



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4395

File Number: 2008-0438

ORDINANCE GRANTING VARIANCES - (14403 IRVING AVENUE, SIDE SETBACKS)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 5th day of August, 2008 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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ORDINANCE GRANTING VARIANCES - (14403 IRVING AVENUE, SIDE SETBACKS)

WHEREAS, a petition seeking variances for certain real estate, as set forth below, has been filed with the Building Department of this Village and has been referred to the Hearing Officers of this Village and has been processed in accordance with the Orland Park Land Development Code, as amended; and

WHEREAS, the Hearing Officers of this Village held a public hearing on June 12, 2007, on whether the requested variances should be granted, 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 Star and The Daily Southtown, newspapers of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Hearing Officers have filed with this President and Board of Trustees their report of findings and recommendation that the requested variances be granted, and this Board of Trustees has duly considered said report, findings and recommendation.

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, findings and recommendations of the Hearing Officers of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. This Board of Trustees further 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 14403 Irving Avenue, Orland Park, Illinois. The Subject Property is zoned R-3 Residential under the Village's Land Development Code (the "Code").

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b. The Subject Property contains a single family dwelling over fifty (50) years old, to which Petitioner desires to add a two (2) story addition. In addition, Petitioner desires to add an eight inch (8") reinforcing foundation wall along the perimeter of the home to stabilize the structure. Also, the property is non-conforming as to the lot width and lot area, having been constructed long ago in an area of similar sized lots and houses. If the two (2) story addition were set back to meet the current fifteen (15) foot corner side yard side yard requirement the addition would not give enough space for the family and would not match the existing setback. But, in that case, the addition would not increase the degree of nonconformity of the lot and the construction would be permitted despite the lot's nonconforming width and area, pursuant to Section 8-101 C (4) (b) of the Land Development Code. However, Petitioner is requesting a variance to build the two story addition, and the reinforcing wall, with a five (5) foot, ten (10) inch side yard to line up with the existing north wall of the house, and a second side yard variance to allow the reinforcing foundation wall to be built along the south wall with a four (4) foot, five (5) inch side yard.

c. The home was constructed years ago and the Petitioner explained that it conformed with existing zoning at the time of construction.

d. The specific side yard variances requested are 44% and 60% variances. A 3.5% variance to allow a front yard of twenty-nine feet (29') rather than the thirty feet (30') feet required in the R-3 Residential District has been granted by the Hearing Officers, pursuant to the Orland Park Land Development Code, Section 5-109F(1).

e. The Hearing Officers are not authorized by the Village's Land Development Code to grant variances of over 25% to setback provisions, but only to make recommendations regarding such variances to the Village Board. In this case, the Hearing Officers have recommended that both the side yard variance and the corner side yard variance be granted by the Village Board.

f. Petitioner submitted letters from surrounding neighbors stating that they did not object to Petitioner's plans.

g. No one spoke in opposition to Petitioner's request at the public hearing.

h. The property in question cannot yield a reasonable return if permitted to be used only under the R-3 setback requirements because of Petitioner's need for additional space in his home. Without the variation, the two (2) story addition would need to be set back considerably and would look very unusual, as well as not providing the space Petitioner needs. The home might need to be torn down and rebuilt.

i. The plight of the owner is due to the unique circumstance of the age of the house, its corner location and

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that no additional land area is available; the lot already has a non-conforming side yard and petitioner simply wants to continue that line with a two (2) story addition with basically the same side yard. The other variance is simply to permit the south reinforcing foundation wall to be constructed to stabilize the house.

j. The variances, if granted, will not alter the essential character of the locality since the neighborhood will remain residential in nature. That the essential character of the locality will not change was also demonstrated by the fact that no neighbors spoke in opposition to the variances requested and several submitted letters of support of Petitioner's proposal.

k. The denial of the requested variances would be a hardship to the Petitioner because of the need for additional space in the home.

l. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

m. The proposed variances 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.

SECTION 3

Two (2) variances to Sections 6-204 F(2) of the Land Development Code of the Village of Orland Park, one to permit a five (5) foot, ten (10) inch corner side yard for a two (2) story addition rather than the fifteen (15) feet otherwise required is hereby granted for the north side yard and the other to permit a four (4) foot, five (5) inch south side yard setback instead of the eight (8) feet otherwise required, for the south side yard of the property legally described as:

LOTS 40 AND 41, TOGETHER WITH THE WEST ½ OF THE VACATED ALLEY LYING EAST OF AND ADJOINING SAID LOTS IN BLOCK 8 IN PEOPLES ORLAND PARK ADDITION TO ORLAND PARK, BEING A SUBDIVISION OF THAT PART NORTH AND WEST OF THE WABASH RAILROAD OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE NORTH 4 ACRES THEREOF) IN COOK COUNTY, ILLINOIS.

and commonly known as 14403 Irving Avenue.

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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.

PASSED this 4th day of August, 2008

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 7 Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler,
Trustee Gira, and Village President McLaughlin

Nay: 0

DEPOSITED in my office this 4th day of August, 2008

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 4th day of August, 2008

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 5th day of August, 2008

/s/ David P. Maher

David P. Maher, Village Clerk