

ORDINANCE GRANTING VARIANCES - (16700 CHAUCER AND 10750, 10740, 10730, 10720, 10710 AND 10700 CHURCHILL DRIVE)

WHEREAS, a petition seeking variances 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 April 14, 2012, on whether the requested variances 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 variances 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 variances are 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 variances as follows:

- a. The Subject Properties are located at 10700 Churchill Drive, 10710 Churchill Drive, 10720 Churchill Drive, 10730 Churchill Drive, 10740 Churchill Drive, 10750 Churchill Drive, and 16700 Chaucer in the Village and contain single-family homes. The Subject Properties are zoned R3 Residential District under the Village's Land Development Code (the "Code").
- b. The petitioner is seeking to construct ten foot (10') rear yard fences for seven residential properties located along the south side of 167th Street near the 167th Street and 108th Avenue intersection. The Code allows fences to be six feet (6') tall.

- c. The Cook County Highway Department reconstructed 167th Street near 108th Avenue in 2005. The construction increased the height of 167th Street in certain areas. The increased height of 167th Street warrants consideration of a higher rear yard fence for the Subject Properties.
- d. The property in question cannot yield a reasonable return if permitted to be used with only the six foot fence height limit due to the changes to 167th Street and the increased grade of 167th Street.
- e. The plight of the owner is due to the unique circumstance of the grade increase of 167th Street.
- f. The variances, if granted, will not alter the essential character of the locality. Most of the surrounding property is zoned residential. Allowing an eight foot (8') fence, especially in the rear yard along 167th Street, will not have a negative impact on neighboring property.
- g. Because of the increase in grade height of 167th Street, the denial of the requested variances would be a hardship to the Petitioner. Without the variances, the petitioner would not be able to construct a higher fence to address the sound and visual impacts of the increase in the grade height of 167th Street.
- h. The conditions of the property are unique to the property and not generally applicable to other properties. The impact of 167th Street is unique to the properties.
- i. 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.
- j. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The addition of fences that are eight feet (8') will not have a negative impact on the public welfare or neighborhood.
- 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.
- l. The variances granted are the minimum necessary for the reasonable use of the land for the purpose proposed. The request for ten foot (10') fences was deemed excessive given the circumstances. As a result, eight foot (8') fences were deemed appropriate and the minimum necessary to address the concerns raised by the petitioner.
- p. The aforesaid circumstances or conditions are such that the strict application of the fence height limit would deprive the Petitioner of any reasonable use of the land.

SECTION 3

Subject to the conditions below, variances for the Subject Properties described below to permit eight foot (8') rear yard fences for the Subject Properties legally described as:

LOTS 27, 29, 30 31 AND 33 IN JON R. MILLER'S VICTORIA PLACE SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PER PLAT THEREOF RECORDED MAY 1, 1989, AS DOCUMENT NO. 89193579, ALL IN COOK COUNTY, ILLINOIS

LOTS 28 AND 32 IN JON R. MILLER'S VICTORIA PLACE SUBDIVISION, BEING A SUDIVISION IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Commonly known as 10700 Churchill Drive, 10710 Churchill Drive, 10720 Churchill Drive, 10730 Churchill Drive, 10740 Churchill Drive, 10750 Churchill Drive, and 16700 Chaucer, Orland Park, Illinois.

The variances are subject to the conditions that all required building permits are acquired prior to fence construction.

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.