

## **ORDINANCE 2011-50**

### **APPROVING A SPECIAL USE TO APPENDIX B, SECTION VIII (B)(3)(z) TO EXPAND A FULL SERVICE RESTAURANT LOCATED AT 8265 W. GOLF RD., NILES, ILLINOIS**

**WHEREAS**, the question of granting a special use to 8265 W. Golf Rd., included in this ordinance was referred to the Plan Commission and Zoning Board of Appeals to hold a public hearing;

**WHEREAS**, a public hearing was held on September 12, 2011, after proper notice in a manner provided by law;

**WHEREAS**, the Plan Commission and Zoning Board of Appeals has made a report, containing findings of fact and recommending the granting of the special use to expand a full service restaurant located at 8265 W. Golf Rd., Niles, IL 60714; and

**WHEREAS**, the corporate authorities of the Village of Niles, Cook County, Illinois have duly considered said Plan Commission Recommendation.

**NOW, THEREFORE, BE IT ORDAINED**, by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, as a Home Rule Municipality, as follows:

**SECTION 1:** The materials and exhibits attached to this ordinance are incorporated by reference and made a part of this ordinance.

**SECTION 2:** A Special Use to Appendix B, Section VIII (B)(3)(z) to expand a full service restaurant located at 8265 W. Golf Rd., Niles, IL 60714 with the following condition that the party banquet room will only be operated when the neighboring DMV is closed.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED:** This 27<sup>th</sup> day of September, 2011  
**AYES:** 6 Hanusiak, Hynes, LoVerde, Palicki, Preston, Przybylo  
**NAYS:** 0  
**ABSENT:** 0

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Village Clerk

**APPROVED** by me this 27<sup>th</sup> day of September, 2011.

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President of the Village of Niles  
Cook County, Illinois

**ATTESTED AND FILED** in my office this 27<sup>th</sup> day of September, 2011, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

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Village Clerk

**FINDINGS OF FACT AND RECOMMENDING  
DECISION OF THE ZONING BOARD OF APPEALS  
VILLAGE OF NILES, ILLINOIS  
September 12, 2011**

**11-ZP-14      Atul Karkhanis, President  
Atul Karkhanis Arch Ltd.  
2514 W. Peterson Ave.  
Chicago, IL 60659**

**Requesting approval of a Special Use VIII (B)(3)(z) to expand a full service restaurant at 8265 W. Golf Rd., Niles, IL 60714.**

Mr. Ostman presented the case. This is zoning case 11-ZP-14. Legal notice was published on August 25, 2011. The Himalayan Restaurant has been a successful business since 2003 located in the Four Flags Shopping Center. The center is currently 100% occupied. They would like to expand portions of the restaurant and add a room to hold private parties. The tenant to one side of them vacated the space. They want a banquet room in addition to their full service restaurant. They would take the back portion of this vacated space and make that a banquet facility. The Community Development Department was concerned about parking in that center. The one condition that is recommended [and the applicant has agreed to] is that the party banquet room can only be utilized when the Department of Motor Vehicles is closed. If the owner adheres to this condition, there are no parking issues whatsoever.

Chairman Kanelos asked if there were any questions from the Commissioners for Mr. Ostman. There were none. There were no questions from the public.

The petitioner, Atul Karkhanis, Atul Karkhanis Architects, Ltd., 2514 W. Peterson Ave., Chicago, IL 60659 stepped forward and was sworn in. He stated he was there to answer any questions from the Board.

Chairman Kanelos asked if there were any question from the Commissioners. There were none. Nor were there any questions from the public.

Chairman Kanelos requested the packet given the Board for this case be entered into the record as Exhibit A for 11-ZP-14.

At this time Chairman Kanelos entertained a motion.

## POSITION OF VILLAGE

The Community Development Department has no objection to this request. None of the remaining village departments has any objection to the granting of this request

## FINDINGS

- 1. Establishment, Maintenance, or Operation, of the Special Use will not be detrimental to or endanger the public health, safety or general welfare.**

There is no evidence that the establishment, maintenance or operation of the Special Use will be detrimental to or endanger the public health, safety or general welfare.

- 2. Establishment, Maintenance, or Operation of the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor diminish and impair property values within the neighborhood.**

There is no evidence that the maintenance or operation of the Special Use will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor will it diminish and impair property values within the neighborhood.

- 3. Establishment, Maintenance, or Operation of the Special Use will not impede the normal and orderly development and improvement of surrounding property for permitted use.**

There is no evidence that the maintenance or operation of the Special Use will impede the normal and orderly development and improvement of surrounding property for permitted use.

- 4. Conformance to Regulations.**

The establishment, maintenance or operation of the Special Use, shall in all other respects conform to all Village of Niles Ordinances, unless otherwise authorized by the Village of Niles Zoning Board of Appeals.

Commissioner Nakanishi moved that **11-ZP-14, Atul Karkhanis, President, Atul Karkhanis Arch Ltd., 2514 W. Peterson Ave., Chicago, IL 60659 - requesting approval of a Special Use VIII (B)(3)(z) to expand a full service restaurant at 8265 W. Golf Rd., Niles, IL 60714 be approved.**

That this Special Use is necessary for the public convenience; that the public health, safety and welfare will be in no way be jeopardized and that the Special Use will not cause any substantial injury to the value of the other property in the neighborhood in which it is located. Also, this Special Use is to be granted subject to the condition that the party banquet room will only be operated when the neighboring DMV is closed.

Seconded by Commissioner Surace, on roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Nakanishi, Schuler, Kanelos

NAYS: 0

ABSENT: 1 Dubiel

There being six (6) affirmative votes the motion carried.

**RECOMMENDATION:**

Based upon the foregoing, the Zoning Board of Appeals recommends that **11-ZP-14, Atul Karkhanis, President, Atul Karkhanis Arch Ltd., 2514 W. Peterson Ave., Chicago, IL 60659 - requesting approval of a Special Use VIII (B)(3)(z) to expand a full service restaurant at 8265 W. Golf Rd., Niles, IL 60714 be approved.**

Respectfully Submitted,

ZONING BOARD OF APPEALS

Thomas N. Kanelos, Chairman