

Variance Standard for Peony Place Subdivision
2nd Ave Development

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; (Building 1 house on the lot is not economically feasible. The land cost plus construction cost can not be recouped in the current Orland Park housing market.)

Adding a sidewalk that may never connect to the north or south of the subject property would be an unjust cost.

2. That the plight of the owner is due to unique circumstances; (The land was purchased from previous owner who was 90 years old and needed to move to an assisted living home. The only way this was possible was for him to sell his house at a fair market value as 2 buildable lots. Unfortunately, the house in its existing form was functionally obsolete, non-conforming, and in need of extensive updating and repair. Also, it should be noted that the house was a brick ranch home built in the late 1970's and the style did not conform to the neighborhood, thus affecting its value as well as the overall character of the neighborhood. When the lots were subdivided into the layout as they are now the 2nd lot, or middle parcel was accessible by Grove street. Grove Street was vacated by the village, sold, and developed into 14410 3rd Ave which is not a conforming 50 foot wide lot, thus making the middle lot land locked and not buildable in its current form. Secondly leaving the house as 1 existing lot would also demand a variance for construction since it also would not meet code requirements in the historic district.)

Allowing a reduction of sidewalks required from two sides of the street to one has generally been acceptable and applicable only in the Historic District and thus is unique to properties within the Historic District. Furthermore, the properties to the south of the new development along Second Avenue have topographic issues that would restrict sidewalk connections from being made to 144th place.

3. That the variation, if granted, will not alter the essential character of the locality; (Code will allow the petitioner to subdivide the lot into 3 smaller conforming lots. 3 smaller lots would affect home values in the area and create more street traffic and congestion. Currently the average size house is 4 bedrooms ranging in size from 2400-4200 GLA. The 3 new houses if built would average around 1800-2300 GLA.

2 homes with GLAs in the 2400-3600 range would better conform to current market standards in the area and fits the sizing of new homes built in the area.

Sidewalks along one side of the street are common in the Historic District and can be seen along 144th Place on the north side of the street west of Second Avenue; First Avenue along the east; Second Avenue along the east; Third Avenue along the west; and Beacon Avenue along the west. As Beacon Avenue extends south of 144th Place into the adjacent neighborhood it has no sidewalks at all. This variance request will not change the character of the District.

4. That because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; (As explained in question 2, lot 2 for 14421 is currently not accessible. The back lot for 9852 W 144th place is excess land and has a steep drop off from the street. Although buildable the economics to build are not feasible. Building a house on this lot would also affect the character of the area.

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5. That the conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property; (The lot in the middle of the property is surrounded by home sites and not accessible from any street. I am not aware of any other stand-alone lots that are land locked)

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6. That the alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof; (No prior change has been made to the lots by the petitioner. The lots in their existing form do not maximize value for the community. Building 2 homes on the current land would not be economically feasible and the petitioner would be forced to sit on vacant land.)

The sidewalk conditions of the District are existing conditions not created by the petitioner.

7. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations; (The variance will be used to reshape 3 lots so we can build 3 new houses that will provide the most value and conformity to the neighborhood. The house will have no foreseen detrimental effects on the surrounding neighbors.)

Allowing a reduction of sidewalks required from two sides of the street to one has generally been acceptable and applicable in the Historic District and is consistent throughout the District; therefore there is no change to the existing conditions.

8. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; (If the variance is approved the new house will meet all building codes and will increase the values of the neighborhood as well as the Village of Orland Park.)

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9. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; (The lots are being sub-divide to accommodate 2 new lots with minimum sizes of 62.5 by 150 feet and 1 lot with a width of 50 by 125. The alternative is to subdivide into 4 lots with a width of 41.67 and a length of 150 feet for 3 houses and 1 house with a width of 50 and a length of 125 feet. The 4 lots although conforming will not provide maximum value for the neighborhood.)

The single family homes will still have access to their property by way of the street and sidewalks across the street.

10. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land. Mere loss in value shall not justify a variance; there must be a deprivation of all beneficial use of land. (Failure to approve the variance will result in vacant land will not provide any value to the current neighborhood and will result in a loss of revenues for the Orland Park School district as well as all Orland Park taxing bodies.)

As reduction in the sidewalks in the Historic District are common and have been acceptable it is plausible that the land in question can be better served as open land to assist with Stormwater infiltration.