



VILLAGE OF ORLAND PARK

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

Ordinance No: 4417

File Number: 2008-0365

ORDINANCE GRANTING A VARIANCE - (143rd STREET FENCE HEIGHT)

VILLAGE OF ORLAND PARK STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 16th day of September, 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 A VARIANCE - (143rd STREET FENCE HEIGHT)

WHEREAS, an application for the granting of a variance for certain real estate, as set forth below; has been filed with the Village Clerk of this Village and has been referred to the Zoning Appeals Hearing Officer(s) of this Village and has been processed in accordance with the Zoning Ordinance of the Village of Orland Park, as amended; and

WHEREAS, the Plan Commission of this Village held a public hearing on July 8, 2008, on whether the requested variance 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 SouthtownStar, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Zoning Appeals Hearing Officer(s) of this Village has filed a report of findings and a recommendation that the requested variance be granted with this President and Board of Trustees, and this Board of Trustees has duly considered said reports, findings and recommendation; and

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

That the Zoning Appeals Hearing Officers(s) has made its report of findings and recommendations, and such are hereby adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference. This President and Board of Trustees find that the authorizing of the variance is in the public good and in the best interests of the Village and its residents, and is not inconsistent with the Comprehensive Plan of the Village, 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

That this Board of Trustees after considering the report and recommendations of the Zoning Appeals Hearing Officer(s) and other matters properly before it, in addition to the findings set forth above finds as follows in relation to the requested variance:

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- a. Petitioner is the Village of Orland Park on behalf of residents of three (3) homes on Kathy Court and one on Clearview Drive. The residents' addresses are 8947, 9001 and 9005 Kathy Court and 14240 Clearview Drive.
- b. Petitioner is requesting a variance from the six foot (6') maximum allowable fence height permitted by Section 6-310 E(5) of the Land Development Code of the Village of Orland Park, to permit each resident to erect an eight foot (8') high fence along their south property line, if desired. There will be no requirement to build the higher fence, if the resident does not wish to do so.
- c. The properties this variance is requested for have rear yards which abut the north side of 143rd Street. Several years ago, the Illinois Department of Transportation (IDOT) made improvements to 143rd Street, which improvements widened the pavement and raised the road profile by about thirty inches (30") in the area of the properties. The result of the higher road profile is that Petitioners can now see over their fences and view or be viewed by the heavy traffic on 143rd Street, as well as hear traffic noises from 143rd Street.
- d. Previously, a variance was granted for thirteen (13) properties whose backyards abut the south side of 143rd Street.
- e. The properties in question cannot yield a reasonable return if permitted to be used only under the six-foot (6') fence height restrictions of Section 6-310 of the Land Development Code. The noise from and view of 143rd Street from the backyards may make the property less aesthetically appealing to prospective purchaser. Also, privacy concerns may be raised by prospective purchasers since drivers on the higher road have a clearer view into the backyards. In addition some safety concerns may be felt by prospective purchasers.
- f. The plight of the property owners is due to the unique circumstance of IDOT's raising 143rd Street by thirty inches (30") inches. Normally, street profiles remain the same or vary by only a few inches.
- g. The variance, if granted, will not alter the essential character of the locality. The locality will remain residential. In fact, the fence height variance will help retain that residential character by hiding the view of the heavy traffic on 143rd Street.
- h. Because of the substantial increase in the height of adjacent 143rd Street, and the resulting loss of privacy, aesthetic appeal and value of his house, the property owners will suffer particular hardship, as distinguished from mere inconvenience, if only the six foot (6') fence permitted by the Land Development Code is permitted.
- i. The conditions upon which the requested variance is based are unique to the properties which seek the

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variance and are not generally applicable to other property in the Village. Roadway improvements which result in raising a road profile by thirty inches (30") are very rare.

j. The alleged hardship caused by the six foot (6') fence height regulation has not resulted from any act of any of the Petitioners at any time. It is the decision of IDOT to raise the road which has caused the hardship.

k. The granting of the variance requested for the properties requesting it will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood or be otherwise inconsistent with the Comprehensive Plan or any overlay plan. Because the higher fences requested would abut 143rd Street and not any other developed property, no detriment will result. Passing cars will experience nearly the same effect as passing a six foot (6') fence on a roadway level with that fence. The higher fence may improve the appearance of the neighborhood.

l. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase congestion or increase the danger of fire or endanger the public safety or substantially diminish or impair property values in the neighborhood. The higher fences requested will all abut 143rd Street not residences or businesses. They will not impair light and air. They will not affect the functioning of the street, nor will they increase fire danger. They will be built on private property and will not affect emergency access. They may increase property values because of increasing feelings of privacy, safety and aesthetics.

SECTION 3

That a variance to permit construction of an eight foot (8') high fence along the south property line of each lot, rather than the six foot (6') high fence otherwise permitted by Section 6-310 E(5) of the Land Development Code of the Village of Orland Park, be and is hereby granted for each of the following properties:

LOTS 1, 2, 3 AND 4 IN CLEARVIEW ESTATES UNIT NUMBER ONE , BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

and commonly known as 9005, 9001 and 8947 Kathy Court and 14240 Clearview Drive, Orland Park, Illinois.

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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.

PASSED this 15th day of September, 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 15th day of September, 2008

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 15th day of September, 2008

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 16th day of September, 2008

/s/ David P. Maher

David P. Maher, Village Clerk