

ORDINANCE GRANTING A VARIANCE - (14420 FIRST AVENUE)

WHEREAS, a petition seeking a variance for certain real estate, as set forth below, has been filed with the Village and has been referred to the Plan Commission of this Village and has been processed in accordance with the Orland Park Land Development Code, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on February 28, 2017, on whether the requested variance should be granted, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice, in the form required by law, was given of said public hearing by publication not more than 30 days nor less than 15 days prior to said hearing in The Orland Park Prairie, a newspaper of general circulation and a newspaper published in this Village; and

WHEREAS, the Plan Commission has filed with this President and Board of Trustees its report of findings and recommendation that the requested variance be granted, and this Board of Trustees has duly considered said report, findings and recommendation.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The report, findings and recommendation of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed variance is in the public good and in the best interests of the Village and its residents and is consistent with and fosters the purposes and spirit of the Land Development Code of the Village of Orland Park as set forth in Section 1-102 thereof.

SECTION 2

In addition to the findings set forth in Section 1 hereof, this Board of Trustees further finds in relation to the proposed variance as follows:

- a. The Subject Property is located at 14420 First Avenue in the Village of Orland Park. Petitioner seeks to construct a new single family home on a 16,380 square foot lot. The Subject Property is zoned OOH Old Historic District under the Village's Land Development Code (the "Code").
- b. The variance requested is to increase the south side-yard setback twenty-nine (29) feet in excess of the fifteen (15) foot maximum for a total side-yard setback of approximately fifty-two (52) feet from the south property line.

- c. The proposed increase of the side-yard setback is due to the depressional storage area that crosses the full width of the site (following the 692 contour). The Petitioner's original proposal to displace the volume on Village land in the open space to the south was determined to be invasive and inappropriate. His new proposal to contain all displaced depressional storage volume on the south half of the Subject Property provides a solution to maintain the volume without negatively impacting neighboring properties, but requires Petitioner to position his home along the north property line.
- d. The Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Code due to the location of the storm water depressional storage area. The area holding the volume crosses half the site, and other attempts to accommodate the depressional storage area have been found to be inappropriate and intrusive on neighboring areas. The variance is needed due to the spatial constraints of the site and the need to maintain the storm water depressional area volume.
- e. The plight of the owner is due to the unique circumstance of the configuration of the site and surrounding conditions. The variance is necessary to accommodate and minimize any impact to the depressional storage area that was located on the Subject Property prior to Petitioner's purchase. This accommodation will maintain the depressional storage area at its current operational state.
- f. The variance, if granted, will not alter the essential character of the locality. The area is zoned OOH Old Historic Center. The area to the north is zoned OOH Old Historic Center and includes single family residential uses. The area to the south is zoned OOH Old Historic Center and includes a public park/open space. The area to the east is zoned OOH Old Historic Center and includes single family residential uses. The area to the west is zoned OOH Old Historic Center and includes community and institutional uses. That the essential character of the locality will not change is also demonstrated by the fact that no neighbors spoke in opposition to the variances requested, and a single family home had previously existed on the Subject Property.
- g. The denial of the requested variance would be a hardship to the Petitioner. Due to the fact that the Subject Property is encumbered by the storm water depressional storage area, the Petitioner is physically limited to building his home along the north property line. Petitioner would not be able to accommodate the proposed construction of the single family home without the variance.
- h. The conditions of the property are unique to the property and not generally applicable to other properties. The depressional storage area is unique to the property.
- i. The hardship is caused by the layout of the site and application of the Code and has not resulted from any act of the Petitioner or another person presently having an interest in the property. Again, the variance is necessary to accommodate and minimize any disturbance to the depressional storage area that was located on the Subject Property prior to Petitioner's purchase. Petitioner has been working with the Village to find a solution to allow the depressional storage

area to remain in a state where it will continue to serve its current purpose. The variance offers a solution to allow the construction of the home without displacing the volume or negatively impacting neighboring properties.

- j. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The variance will not have a negative impact on the public welfare or neighborhood, but will ensure that the storm water depressional storage area's volume is maintained and neighboring properties are not adversely impacted. No one spoke in opposition to Petitioner's requested variance, and the development of the property fits with the Village's Comprehensive Plan in the Village.
- k. The proposed variances will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within the neighborhood. In contrast, it will facilitate revitalization of the Subject Property by building a new home on the current vacant lot.
- l. The aforesaid circumstances or conditions are such that the strict application of the setback requirements and the Petitioner's inability to meet those standards greatly limits its ability to build and reside on the property. If the variance is not approved, the approximately 16,380 square foot lot would remain vacant indefinitely. A denial of the variance would restrict the Petitioner from building on the property or building in a way that would maintain the volume of the storage with the least impact on neighboring properties. This hardship was not self-imposed.

SECTION 3

Subject to the conditions below, a variance for the Subject Property described below, increasing the south side-yard setback twenty-nine (29) feet in excess of the fifteen (15) foot maximum for a total side-yard setback of approximately fifty-two (52) feet from the south property line, is hereby granted. The Subject Property is legally described as:

LOT 50 AND 51 (EXCEPT THE NORTH 34 FEET OF LOTS 50 AND 51 THEREOF) IN HUMPHREY'S SUBDIVISION OF THE NORTH 455 FEET OF THE NORTH 30 ACRES OF THE SOUTH 60 ACRES OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF WABASH, ST. LOUIS AND PACIFIC RAILROAD, IN COOK COUNTY, ILLINOIS.

PIN: 27-09-209-011-0000

The variance is subject to the following conditions:

- A. The Subject Property shall be developed substantially in accordance with the preliminary site plan titled "Engineering Improvement Plan, 14420 First Avenue, Orland Park, IL", prepared by Landmark Engineering LLC, sheet C2.0, dated last revised 3/24/17.

SECTION 4

The Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form, said pamphlet to be deposited in the office of the Village Clerk for general distribution, and this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.