

## **PETITION FOR VARIATION BMW OF ORLAND PARK**

### **STANDARDS APPLICABLE TO VARIANCES**

The Petitioner is requesting a variation for the property located at 11030 W. 159<sup>th</sup> Street, Orland Park, to relocate its automobile dealership in the BIZ district, consistent with BIZ zoning classification. In response to applicable standards the following is submitted:

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:

Response: The area has no street lights and lighting is critical to any business, and most importantly to an auto dealership. The flag pole is meant as a gesture of patriotism and has been permitted in the past.

2. That the plight of the owner is due to unique circumstances:

Response: See response 1, above.

3. That the variation, if granted, will not alter the essential character of the locality:

Response: The location of the dealership on one of four corners, all developed for commercial use, is appropriate.

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:

Response: There are no physical hardships in connection with the development of the property that are germane to the request.

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:

Response: The Village has requested a number of changes to the plan which impact the ability of the dealership to operate successfully. With limited Village lighting, and a loss of more than an acre of land to an enhanced berm, the owner is hesitant to make the substantial investment in the site without the ability to be seen and present an attractive, well lit facility.

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:

Response: See No. 5 above.

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:

Response: The Petitioner believes 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.

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:

Response: An adequate supply of light and air adjacent will not be compromised. The Petitioner is not requesting any change in any setback lines.

9. That the variance granted is the minimum adjustment necessary for the reasonable use of the land:

Response: The request is the absolute minimum necessary to maintain proper car storage under BMW standards and obtain site approval for the property.

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:

Response: With the creation of a substantial landscape buffer, the Petitioner cannot fit all the required areas of sales and service on the site without a variance for parking.