

MAYOR

Keith Pekau

VILLAGE CLERK

Brian L. Gaspardo

14700 S. Ravinia Avenue
Orland Park, IL 60462
(708)403-6100
orlandpark.org

**ORLAND
PARK****DEVELOPMENT SERVICES****TRUSTEES**

William R. Healy

Cynthia Nelson Katsenes

Michael R. Milani

Sean Kampas

Brian J. Riordan

Joni J. Radaszewski

Staff Report to the Plan Commission

Gudauskas Residence Variances

Prepared: 4/11/2025

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.

COMPREHENSIVE PLAN

The Comprehensive Plan identifies single-family detached residential as an ideal use for this site. Overall, the proposed use is consistent with the intent of the Comprehensive Plan for this area, including the desire to preserve existing neighborhoods.

COMPREHENSIVE PLAN

Planning District	Orland Grove
Planning Land Use Designation	Single Family Residential

ZONING DISTRICT

Existing	R-3A Residential District
-----------------	---------------------------

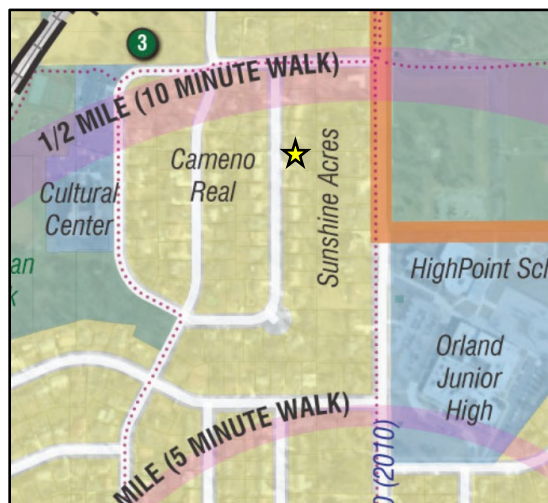
LAND USE

Existing	Single Family Detached Residential
Proposed	Single Family Detached Residential

ADJACENT PROPERTIES

	Zoning District	Land Use
North	R-3A Residential District	Single Family Detached Residential
East	R-3 Residential District	Single Family Detached Residential
South	R-3A Residential District	Single Family Detached Residential
West	R-3A Residential District	Single Family Detached Residential

Comprehensive Plan Land Use Map



Zoning District Map



DETAILED PLANNING DISCUSSION

The property owners wish to construct their new single-family home exactly as it was before the fire; however, in doing so, the new home would not meet current code requirements regarding setbacks and design standards. The table below illustrates the code-required setbacks and the existing/proposed setbacks for the new construction.

SETBACK REQUIREMENTS

	Front Setback	Side Setback (North)	Side Setback (South)	Rear Setback
Required				
R-3A District	25 FT	10% of the Lot Width or 8 FT, whichever is greater	10% of the Lot Width or 8 FT, whichever is greater	30 FT
Existing & Proposed				
R-3A District	27.5 FT	11.1 FT	6.7 FT	74.8 FT

The proposed structure meets the setback requirements for the front, north side, and rear yard setbacks. Although the side yard setbacks meet the 10% lot width criteria, the south side yard setback is deficient by 1.3' (16%) when applying the 8' minimum setback requirement. This property is within an older neighborhood in the Village, and most of the homes on this block are also deficient in minimum side yard setback requirements.

Per Section 5-109.E.1 of the LDC, the Plan Commission is authorized to grant a variance to permit any setback less than the setback required by the applicable regulations, but by not more than 25%. Therefore, the Plan Commission can grant this variance request, and it will not need to proceed to the Board of Trustees.

In addition to the south side yard setback, the proposal does not meet the current design standards regarding the brick requirement for residential structures. The petitioners are proposing face brick or stone on the front elevation of the new structure, but not on the side or rear elevations. Section 6-308.F.5 of the LDC requires that all residential dwelling units contain face brick or stone on not less than 50% of exterior walls and 90% of each first-floor elevation. The Plan Commission does not have the authority to grant such a variance. Therefore, the Plan Commission will make a recommendation of approval or denial of the variance request to the Board of Trustees, who will make the final decision.

VARIANCE STANDARDS

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. Staff finds the responses satisfactory and recommends approval of the side yard setback variance. However, staff cannot recommend approval for the design standards variance as the reason for a variance request cannot be financial hardship. 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. 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 taken in order to construct a new home that meets our current code requirements on this property. They also discuss that in re-building the home exactly as it was, it will be more consistent with the design of the surrounding homes.

PLAN COMMISSION RECOMMENDED ACTION

Regarding Case Number 2025-0187, also known as Gudauskas Residence Variances, Staff recommends to accept and make findings of fact as discussed at this Plan Commission meeting and within the Staff Report dated April 11, 2025;

And

Staff recommends the Plan Commission **approve** a Variance from Section 6-204.5.E.2 of the Land Development Code to reduce the minimum required side yard setback from 8' to 6.7';

And

Staff recommends the Plan Commission **deny** a Variance from Section 6-308.F.5 of the Land Development Code 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.

PLAN COMMISSION RECOMMENDED MOTION

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