

ORDINANCE GRANTING VARIANCE - (FACTORY MOTOR PARTS, 15605 S. 70<sup>TH</sup> COURT)

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 14, 2012, 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 15605 S. 70<sup>th</sup> Court in the Village and consists of approximately .65 acres. The Subject Property is zoned MFG Manufacturing District under the Village's Land Development Code (the "Code").
- b. The petitioner is seeking to construct a 2,000 square foot addition to an existing 4,800 square foot wholesale warehouse facility.
- c. The variance requested is to reduce the north side yard setback from 20 feet to 10 feet (50% reduction).

- d. The north side yard setback is requested to allow the addition to be constructed along the same building planes as an addition constructed in 1992. The Subject Property was originally constructed in 1976 and became a legal non-conforming use with respect to setbacks as a result of various Code revisions over the years. In 1992, a variance was granted regarding the location of the building in relation to the north lot line. That variance established a precedent for any future expansions or additions to meet the same setback limits.
- e. To mitigate against these changes, Petitioner has agreed to minor site plan changes, including creating a landscape island, expanding the paved driveway and establishing a large landscape bufferyard to the rear of the Subject Property.
- f. No one spoke in opposition to petitioner's requested variance.
- g. The property in question cannot yield a reasonable return if permitted to be used only under the setback requirement of the Code due to the construction of the original building under prior versions of the Code. The addition will include the same setback as the 1992 addition to the Subject Property
- h. The plight of the owner is due to the unique circumstance of the location of the existing building.
- i. The variance, if granted, will not alter the essential character of the locality. The area is a commercial area and the nearest residential property will be screened by the landscape buffer. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variance requested.
- j. Because of the location of the existing building, the denial of the requested variance would be a hardship to the Petitioner. Without the variance, the proposed addition would have to be offset from the building setbacks of the existing building.
- k. The conditions of the property are unique to the property and not generally applicable to other properties. The location of the existing building and setbacks are unique to the property.
- l. The hardship is caused by the application of the Code and has not resulted from any act of the petitioner or another person presently having an interest in the property.
- m. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The addition will be consistent with the remainder of the existing building, which is located in a commercial area.
- n. The proposed variance 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.

o. The variance granted is the minimum necessary for the reasonable use of the land for the purpose proposed.

p. The aforesaid circumstances or conditions are such that the strict application of the MFG setback requirement would deprive the Petitioner of any reasonable use of the land.

### SECTION 3

Subject to the conditions below, a variance for the Subject Property described below to permit a 10 foot north side yard setback, rather than the 20 feet otherwise required is hereby granted.

The Subject Property is legally described as:

THE NORTH 100 FEET OF LOT 113, BEING A LOT IN CATALINA'S COMMERCIAL AND INDUSTRIAL SUBDIVISION OF LOTS 3 AND 6 IN SILVER LAKE GARDENS UNIT NUMBER 7, A SUBDIVISION OF PART OF THE WEST ¼ OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 2, 1973 AS DOCUMENT NUMBER 22532993, IN COOK COUNTY, ILLINOIS.

The variance is subject to the conditions that:

A. The Subject Property shall be developed substantially in accordance with the Preliminary Site Plan appended hereto and incorporated herein as EXHIBIT A entitled "Factory Motor Parts Addition," prepared by Spaceco, Inc., dated October 18, 2011, last revised February 15, 2012, and the elevations appended hereto and incorporated herein as EXHIBIT B entitled "Factor Motor Parts Addition," prepared by Tri-K Development and Bulin Custom Designs, dated February 6, 2012, subject to the following conditions:

1. That final engineering and Building Code related items are met;
2. That all outdoor storage activities onsite meet Land Development Code requirements outlined in the MFG Zoning District regarding screening; and
3. That all mechanical equipment is appropriately screened either at grade level with landscaping or hidden behind the roofline.

B. The landscaping be completed substantially in accordance with the Landscape Plan entitled, "Factory Motor Parts Addition," prepared by Tri-K Development and Bulin Custom Designs, dated February 27, 2012, sheet number L-1.

### 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.

