

**ORDINANCE AUTHORIZING ISSUANCE OF A SPECIAL USE PERMIT TO
ALLOW A BED AND BREAKFAST AT 605 IOWA STREET**

BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois, in accordance with the Home Rule Powers granted to it under Article III, Section 6 of the Constitution of the State of Illinois (1970), as amended, as follows:

SECTION 1: The Village Board finds as follows:

A. That a public hearing was held pursuant to notice of the Zoning Board of Appeals of the Village of Oak Park sitting as a Zoning Commission for a request for a special use permit authorizing the use of the premises at 605 Iowa Street as a Bed & Breakfast.

B. This Board approves and adopts the findings and recommendations of the Zoning Board of Appeals set forth in its recommendation attached hereto as Exhibit A.

SECTION 2: That a special use permit be issued for the use set forth in Section 1A, subject to the terms and conditions set forth in the Recommendations of the Zoning Board of Appeals attached hereto.

SECTION 3: That in the event any of the foregoing conditions and restrictions shall not be fulfilled at any time in the future, the then owner shall be deemed to be in violation of said Zoning Ordinance, the Zoning

Officer shall take appropriate action and this special use permit shall be subject to revocation.

THIS ORDINANCE shall be in full force and effect from and after its adoption and approval as provided by law.

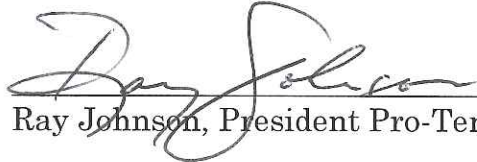
ADOPTED this 22nd day of February, 2011 pursuant to a roll call vote as follows:

AYES: Trustees Hale, Hedges and Lueck; President Pro Tem Johnson


NAYS: None

ABSENT: Trustees Brewer and Pate; President Pope


APPROVED by me this 22nd day of February, 2011


Ray Johnson, President Pro-Tem

ATTEST:


Teresa Powell
Village Clerk

Published by me in pamphlet form this 22nd day of February, 2011


Teresa Powell
Village Clerk

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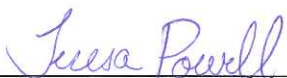
Ray Johnson, President Pro-Tem

ATTEST:



Teresa Powell
Village Clerk

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Teresa Powell
Village Clerk

Exhibit A

January 5, 2011

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

Re: Application for a Special Use Permit to Permit the Operation of a
Bed and Breakfast Establishment at 605 Iowa Street, Oak Park

Dear Ladies and Gentlemen:

In their Application dated October 23, 2010, Samuel Gevisenheit and Charles Tupta (hereinafter sometimes referred to as the "the Applicants"), filed an application with the Village of Oak Park for a special-use permit, pursuant to Sections 3.1 (Summary Use Matrix) and 4.5.2 (DD) (Bed and Breakfasts) of the Zoning Ordinance of the Village of Oak Park, authorizing the operation of a bed and breakfast establishment at the property commonly known as 605 Iowa Street, Oak Park, Illinois (hereinafter sometimes referred to as the "Subject Property"). This matter was referred to the Zoning Board of Appeals, sitting as a Zoning Commission, (hereinafter "this Zoning Board") to hold the required public hearing.

A public hearing was scheduled for December 1, 2010, at 7:00 p.m. in the Council Chambers of the Village Hall, 123 W. Madison, Oak Park, Illinois. Notice of the time and place of this public hearing was published on November 10, 2010, in the "Wednesday Journal," a newspaper of general circulation in the Village of Oak Park. A

notice was posted at the Subject Property and letters were mailed by the Zoning Officer to owners of record within 500' of the Subject Property as provided by the Applicants, advising them of this proposal and the public hearing to be held thereon.

A public hearing was held on December 1, 2010 at which hearing a quorum of the members of the Zoning Board was present.

Having fully heard and considered the testimony and evidence received at the public hearing, this Zoning Board makes the following findings of fact:

FINDINGS OF FACT

1. That the Subject Property is a zoning lot approximately 95' x 174'; is located at the southwest corner of Iowa Street and East Avenue in the "R-1" Single-Family District and in the Frank Lloyd Wright Prairie School of Architecture Historic District; and is improved with a two-story brick, 7000 square foot historic home and detached three-car garage which were constructed in approximately 1910.
2. That the Applicants purchased the Subject Property in 1998 and have resided there since. The Subject Property was formerly used to house clergy in the Catholic Church. Since their purchase of the Subject Property, the Applicants have restored the Prairie Georgian Revival home to its original condition. The Applicants have on one or more occasion opened their home for visitors and tourists as part of in the annual Wright Plus Walk.
3. That the Applicants propose to call their home "Bishop Hall" and use it to operate a small-scale luxury bed and breakfast establishment. They will continue to reside in the home, but propose using three rooms with private baths for overnight guests, limiting each room to double occupancy, for a total capacity of six people. Given the three-car

garage and the 100' wide x 35' long driveway, the Subject Property can accommodate at least seven vehicles.

4. That the Subject Property is surrounded by single-family homes in the "R-1" Single-Family District.

5. That the Applicants have applied for a special use permit for a bed and breakfast pursuant to Section 4.5.2 (DD) of the Zoning Ordinance which states:

Bed and Breakfasts

Duly licensed bed and breakfast guest units in single-family dwellings shall be permitted as special uses, provided the bed and breakfast does not generate a significant increase in pedestrian or vehicular traffic within the residential district in which it is located and provided that the President and Board of Trustees determine that the establishment will not change the character of the single-family dwelling unit or adversely affect the character of the neighborhood or the enjoyment of adjacent properties. No such bed and breakfast shall be located within 500 feet of one another. However, this spacing requirement may be waived and a special use issued by a 2/3 vote of the Board of Trustees if the cumulative effect of such uses would not alter the residential character of the neighborhood or have any adverse impact on surrounding properties.

6. That Section 9.23 of the Zoning Ordinance defines "Bed-and-Breakfast" as:

Bed-and-Breakfast

A residence, in which the owner either resides or which the owner controls while residing in a residence adjacent thereto, is providing accommodations for a charge to the public with no more than five guest units for rent, in operation for more than ten nights in a twelve-month period. Only the breakfast meal may be provided to the registered guests. The service of food to the public for a charge is otherwise prohibited. Bed-and-breakfast establishments shall not include motels, hotels, rooming or boarding houses or facilities, or food service establishments.

7. That the evidence indicated that the issuance of a special-use permit allowing the operation of a bed and breakfast on the Subject Property is desirable to provide a facility which is in the interest of the public convenience and will contribute to the general

welfare of the neighborhood or community. The evidence indicated that there is a significant need for quality, overnight accommodations for visitors in the Village. Establishment of a bed and breakfast at the Subject Property will tend to promote tourism and help make Oak Park an overnight tourist destination.

8. That the evidence indicated that the proposed use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare. Given the large size of both the Applicants' home and parking area, the overnight guests should easily be accommodated without adversely affecting the neighbors or the neighborhood.

9. That the evidence indicated that the proposed use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the "R-1" Single-Family District regulations. The Applicants are not proposing any changes to the exterior configuration of their home or garage.

10. That the evidence indicated that the proposed use complies with the more specific standards and criteria established in Sections 4.5.2(DD) and 9.23 set forth above.

a) That the evidence indicated that the proposed bed and breakfast will not generate a significant increase in pedestrian or vehicular traffic within the residential district in which it is located.

b) That the evidence indicated that the proposed bed and breakfast will not change the character of the neighborhood or the enjoyment of adjacent properties.

c) That the evidence indicated that no bed and breakfast is located within 500 feet of the Subject Property.

d) That the Applicants will continue to reside in the home while they operate it as a bed and breakfast.

e) That the Applicants' proposed rental of three guest rooms in their home is within the number of guest units (five) permitted by the Zoning Ordinance.

f) That the Applicants propose to provide only the breakfast meal to registered guests.

11. That Section 6.2.2(D) of the Zoning Ordinance sets the number of required off-street parking spaces for bed and breakfast establishments at one per dwelling unit and one per guest room. Thus, the Applicants' proposed establishment would require four parking spaces (one for the dwelling unit and three for the guest rooms) where at least seven spaces are provided.

12. That the Applicants' proposed use of a portion of the Subject Property as a bed and breakfast is consistent with the Village's Comprehensive Plan, especially policy 4 in Chapter V: Economic Development:

The Village will promote Oak Park's cultural, historical and architectural heritage to encourage tourism and other forms of economic development.

13. That the Applicants provided reasonable assurance that the proposed use will be completed in a timely manner and maintained thereafter. The Applicants indicated that if their requested zoning relief is granted, their goal is to open the bed and breakfast in February, 2011.

14. That no one testified in opposition to the proposed special use. The Applicants produced letters for their neighbors to the south and north (across Iowa Street) supporting the proposed special use.

RECOMMENDATIONS

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, this Zoning Commission hereby recommends to the President and Board of Trustees that the application of Samuel Gevisenheit and Charles Tupta pursuant to the provisions of Sections 3.1 and 4.5.2(DD) of the Zoning Ordinance for issuance of a special-use permit to the Applicants to permit a bed and breakfast establishment at the property commonly known as 605 Iowa Street, Oak Park be GRANTED, SUBJECT TO the following conditions and restrictions:

1. That the Applicants obtain and maintain all necessary licenses to operate the proposed bed and breakfast. If such licensing is suspended or revoked, the Applicants shall immediately notify the Zoning Officer.
2. That the Applicants shall obtain all appropriate permits for improvements to 605 Iowa Street.
3. That in the event the Applicants fail to comply with one or more of the foregoing conditions after 30 days written notice by the Village or its agents to cure such failure to comply, the President and Board of Trustees may thereafter revoke or limit this special-use permit.

This report adopted by a 5 to
0 vote of the Zoning Commission,
this 5th day of January, 2011.

- 2-11 Apartment building with 2 to 6 units, any age
- 2-12 Mixed-use commercial/residential building with apartment and commercial area totaling 6 units or less with a square foot area less than 20,000 square feet, any age
- 2-34 Split level residence with a lower level below grade (ground level) all ages, all sizes
- 2-78 Two-or-more story residence, up to 62 years of age, 2,001 to 3,800 square feet
- 2-95 Individually-owned townhome or row house up to 62 years of age

Non-Regression Classes

- 2-00 Residential land
- 2-01 Residential garage
- 2-13 Cooperative
- 2-18 A residential building licensed as a Bed & Breakfast by the municipality, County of Cook or registered as a Bed & Breakfast with the State of Illinois under 50 ILCS 820/1 et.seq., with six or fewer rentable units and where one unit is owner occupied and is entitled to a Homeowner's Exemption pursuant to the Property Tax Code.
- 2-19 A residential building licensed as a Bed & Breakfast by the municipality, County of Cook or registered as a Bed & Breakfast with the State of Illinois under 50 ILCS 820/1 et.seq., with six or fewer rentable units and where none of the units is owner occupied and no Homeowner's Exemption is allowed pursuant to the Property Tax Code.
- 2-39 Non-equalized land under agricultural use, valued at farm pricing
- 2-24 Farm Building
- 2-25 Single-room occupancy rental building
- 2-36 Any residence located on a parcel used primarily for commercial or industrial purposes
- 2-40 First-time agricultural use of land valued at market price
- 2-41 Vacant land under common ownership with adjacent residence
- 2-88 Home improvement exemption
- 2-90 Minor improvement
- 2-97 Special residential improvements (May apply to condo building in first year of construction before division into individual units.)
- 2-99 Residential condominium