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**Staff Report to the Board of Trustees****Gudauskas Residence Variances**

Prepared: 5/12/2025

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**Project:** Gudauskas Residence Variances**Case Numbers:** 2025-0187 | DP-25-00540**Petitioner:** Marie Gudauskas (Property Owner)**Project Representative:** Heather Glockler (Attorney)**Location:** 14725 Holly Court, Orland Park, IL**P.I.N.:** 27-09-302-031-0000

**Requested Action:** The petitioner is seeking approval of two Variances from the Land Development Code in order to rebuild a single-family residence on the existing foundation. The first variance request is to reduce the minimum required side yard setback from 8' to 6.7'. The second variance request is to eliminate the requirement to have face brick or stone on not less than 50% of exterior walls and 90% of each first-floor elevation for a residential dwelling unit.

**BACKGROUND**

The Gudauskas Residence was constructed in 1968. It was a 1,176 SF raised ranch style single-family home. This home was considered legal non-conforming to the Land Development Code (LDC), as it did not meet the current code requirements regarding setbacks and design standards. In February 2024, the house was significantly damaged by a fire. Due to the damage to the home, the property owners decided to demolish the house and rebuild it exactly as it was. As a result, the Development Services Department received a demolition permit application to demolish the house, its foundation, and the driveway on the property in July 2024. The demolition permit was subsequently issued in August 2024.

After the house was demolished, staff was alerted by the contractor that the property owners desired to keep the foundation, as it was deemed to be in suitable condition by a structural engineer. Staff reviewed the plans to keep the foundation, and it was determined the foundation could not be used to construct a new single-family home because it did not meet the current minimum setback requirements for the side yard along the south property line. Although the structure was considered to be legal non-conforming, the structure can now only be repaired or restored if the structure conforms to the standards of these regulations for the zoning district in which it is located, because the house had already been demolished and damaged more than 50% of its assessed value, per Section 8-101.C.7 of the LDC.

Now, the petitioners are requesting two variances from the LDC to allow for the construction of a new single-family home that does not meet current setback and design requirements.

## **PLAN COMMISSION DISCUSSION**

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Present at the Plan Commission were 5 Commissioners, the petitioner, members of the public, and members of staff. Prior to the hearing, staff received 8 letters of support from neighboring property owners which were provided to the Plan Commission for their reference. Following the staff presentation, the commissioners discussed that they are supportive of the proposal to rebuild the single-family home exactly as it was before the fire, which requires two variances to be granted to the property.

The Plan Commission is the appointed hearing body for variance requests. In some cases, the Plan Commission is the final approving body, while in other cases, the Plan Commission makes a recommendation to the Board of Trustees. Both concepts apply to this request. As the final approving body, the Plan Commission approved the variance request to reduce the minimum required side yard setback from 8' to 6.7'. As a recommending body, the Plan Commission has recommended to the Board of Trustees to approve the second variance request to eliminate the requirement to have face brick or stone on not less than 50% of exterior walls and 90% of each first-floor elevation for a residential dwelling unit. The petitioner is proposing to meet this requirement on the front (west) elevation, but not on the three other elevations of the home. The proposed design of the home is identical to the design of the original home before the fire. Since the home was damaged by more than 50% of its assessed value, the new home must be built in compliance with current code standards. Whereas staff recommended denial of this variance request, the Plan Commission recommended approval of the request after thorough discussion.

The Plan Commission unanimously recommended approval of both variances with 5 ayes, 0 nays, and 2 absent. This item is now before the Board for consideration.

## **STAFF DISCUSSION**

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Staff recommends denial of the second variance request to eliminate the brick requirement. The Fire Department had no objections to the variance requests, but upon further review and discussion of the fire that occurred in February 2024, it has come to light that the home directly south of the subject property was subsequently damaged by the fire, as both structures had siding on the sides as opposed to brick. Brick or similar masonry is a design standard in the Village but has also been known to be a safer and less flammable material for single-family residences. Furthermore, all of the variance standards are not met in order for the petitioner to qualify for such a variance. While the structure was previously considered legal non-conforming as it was constructed prior to the adoption of the current Land Development Code, the structure now has to comply with current construction standards including the Village's design standards. Justification for a Variance cannot be a financial or self-imposed hardship.

## **VARIANCE STANDARDS**

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When reviewing an application for a Variance, the decision-making body shall review the following standards for consideration. The petitioner has submitted responses to the standards, which are attached to this case file. The standards below come from Section 5-109.D of the LDC:

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;
2. That the plight of the owner is due to unique circumstances;
3. That the variation, if granted, will not alter the essential character of the locality;
4. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involves, a particular hardship to the owner would result, as

distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;

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

In their responses, the petitioner points out that this subdivision was non-conforming before it was annexed to the Village, making most of the other houses in the subdivision also deficient regarding side yard setbacks and design standards. They note that the property owners faced a unique hardship in losing their home to a fire, and that extraordinary efforts would need to be made to construct a new home that meets our current code requirements on this property. They also discuss that in rebuilding the home exactly as it was, it will be more consistent with the design of the surrounding homes.

## **BOARD OF TRUSTEES RECOMMENDED MOTION**

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### **Option 1: Uphold Code Requirement (Staff Recommendation)**

Regarding Case Number 2025-0187, also known as Gudauskas Residence Variances, I move to uphold Section 6-308.F.5 of the Land Development Code to have face brick or stone on not less than 50% of exterior walls and 90% of each first-floor elevation for a residential dwelling unit.

### **Option 2: Approve Variance Request (Plan Commission Recommendation)**

Regarding Case Number 2025-0187, also known as Gudauskas Residence Variances, I move to approve the Plan Commission Recommended Action for this case;

And,

I move to adopt an Ordinance titled ORDINANCE GRANTING A VARIANCE FOR A SINGLE-FAMILY RESIDENCE (GUDAUSKAS RESIDENCE – 14725 HOLLY COURT).