated automotive repair and maintenance facility serving Barrington and surrounding communities. The company specializes in professional automotive diagnostics, maintenance, repair services, and limited vehicle sales activities as permitted by the Village of Barrington.

2. BUSINESS INFORMATION

Business Name: A&A; Automotive Co.
Address: 495 W Northwest Highway, Barrington, IL 60010
Type of Business: Automotive Repair and Maintenance Facility

Primary Services: Vehicle diagnostics, engine repair and maintenance, brake system service and repair, suspension and steering repair, air conditioning service, electrical diagnostics and repair, tire mounting and balancing, battery replacement and testing, oil changes and preventative maintenance, vehicle inspections, pre-purchase inspections, exhaust system repairs, cooling system repairs, transmission-related maintenance, and hybrid vehicle maintenance.

3. CURRENT OPERATIONS

All repair work is performed inside the building. Services include diagnostics, maintenance, inspections, and mechanical repairs.

4. PROPOSED OPERATIONS

The company intends to continue providing general automotive repair, advanced diagnostics, hybrid vehicle service, preventative maintenance programs, and fleet maintenance services. No electric vehicle maintenance services are included in this plan.

5. PROPERTY OPERATIONS PLAN

Vehicles on site will consist only of customer vehicles awaiting repair, vehicles being serviced, vehicles awaiting pickup, company-owned service vehicles, and vehicles offered for sale as permitted.

6. COMPLIANCE WITH ORDINANCE NO. 23-4313

A&A; Automotive Co. agrees to comply with Ordinance No. 23-4313, including vehicle sales limitations, prohibition of vehicle repair outside the building, prohibition of junk vehicle storage, maintenance of a clean property, and obtaining all required permits.

7. FIRE AND LIFE SAFETY COMPLIANCE

The company will maintain compliant fire alarm, smoke detection, notification, emergency exit, and electrical systems.

8. ENVIRONMENTAL MANAGEMENT

The company will properly dispose of automotive fluids, recycle batteries and tires through approved vendors, and comply with environmental regulations.

9. ECONOMIC BENEFIT TO THE COMMUNITY

The business provides employment opportunities, tax revenue, and automotive services to Barrington residents and businesses.

10. CONCLUSION

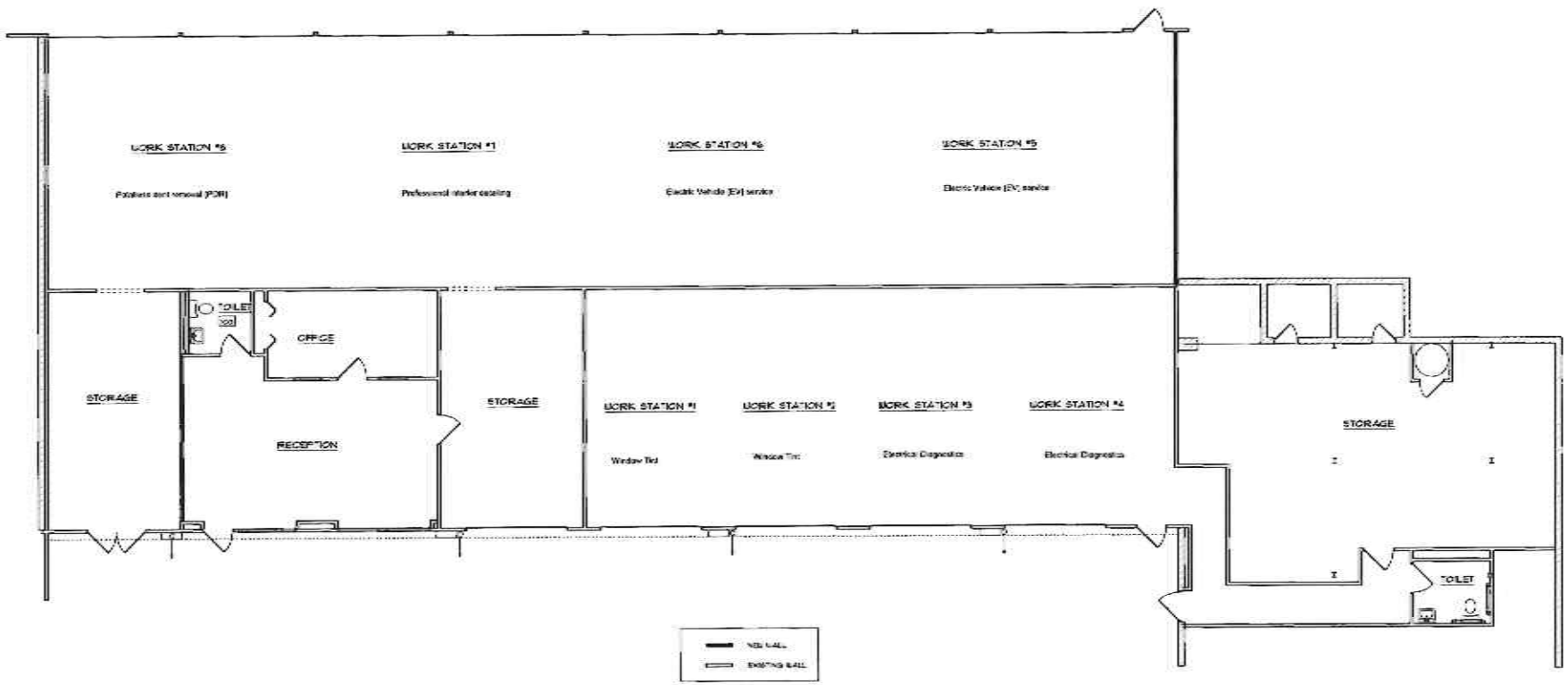
A&A; Automotive Co. is committed to operating a professional, safe, clean, and code-compliant automotive service facility in full compliance with Village requirements.

Submitted By:
A&A; Automotive Co.

Authorized Representative: Andriy Gontar

Title: Owner

Date: 6/17/2026



PROPOSED FLOOR PLAN

SCALE 3/16"=1'-0"

COPYRIGHT

GR GINO ROMOZZI - ARCHITECT
135 PARK AVE BARRINGTON, IL SUITE #200B
847 - 707 - 2451 - ROMOZZI@GMAIL.COM

REMODEL FOR:
A & A AUTOMOTIVE
490 NORTHWEST HIGHWAY BARRINGTON ILLINOIS 60010

DATE
OCT 3, 2019

REVISIONS

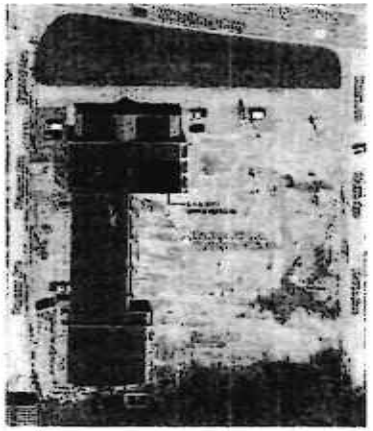
JOB #

SHEET #
A1

A & A AUTOMOTIVE

LOCATION MAP

NO SCALE



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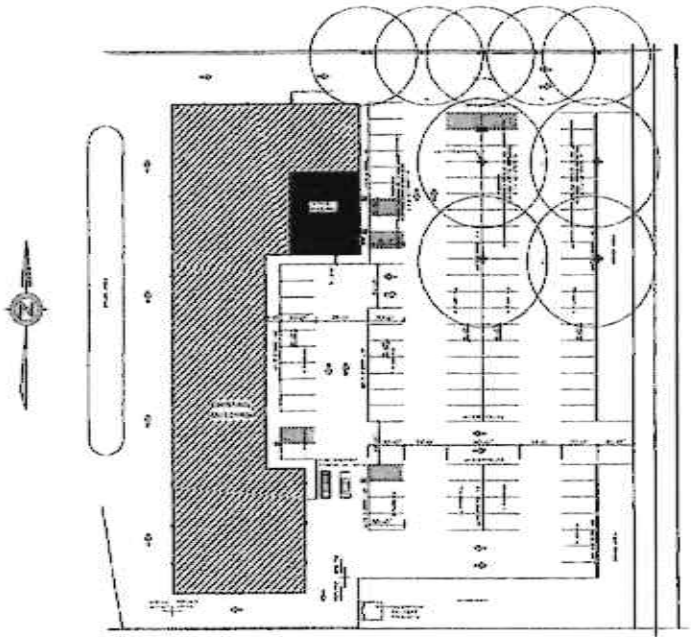


ARCHITECT LICENSE NO. 001-020000

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY PROFESSIONAL KNOWLEDGE THEY CONFORM TO THE VILLAGE OF BARRINGTON ILLINOIS BUILDING & ZONING CODES

EXPIRES 11/30/2024

GR GINO ROMOZZI - ARCHITECT
135 PARK AVE BARRINGTON, IL 60010
847.707.2151 - ROMOZZI@COMCAST.NET

OFFICE SPACE REMODEL FOR:
A & A AUTOMOTIVE
450 W. NW HWY BARRINGTON, ILLINOIS 60010

DATE
JUNE 15, 2023
JUNE 19, 2023

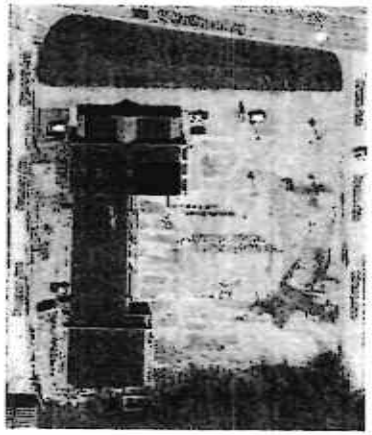
REVISIONS

SHEET
CS

A & A AUTOMOTIVE

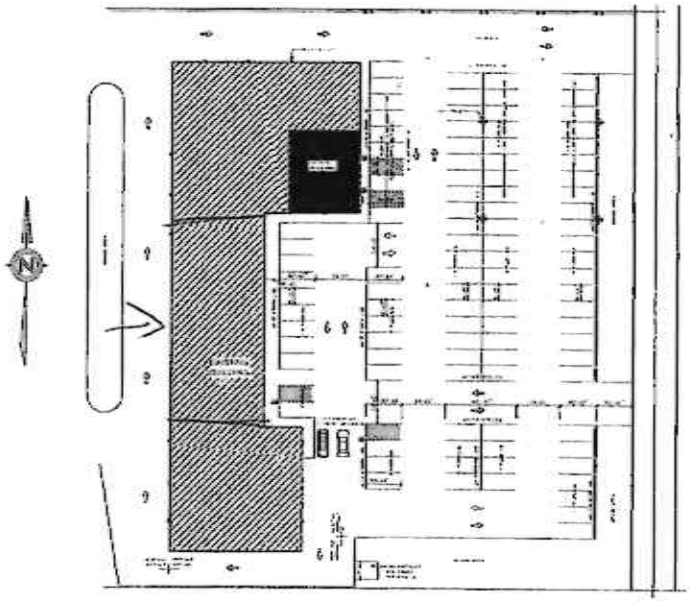
LOCATION MAP

NO SCALE



AERIAL / KEY

NO SCALE



SIGNED:

ARCHITECT LICENSE NO. 001-

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY PROFESSIONAL KNOWLEDGE THEY CONFORM TO THE VILLAGE OF BARRINGTON LANDS ORDINS + ZONING CODES

EXPIRES 30 NOV 2009

GR GINO ROMOZZI - ARCHITECT
138 PARK AVE BARRINGTON, IL 60010
847 - 707 - 2458 - ROMOZZI@GMAIL.COM

OFFICE SPACE REMODEL FOR:
A & A AUTOMOTIVE
450 W. NW HWY BARRINGTON, ILLINOIS 60010

DATE
JUNE 15, 2009
JULY 5, 2009
REVISIONS

SCALE

SHEET #
CS

BARRINGTON
Be Inspired

July 27, 2026

Village President Mike Moran & Village Board of Trustees
200 South Hough Street
Barrington, Illinois 60010

Re: ZBA 25-06 – 475-495 W NW Hwy – Special Use for Auto Repair Expansion

Dear President Moran and Board of Trustees:

The Petitioner is requesting an amended Special Use to expand the existing automotive repair business, A&A Automotive, into the center tenant space of the building, formerly occupied by the escape room business, Xscape in Time. The business currently occupies the rear tenant space for the automotive repair business and a small portion of the front tenant space for auto sales.

Jennifer Tennant, Director of Development Services, presented the staff report. Ms. Tennant gave an overview of the project and explanation of the requested Special Use. Staff finds that all applicable standards are met and recommends approval of the requested Special Use.

The Zoning Board of Appeals discussed the request in relation to the applicable standards and determined that all standards were satisfied. The Zoning Board of Appeals recommended approval of ZBA 25-06 subject to the findings listed in the Staff Report.

No members of the public were present in regard to this request. No members of the public commented.

Motion:
Vice-Chairperson Holtermann moved to recommend approval of ZBA 25-06 subject to the findings in the Staff Report and Commissioner Ferry seconded the motion. The motion carried, 5-0.

Respectfully Submitted,
Jennifer Tennant, Director of Development Services

BARRINGTON
Be Inspired

Zoning Board of Appeals Staff Report

HEARING DATE: July 14, 2026 – Public Hearing
PREPARED BY: Jennifer Tennant, Director of Development Services

ZBA 25-06: 475-495 W. Northwest Highway – Special Use

PETITIONER(s): Andriy Gontar and Vitalii Biletskyi
PROPERTY OWNER(s): Callas Family Partners
EXISTING ZONING: B-1 General Business Service District
EXISTING LAND USE: Neighborhood 4; Special Planning Area #2, Land Use – Commercial (Retail/Office)

The Petitioner is requesting to expand the existing automotive repair business, A&A Automotive, into the center tenant space of the building, formerly occupied by the escape room business, Xscape in Time. The business currently occupies the rear tenant space for the automotive repair business and a small portion of the front tenant space for auto sales.

No vehicles in any state of disrepair will be permitted to be parked on the exterior of the building at any time for any reason. All automobile services must take place wholly in the interior of the tenant space. Additionally, no work or storage of any supplies or materials will be permitted on the outside of the building or within the parking lot area. All of these will be conditions of any approval granted and are also requirements of the Zoning Ordinance.

SUBMITTALS/DOCUMENTATION

1. Project Summary/Business Plan
2. Floor Plan
3. Site Plan

SPECIAL USE STANDARDS

1. **The proposed Special Use is listed and authorized in the B-4 Village Center regulations.**

   The proposed use, Automobile Repair, is a listed special use in the B-1 General Business Service District.
   Staff finds that this standard is met.

2. **The proposed Special Use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.**

   The Land Use Plan in the 2010 Comprehensive Plan identifies the site for commercial (retail/office). A commercial use, such as an automotive repair facility, is consistent with the intended land use and objectives of the 2010 Comprehensive Plan and Zoning Ordinance.
   Staff finds that this standard is met.

3. **The proposed Special Use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.**

   The proposed Special Use will be located at 495 W. Northwest Highway, a multi-tenant commercial building. The Property Owner has indicated that they plan to update the exterior of the building to have a consistent look and feeling to match the neighboring building they also own at 505 W. Northwest Highway. All proposed signage and exterior wall color will be required to comply with the Zoning Ordinance as no exceptions for signage or exterior color have been requested. The proposed Special Use will be harmonious in use and appearance with existing character of West Northwest Highway.
   Staff finds that this standard is met.

4. **The proposed Special Use will not significantly diminish the safety, use and enjoyment of surrounding property.**

   The proposed Special Use will be compatible with the neighboring commercial uses along Northwest Highway. The subject tenant space in the middle of the building is currently vacant. The Petitioner has outlined in the business description that all automobile services will conducted in the interior of the tenant space. No vehicles in any state of disrepair will be permitted to be parked on the exterior of the building at any time.
   Staff finds that this standard is met.

5. **The proposed Special Use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed Special Use shall provide adequately any such service.**

   The Special Use is adequately served by all essential public facilities. *Staff finds that this standard is met.*

6. **The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and is not detrimental to economic welfare of the community.**

   The proposed Special Use does not create an excessive additional public expense for public facilities or services. *Staff finds that this standard is met.*

7. **The proposed Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

   The proposed Special Use will be conducted wholly within the existing building and therefore will not generate any additional noise, smoke, fumes, or odors. No exterior work or storage is permitted by the existing Sepcial Use ordinance or by the underlying zoning regulations for automobile repair uses. *Staff finds that this standard is met.*

8. **The proposed Special Use provides vehicular access to the property design that does not create an interference with traffic on surrounding public thoroughfares.**

   The vehicular access to the site will remain unchanged. *Staff finds that this standard is met.*

9. **The proposed Special Use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

The proposed Special Use will not result in the loss or damage of natural, scenic, or historic features as no exterior changes to the site are proposed. *Staff finds that this standard is met.*

10. **The proposed Special Use complies with all additional regulations in the Zoning Ordinance specific to the Special Use requested.**

    The Petitioner has complied with all the additional regulations of the Zoning Ordinance. The Petitioner is not requesting any additional exceptions from the Zoning Ordinance. *Staff finds that this standard is met.*

Additionally, the following standards shall be given consideration:

11. **The existing uses and zoning of nearby property.** The surrounding uses are primarily retail, service and restaurant uses. *Therefore, Staff finds this standard is met.*

12. **The extent to which property values are diminished by the particular zoning restrictions.** Neither denial nor approval of this use will diminish the property values of the subject property. While there is an extensive list of uses that are permitted at this location, the subject space has remained vacant for many years. It is one (1) of two (2) spaces in the building with entrances that are located at the rear of the building off a rear access drive without visibility or frontage. Staff does not consider this an ideal location for a retail or restaurant uses due to its lack of visibility, which is crucial for the success of retail and restaurant businesses. Staff finds that the current zoning restrictions have impacted the leaseability of the property. *Therefore, Staff finds this standard is met.*

13. **The extent to which limitation or destruction of property values of the Petitioner promotes the general health, safety, and welfare.** Neither denial nor approval of this use will limit or destroy the property values of the subject property. The subject property is located in the B-1 General business Service District which has a broad list of permitted uses. *Therefore, Staff finds this standard is not applicable.*

14. **The relative gain to the public as compared to the hardship imposed upon Petitioner.** If the requested Special Use is not approved, the Petitioner will be denied the opportunity to expand their business in is existing location and would be forced to consider relocation. *Therefore, Staff finds this standard has been met.*

15. **The suitability of the particular property for the purpose for which it is now zoned.** The subject property is zoned B-1 General Business Service District which is appropriate given that the subject property is commercial in nature and located along Northwest Highway. *Therefore, Staff finds this standard has been met.*

16. **The length of time that the property has been vacant as zoned is considered in the context of land developed in the area in which the property is located.** The subject tenant space has been vacant for approximately 3-5 years. The prior use Xscape in time was operating intermittently towards the end of their time in the space and the exact closure date is unknown. *Staff finds that this standard has been met.*

17. **The care with which the community has undertaken to plan its land use development.** The community has taken great care in land use planning through the Zoning Ordinance and Comprehensive Plan. The Village is currently undergoing an update to the 2010 Comprehensive Plan. . *Therefore, Staff finds this standard has been met.*

18. **The evidence or lack of evidence of community need for the use proposed by the property owner.** The business current operates in the Village and therefore its need to expand to accommodate the needs of the business indicates the success of the business.

STAFF RECOMMENDATION

If the Zoning Board of Appeals concurs with the above findings of fact, Staff recommends that the Zoning Board of Appeals adopt this finding of fact and make a motion to recommend approval of ZBA 26-05 to the Village Board of Trustees subject to the following considerations and conditions of approval.

Conditions:

1. **The Special Use shall be non-transferable to future auto repair uses. The Special Use will run with the current tenant only. This will allow the Village to reassess the appropriateness of a future tenant and/or any other circumstances should any key factors or attributes of the subject property change.**
2. **No vehicle repair or services shall be conducted outside of the building at any time, whether during or after business hours.**
3. **No vehicles in any state of visual disrepair shall be located outside of the building at any time, whether during or after business hours.**
4. **No exterior paging systems or other exterior sound amplification of any kind shall be permitted.**
5. **No exterior storage of any materials of any kind is permitted including but not limited to tires, rubbish or trash, car parts, containers, boxes, scrap metal, etc.**
6. **Failure to comply with the provisions of any approval ordinance or other codes and ordinances of the Village is ground for revocation of any Special Use approval granted.**