

AN ORDINANCE APPROVING A SUBDIVISION AND GRANTING A VARIATION  
(KELLY GROVE SUBDIVISION)

WHEREAS, a petition seeking subdivision, site plan approval, and a variation for certain real estate, as set forth below, has been filed with the Village Clerk of this Village and has been referred to the Plan Commission and Historic Preservation Review Commission 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 January 8, 2013, on whether the requested subdivision, site plan and variation should be approved, 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 published in the Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendations that the subdivision, site plan and variation be approved with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, 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

The report of the Plan Commission of this Village is herein incorporated by reference, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearings held by the Plan Commission are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further finds that the proposed subdivision and variation 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 subdivision, site plan and variation as follows:

- a. The Subject Property is approximately .4 acres in area and is located at 9855 W. 144<sup>th</sup> Street in Orland Park, Illinois. The Subject Property currently consists of two lots totaling approximately 17,424 square feet (.4 acres) in the Old Orland Historic District and contains one single family home.

b. Petitioner seeks to establish a new three lot subdivision on the Subject Property with a variation to increase the maximum allowed lot width. The three lot subdivision will also include an obsolete public right-of-way, Grove Street, which will be vacated to the petitioner. Petitioner will demolish the existing single family home and construct three new single family homes.

c. The requested variation seeks to increase the maximum lot width from 50 feet to 59 feet. Each of the proposed new single family homes will have detached garages at the rear of each lot. The existing lot has a width of 116.97 feet. The proposed lot widths for Lot 1, Lot 2 and Lot 3 are 57.97 feet, 59 feet and 53.10 feet, respectively.

d. The variation requested will be consistent with the character of the immediate vicinity. The Subject Property is located on 144<sup>th</sup> Street. These proposed lots are similar to other single family homes constructed along 144<sup>th</sup> Place on grandfathered lots of approximately 48-50 feet in width. In addition, maintaining the existing lot size conflicts with the zoning district's plan for small buildings on small lots in the Old Orland Historic District. Granting the requested variations, which will permit approval of the new subdivision, will be consistent with the residential nature of the area as a whole.

e. No one spoke in opposition to petitioner's requested variance.

f. The property in question cannot yield a reasonable return if permitted to be used only under the lot width requirement of the Code due to the size of the Subject Property. If the Subject Property was subdivided to meet the requirements of the maximum lot width of 50 feet, it would create another non-conforming lot with a width of approximately 16 feet and less than the lot area requirements.

g. The plight of the owner is due to the unique circumstance of the dimensions and location of the Subject Property.

h. The variance, if granted, will not alter the essential character of the locality. The area is a residential area and the surrounding land uses are entirely residential and include single family and multi-family residential uses. 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.

i. Because of the size and shape of the Subject Property, the denial of the requested variance would be a hardship to the petitioner. Without the variance, the petitioner would have to create a non-conforming lot that is not buildable on the Subject Property.

j. The conditions of the property are unique to the property and not generally applicable to other properties.

j. 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.

k. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, but will permit the construction of three single family homes and be an addition to the Village's tax base.

l. 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.

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

n. The aforesaid circumstances or conditions are such that the strict application of the lot width requirements would deprive the petitioner of any reasonable use of the land.

o. The property in question cannot yield a reasonable return if permitted to be used only under the requirements of the Land Development Code.

### SECTION 3

The Subject Property, located at 9855 W. 144<sup>th</sup> Street, is legally described as:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST QUARTER OF LOT 9 IN BLOCK 9 IN SEDGWICK, A SUBDIVISION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 9, ACCORDING TO THE PLAT THEREOF RECORDED MAY 6, 1880, AS DOCUMENT NUMBER 270447; THENCE SOUTH 1°48'17" EAST 178.10 FEET TO THE NORTHEAST CORNER OF LOT 44 IN HUMPHREY'S SUBDIVISION OF THE NORTH 455 FEET OF THAT PART OF THE NORTH 30 ACRES OF THE SOUTH 60 ACRES OF THE WEST HALF OF SAID NORTHEAST QUARTER OF SECTION 9, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 27, 1880, AS DOCUMENT NUMBER 285993; THENCE SOUTH 87°41'23" WEST, ALONG THE NORTH LINES OF LOTS 44, 45 AND 46 IN SAID HUMPHREY'S SUBDIVISION, 117.07 FEET TO A POINT THAT IS 33.00 FEET EAST OF THE EAST LINE OF SECOND STREET; THENCE NORTH 1°46'32" WEST 178.10 FEET TO THE NORTHEAST CORNER OF THE WEST 8.00 FEET OF LOT 13 IN AFORESAID BLOCK 9 IN SEDGWICK; THENCE NORTH 87°41'23" EAST 116.97 FEET, ALONG THE NORTH LINE OF SAID BLOCK 9, TO THE POINT OF BEGINNING; IN COOK COUNTY, ILLINOIS.

PINs: 27-09-211-007 & 27-09-211-017

### SECTION 4

The preliminary site plan for the Subject Property titled “Topographical Survey and Preliminary Engineering Kelly Grove,” prepared by Landmark Engineering, LLC and dated December 21, 2012 is hereby approved, subject to the following conditions:

1. That a final tree survey is submitted to determine any tree mitigation requirements;
2. That petitioner installs green infrastructure improvements on Lots 1, 2 and 3 to mitigate onsite storm water runoff impacting Lot 3;
3. That all final engineering (on a lot by lot basis) and building code items are met; and
4. That the subdivision is subject to the vacation of Grove Street and its subsequent land sale to the neighboring property owner.

#### SECTION 5

Subdivision of the above-described Subject Property into 3 single family lots as shown on the preliminary plat of subdivision titled “Kelly Grove,” prepared by Landmark Engineering, subject to the conditions set forth above and the following condition: That the petitioner submit a Record Plat of Subdivision to the Village for recording.

#### SECTION 6

A variance for the Land Development Code of the Village of Orland Park, as shown on the approved preliminary site plan, is hereby granted to increase the maximum lot width requirement from 50 feet to 59 feet.

#### SECTION 7

The elevation drawings for the proposed single family home on Lot 2 of the Kelly Grove Subdivision at 9855 W. 144<sup>th</sup> Street, titled “Two Story Residence for 9855 W. 144<sup>th</sup> Street Orland Park, IL 60462,” prepared by IJM Group, Inc., dated December 11, 2012, sheets A-1.0, A-1.1 and A-3.1 are hereby approved.

#### SECTION 8

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

#### SECTION 9

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.