



VILLAGE OF ORLAND PARK

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

Ordinance No: 4230

File Number: 2005-0637

ORDINANCE GRANTING A VARIATION (MAGANA, 14620 S. 108TH AVENUE)

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 20th day of March, 2007 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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WHEREAS, a petition seeking 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 of this Village 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 24, 2006, on whether the requested variation 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 thirty (30) days nor less than fifteen (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 Plan Commission of this Village has filed its report of findings and recommendations that the requested variation be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, findings and recommendations; and

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook County, Illinois, as follows:

SECTION 1

The report, findings and recommendations of the Plan Commission 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 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 variation is in the public good and in the best interests of the Village and its residents and is consistent with and fosters 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 requested variation as follows:

- a. The Subject Property is a 3.64-acre site with 150 feet of right of way frontage, located at 14620 South

VILLAGE OF ORLAND PARK

Ordinance No: 4230

108th Avenue Orland Park, Illinois. The Subject Property contains an existing residential building towards the rear of the property. The property owners desire to subdivide the Subject Property into two (2) lots. The Subject Property is zoned R-2 Residential District.

b. The R-2 District requires a minimum lot size of 15,000 sq. ft. and a minimum lot width of 100 feet measured at the front right of way. The subdivision proposed will have one lot which meets this lot width requirement, and one lot which is a “flag lot,” with the narrow portion having only a 50 foot width at the right of way.

c. The Subject Property far exceeds the minimum lot size for two homes in the R-2 District, but there is no configuration which could be designed to create two (2) fully conforming lots fronting on 108th Avenue or any other street. The plan proposed will have the front lot with dimensions of 100 ft. x 478 ft., or 1.1 acres, and the rear lot with a 478 ft. x 50 ft. “flagpole” and then a lot of 150 ft. (widening to 165 ft. after 121 ft.) x 527 ft. or 2.4 acres.

d. Although a public hearing on a lot width variation for a single residential lot would normally be held by the Zoning Appeals Hearing Officer(s), because this variation arose in conjunction with a subdivision, the combined matters were referred to the Plan Commission for review and a public hearing.

e. At the public hearing, Petitioner explained that the front lot would use the existing driveway leading to the house on the back lot. No new curb cut will be required. This will require an easement to be designated on the final plat of subdivision of the Subject Property. Village staff explained that because of the way development has already occurred to the north and south of the Subject Property, there are no opportunities to have an interconnected street system serving the back portion of the lot.

f. A variation from the required lot width of 100 feet at the right of way for a lot in the R-2 District, to 50 feet will permit the Subject Property to be subdivided into two (2) lots, one fully conforming, the other far exceeding the R-2 lot area requirements although not the lot width.

g. The property in question cannot yield a reasonable return if permitted to be used only with the lot width requirements of the Orland Park Land Development Code because the extremely large lot has no other way to be subdivided. It is not a corner lot or a through lot, and so has no other access to a street.

h. The plight of the owner is due to the unique circumstance of the large size and existing location of the existing lot, as well as the fact that the existing development of the lots to the north and south leaves no opportunities for an interconnected street system and subdivision of the Subject Property into two lots with both having a conforming lot frontage.

VILLAGE OF ORLAND PARK

Ordinance No: 4230

i. The variation, if granted, will not alter the essential character of the locality since there are other flag lots in the neighborhood, and no new curb cut will be required.

j. The denial of the requested variation would be a hardship to the Petitioner because there would be no other way for Petitioner to subdivide the property, and he would be left with a single lot that is ten times the required minimum lot size in the R-2 District.

k. The conditions upon which this request for a variation is based are unique and not applicable generally to other property in the Village because of the large size of the Subject Property and the lack of ability to develop a system of interconnected streets to access the rear of the Subject Property.

l. The need for a variation has not resulted from any action taken by Petitioner with regard to the Subject Property. The need for the variation stems from the size and dimensions of the Subject Property, which do not stem from any action of the Petitioner.

m. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, because the development will be within the use and area requirements of the applicable zoning category and no new curb cut will be needed.

n. The proposed variation 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

A variation from the 100 foot lot width required at the right of way line by Section 6-203 E of the Village of Orland Park Land Development Code in the R-2 Residential District is hereby granted to permit the subdivision of the property legally described below into two (2) lots, one fully conforming, the second a “flag lot” with a 50 foot width on 108th Avenue, is hereby approved, subject to the conditions as outlined below.

The Subject Property is legally described as follows:

LOT 1 (EXCEPT THAT PART OF THE NORTH 15 FEET OF SAID LOT 1 LYING SOUTH OF AND ADJOINING LOT 3) IN CRYSTAL VIEW, BEING A RESUBDIVISION OF ALL OF FLATLEY ESTATES SUBDIVISION OF THE SOUTH 7 ACRES OF THE NORTH 10 ACRES OF THE WEST 20 ACRES OF THE SOUTH 50 ACRES OF THE NORTHWEST ¼ OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK

VILLAGE OF ORLAND PARK

Ordinance No: 4230

COUNTY, ILLINOIS.

This variation and subdivision approval is conditioned on the following:

1. That the subdivision of the Subject Property be pursuant to the preliminary site plan titled "Plat of Survey" prepared by R. H. Granath Surveying Service, with hand drawn notations indicating the proposed lot lines, dated June 11, 2004. The plat of subdivision shall show an easement of access for the front lot over a portion of the existing driveway leading to the rear lot.
2. That the home to be built on the front lot meets all building code related items.

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 19th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

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

Nay: 0

DEPOSITED in my office this 19th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 19th day of March, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

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PUBLISHED this 20th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk