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ORDINANCE GRANTING VARIANCES - (SHED VARIANCE - 14224 CONCORD DRIVE)

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WHEREAS, a petition seeking three variances, as set forth below, has been filed with this Village, has been referred to the Zoning Board of Appeals of this Village and has been processed in accordance with the Orland Park Land Development Code, as amended, and;

WHEREAS, said Hearing Officers of the Zoning Board of Appeals held a public hearing on the question of whether the requested variances should be granted on October 10, 2017, at the Village Hall of this Village, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, the Hearing Officers of the Zoning Board of Appeals of this Village has filed their report of findings and recommendations regarding the requested variances with this Village President and Board of Trustees, and this Board of Trustees has duly considered said report and findings and recommendations.

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

This Board of Trustees finds that the proposed variances are in the public good and in the best interests of the Village and its residents and are consistent with and foster 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 Property is located at 14224 Concord Drive, Orland Park, Illinois (the "Subject Property"). The Subject Property is zoned R-3 Single-Family Residential under the Village's Land Development Code.
- b. The Petitioner has requested the following three variances: (1) to allow a shed to be located in the side yard; (2) to reduce the required setback for the shed from the principal building from ten (10) feet to four and one-half (4.5) feet (a reduction of 55%); and (3) to exceed the maximum allowed shed size by forty (40) feet (a 40% increase).
- c. The property in question cannot yield a reasonable rate of return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

Petitioners have indicated that the shed is a necessary component of the Subject Property. Additionally, if it is required to be removed and relocated, it may cause a blockage of overland storm water flow, block the flow of storm water into Petitioner's existing storm drain, and cause excessive storm water runoff across Petitioner's yard.

d. The plight of the owner is due to the unique circumstance in that the Petitioner would be unable to locate their shed in the rear yard without potentially blocking overland storm water flow and creating excess storm water runoff. The Subject Property is located near the bottom of a hill in the Heritage Subdivision. Therefore, adequate storm water flow and drainage are vital. Requiring the shed to be located in the rear yard, in compliance with the Land Development Code, may block storm water flow and drainage and cause excess storm water runoff. Additionally, the structure at issue has been in existence for thirteen (13) years, and the Petitioner has insisted that it received a permit for the shed. The existence of said permit has not been located or confirmed by Village staff.

e. The variances, if granted, will not alter the essential character of the locality. Petitioner has submitted to this Board a petition signed by neighbors expressing their support for the variances. Many of the neighbors also expressed their support at the hearing in front of the Zoning Board of Appeals. Additionally, the shed, although located in the side yard, is designed to match the principal structure, and therefore, compliments the house and Heritage Subdivision.

f. Because of the particular surroundings, shape and topographical conditions of the Subject Property involved, the denial of the requested variances would be a hardship to the Petitioner. A strict compliance with the Land Development Code would require the Petitioner to remove, relocate and replace the existing shed, which consequently may cause issues related to the flow and drainage of storm water. Because Petitioner's property is located near the bottom of a hill in the Heritage Subdivision, any possible blockage may have significant impact on the storm water flow.

g. Although the conditions upon which the petition for variance are not unique to the property, the Village has determined that the Land Development Code may need to be amended to address this issue. Also being located at the bottom of a hill in the Heritage Subdivision exasperates the potential drainage issues that may occur if the Petitioner were required to remove and relocate the shed to conform to the Land Development Code.

h. The alleged difficulty is caused by these regulations and has not resulted from any act of the applicant presently having an interest in the property subsequent to the effective date hereof. Petitioner built the shed thirteen (13) years ago under the belief that a permit for it was granted.

i. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, and will not impair an adequate supply of light and air to adjacent property, or increase congestion in the public streets, or increase the danger of fire or endanger the public safety or impair property values within

the neighborhood. The structure at issue has existed for approximately thirteen (13) years without significant issues. Petitioner also presented a petition signed by neighbors expressing their support for the variances, which suggests that the requested variances will not be detrimental to the public welfare. Finally, Petitioner shall comply with additional Building Code requirements related to fire separation between the shed and principal building and with line the entire shed with fire suppression drywall, as a condition to the variances.

j. The variances granted are the minimum adjustment necessary for the reasonable use of the shed, and the circumstances are such that strict application of the Land Development Code would deprive the applicant reasonable use of his/her shed. Relocation of the shed to conform to the Land Development Code may cause excessive storm water runoff and impair drainage on the Subject Property and neighboring properties.

SECTION 3

Variances to Sections 6-302.C (33) of the Code of the Village of Orland Park to allow a shed to be located in the side yard, to reduce the required setback for the shed from the principal building from ten (10) feet to four and one-half (4.5) feet (a reduction of 55%), and to exceed the maximum allowed shed size by forty (40) feet (a 40% increase) are hereby granted for the Subject Property legally described as:

Lot 22 in Heritage Unit #1, being a Subdivision of part of the West ½ of the Southeast ¼ of Section 3, Township 36 North, Range 12, East of the Third Principle Meridian, in Cook County .

PIN: 27-03-413-006-0000

The variances are subject to the following condition:

A. That the Petitioner complies with additional Building Code requirements related to fire separation between the shed and principal building, and that the entire shed be lined with fire suppression drywall.

SECTION 4

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

SECTION 5

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.

