



Legislation Details (With Text)

File #: 2014-0736 **Version:** 4 **Name:** Whittingham House - Ordinance
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On agenda: 5/18/2015 **Final action:** 5/18/2015
Title: AN ORDINANCE APPROVING A SUBDIVISION AND GRANTING A VARIATION (WHITTINGHAM HOUSE)
Code sections:
Attachments: 1. Ordinance

Date	Ver.	Action By	Action	Result
5/18/2015	3	Board of Trustees		
5/13/2015	3	Development Services Department	INTRODUCED TO BOARD	
3/2/2015	2	Board of Trustees		
2/23/2015	2	Development Services Department	INTRODUCED TO BOARD	
2/16/2015	1	Development Services, Planning and Engineering Committee	RECOMMENDED FOR APPROVAL	Pass
2/11/2015	1	Development Services Department	INTRODUCED TO COMMITTEE	
2/10/2015	0	Plan Commission		
2/6/2015	0	Development Services Department	INTRODUCED TO COMMISSION	

Title/Name/Summary

AN ORDINANCE APPROVING A SUBDIVISION AND GRANTING A VARIATION (WHITTINGHAM HOUSE)

Body

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 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 February 10, 2015, 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 11,500 square feet in area and is located at 9915 W. 144th Place and 9911 W. 144th Place in Orland Park, Illinois. The Subject Property currently consists of two lots that are each 46 feet wide and total approximately 11,500 square feet (approximately .264 acres) in the Old Orland Historic District, and it contains one single family home.
- b. Petitioner seeks to demolish the existing 125 year old National Gable-Front style house with Victorian elements, to consolidate the two lots on a single property with the address of 9915 W. 144th Place, and to construct a single family home with detached garage in a similar architectural style.
- c. The requested variation seeks to increase the maximum lot width from 50 feet to 92 feet due to the consolidation of the two existing 46 foot wide lots. Currently, a single residence exists on the two lots and it straddles the existing lot lines.
- d. The variation requested will be consistent with the character of the immediate vicinity. The Subject Property is located on 144th Place. Allowing for the consolidation of the two lots will preserve the intent and expectation of the neighborhood housing pattern by allowing one house on the consolidated lot. Granting the requested variation, which will permit approval of the construction of the new house, 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 topography of the Subject Property and the width of the two lots. Previously, property from the Subject Property was sold to the neighbor due to the fact that the neighbor's home was built on the lot line. This resulted in a total width of 92 feet for both lots.
- 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 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. In addition, the two lots are currently used for one house and one garage and the new construction will result in one house and one garage on the Subject Property.

- i. Because of the size and shape of the Subject Property, the denial of the requested variance would be a hardship to the petitioner. If the Subject Property were to be split into two lots for two houses, the grading of the land would result in retaining walls and increased costs.
- 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 a new single family home in place of the existing home.
- 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 9915 W. 144th Place, is legally described as:

LOT 24 (EXCEPT THE EAST 8 FEET) AND ALL OF LOT 25 IN HUMPHREY'S SUBDIVISION OF THE NORTH 455 FEET OF THE NORTH 30 ACRES OF THE SOUTH 60 ACRES OF THE WEST HALF OF THE NORTHEAST QUARTER EAST OF WABASH, ST. LOUIS AND PACIFIC RAILROAD OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 27-09-216-056; and 27-09-216-057

SECTION 4

The preliminary site plan for the Subject Property titled "New Two Story Residence for 9915 W. 144th Place," prepared by IJM Group, Inc. and dated December 8, 2015 is hereby approved, subject to the following conditions:

- 1. That petitioner repair the public sidewalk upon completion of construction;
- 2. That petitioner mitigate the appearance of the "extended bulk" of the side gables from the public right-of-way through the Landscape Plan;
- 3. That petitioner use oak trees as the replacement trees for mitigating the lost heritage oak tree;

4. That petitioner submit a Landscape Plan, for separate review and approval, within 60 days of final engineering approval; and
5. That petitioner meet all building code related items.

SECTION 5

Consolidation of the above-described Subject Property, located at 9915 and 9911 W. 144th Place, into 1 single family lot as shown on the preliminary plat of subdivision prepared by KDC Consultants, dated March 27, 2015, last revised April 23, 2015, 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 for new construction from 50 feet to 92 feet for the Subject Property in the Old Orland Historic District, and is subject to the conditions set forth above in Sections 4 and 5.

SECTION 7

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

SECTION 8

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.