

April 25, 2017

Village of Orland Park - Development Services Dept.  
c/o Mr. Ed Lelo  
14700 S. Ravinia Avenue - Orland Park, IL. 60462

**RE: Village of Orland Park Land Development Code - Article 6 Development Regulations - Section 6-104. Bulk Regulations - A. 2. & 3.**

Per a phone call on January 23rd with Terry Pittos, regarding a property boundary line Setback Variance of our proposed building...And a follow up phone call, and e-mail, with you on January 27<sup>th</sup>...We hereby submit this letter of 'Explanation', in regard to the compliance of a 'Variance Petition' and the 'Variance Standards' requirements of the 'Development Application' for the Village of Orland Park.

A Setback Variance at the West & South property lines of the proposed project located at the corner of 143<sup>rd</sup> St. and LaGrange Rd. is being requested because of the following conditions :

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;

The original building project was conceived as a single story retail project w/ 2 large End Cap tenants plus a 3<sup>rd</sup> Middle tenant, which would not be able to fit within the North - South Setback requirements. However, to secure the type and caliber of Tenants desired for this location, S.F. requirements for this project were a critical necessity, and because of utility easements on the West & South, and the Village desires for a building "streetscape" Tenants were secured and committed to this project with specific S.F. area criteria, including exterior outdoor dining specifications.

2) That the plight of the owner is due to unique circumstances;

The Village of Orland Park at one time expressed the "preference" for a Two Story building elevation façade at this strategic corner location. Subsequently after lengthy delays including expensive redesign of the entire project, including complete structural & MEP engineering re-work, and complete redesign and relocation of all outdoor dining areas, the Owner, GW Properties, has committed to an enhanced building design that expresses a Two Story façade elevation at the 143<sup>rd</sup> & Lagrange Rd. corner, as well as along the majority of both the 143<sup>rd</sup> St. & Lagrange Rd. building elevations.

3) That the variation, if granted, will not alter the essential character of the locality;

The aspects of the requested Variance will not in any way 'alter' the essential character of the locality, in fact it will enhance the character of the locality by providing a more dynamic 2 story building façade... as a complementary contrast to the overwhelming amount of single story buildings in this retail corridor.

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;

The accommodation to the Village of the “preference” for a two story Facade, and the Village desire for the building to be located closer to both intersecting roads...to create a more urban “streetscape”, along with conflicting conditions of the proximity and limiting aspects of the Utility easements on both the West and South property boundaries, while designing a building to provide quality tenant S.F. and the necessary parking & landscape requirements for the project, resulted in a hardship ‘Variance’ issue.

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;

Conditions of the requested Variance are unique to this property because the building is locked-in on all sides without any opportunity or option to be modified in any other direction. The building is located

within the West property line setback limit per desire of the Village of Orland Park to locate the building face closer to the street. However there is a West boundary ‘Utility easement’ that restricts the building setback along the West boundary. The building cannot be expanded East as the entire Eastern portion of the site is designed to meet all Parking lot, Parking stall, Vehicular circulation, Pedestrian & ADA access, and Landscape requirements. The building is located within the South building setback in order to meet total tenant space requirements for the project...and for an outdoor dining area for the South End Cap tenant. There is also a South boundary ‘Utility easement’ ...which the building Floor Plan avoids.

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;

The condition of difficulty/ request for Variance, is a result of the efforts of the developer/ Applicant to attract the highest caliber of Tenants to this strategic, and highly visible location in Orland Park, and to accommodate the desired “preferences” of the Village of Orland Park for a building with a two story façade...which is actually located closer to the street than current Village Ordinances allow...to create a pedestrian “streetscape” ...including outdoor dining areas that engage the existing public walkways and Village infrastructure.

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 requested variance will have NO detrimental affect on this property or adjacent properties, either functionally, visually, or in property value. This building will actually increase adjacent property values by its’ Design and caliber of Tenants. Other than the requested Variances, this

project meets All Local Code and Planning Requirements ...and is Not inconsistent with the Orland Park '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;

The requested Variances will Not impair adequate supplies of light and air to adjacent properties and will Not increase public street congestion, or impair public safety. This corner property is isolated from adjacent properties by roads on 3 sides & a parking lot on the fourth side. Because of this infrastructure separation, a setback Variance will have no detrimental affect on adjacent or other properties, either in terms of proximity, light, or air. This proximity isolation also eliminates any increase for danger of fire or to public safety.

9) That the variance granted is the minimum adjustment necessary for the reasonable use of the land;

The Variances requested are necessary for this proposed building project...as per the “preferences” of the Village of Orland Park in order to be Code compliant; Functional for Tenant occupancy and business use requirements including outdoor dining areas; to meet all Parking, Vehicular circulation & ADA access requirements...and to be Constructed within the property area bounded by multiple Utility easements.

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.

Conditions of the Existing Site with multiple existing Utility Easements... existing Ordinances of the Village of Orland Park for required building setbacks...Conditions for Pre-existing Tenant commitments... Conditions that required a lengthy redesign of the building to provide a two story facade, as well as the Conditions to meet all requirements for Parking, Landscaping, ADA access & Ingress/Egress compliance issues compressed the usable site area within the setback areas to below the necessary requirement to execute a viable building project, to meet the above conditions and the desired “streetscape” proximity.

The proposed Building is within the required North setback on 143rd Rd. and also any East setbacks. The Parking Lot, Landscape areas, and Outdoor Dining areas are All within required setbacks along LaGrange Rd. as well as the interior South Frontage Rd...and meet all ordinance requirements specified by Orland Park. Therefore we respectfully submit the attached Revised Building Plans and request approval of the ‘Setback Variance’ for the proposed new Building project located at the corner 143rd St. & LaGrange Rd.

Regards,

Gary Ebben

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