



# VILLAGE OF ORLAND PARK

14700 Ravinia Avenue  
Orland Park, IL 60462  
[www.orland-park.il.us](http://www.orland-park.il.us)

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**Ordinance No: 4339**

**File Number: 2008-0062**

ORDINANCE GRANTING A VARIANCE - (10817 CRYSTAL SPRINGS LANE, STREAM BANK  
SETBACK)

## VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 19th day of February, 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 - (10817 CRYSTAL SPRINGS LANE, STREAM BANK SETBACK)

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

WHEREAS, the Zoning Appeals Hearing Officers of this Village held a public hearing on January 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 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 Zoning Appeals Hearing Officers have filed with this President and Board of Trustees their report of findings and recommendation that the requested variance 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 recommendation of the Zoning Appeals 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 variance 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 proposed variances as follows:

# VILLAGE OF ORLAND PARK

## Ordinance No: 4339

- a. The Subject Property is located at 10817 Crystal Springs Lane, Orland Park, Illinois. The Subject Property is zoned R-1 Residential under the Village's Land Development Code (the "Code").
- b. The Subject Property is proposed to contain a single-family home. The property is an irregularly shaped lot that has a conservation easement over a considerable portion of the property. The property was subdivided many years ago, before the present Land Development Code regulations regarding stream bank setbacks were adopted. A variance to the stream bank setback requirement is requested.
- c. The specific requirement of the Land Development Code is for a 50-foot stream bank setback. Petitioner has requested a 12-foot (shown on the submitted plans) to 25-foot (stated at the hearing) setback. Thus, a 50% to 76% variance is requested. The Village Board has determined that a 50% variance should be granted.
- d. The Village's engineering staff as well as an engineering consultant have reviewed the top of foundation elevations of the proposed house and have noted that the building elevations are planned to be at least 2 feet higher than the 100-year flood elevation. This is consistent with the Village's requirement that residences adjacent to detention ponds be located 2 feet above the high-water level, and double the requirement that the lowest floor of a residence be one foot above the 100-year base flood elevation. Furthermore, the channel width of the stream at the point of encroachment is approximately 80 feet, making the encroachment a smaller percentage of the channel width that it would be with a narrower stream.
- e. The Zoning Appeals 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 recommended that the requested stream bank setback variance be granted by the Village Board. The Village Board has determined that a 50% variance should be granted.
- f. No one spoke in opposition to Petitioners' request at the public hearing.
- g. The property in question cannot yield a reasonable return if permitted to be used only under the stream bank setback requirements because of the irregular shape of the lot, the conservation easement over nearly 35% of the lot area, and Petitioner's need for a home of the size requested.
- h. The plight of the owner is due to the unique circumstance that when the land was subdivided, the current stream bank setback regulations were not in place, as well as the unique circumstance of the conservation easement existing over nearly 35% of the lot.
- i. The 50% variance, if granted, will not alter the essential character of the locality since the neighborhood

# VILLAGE OF ORLAND PARK

## Ordinance No: 4339

will remain large-lot residential in nature and the home is designed to mirror the home to the east of it; they will share a driveway. 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.

j. The denial of the requested variance would be a hardship to the Petitioner because of the need of Petitioner for a home of the size designed and because of the price paid for the lot, which was paid after a subdivision of the land had been approved by the Village and before the adoption of the stream bank setback requirements by the Village.

k. The granting of the 50% variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The stream is wide at the encroachment point and the home will sit above the 100-year flood elevation.

l. The proposed 50% 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. The lot is large, in an area of large lots.

### SECTION 3

Subject to the conditions below, a 50% variance is hereby granted to Section 6-412 D(1) of the Land Development Code of the Village of Orland Park, to permit a 25 foot stream bank setback for the north side of the proposed residence on the property legally described as:

LOT 19 IN CRYSTAL SPRINGS, BEING A SUBDIVISION OF THAT PART OF THE SOUTH HALF OF THE EAST HALF OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED ON JANUARY 29, 1993 PER DOCUMENT NUMBER 93076206, IN COOK COUNTY, ILLINOIS.

and commonly known as 10813 Crystal Springs Lane, Orland Park.

This variance is subject to the following conditions:

1. That the Petitioner make every attempt to avoid disturbing the conservation easement with equipment or grading;
2. That if some disturbance of the conservation easement is unavoidable, then before issuance of a building permit, the Petitioner provide the Village with a tree preservation plan for any trees within the conservation easement;

# VILLAGE OF ORLAND PARK

## Ordinance No: 4339

3. That if some disturbance of the conservation easement is unavoidable, then before issuance of a building permit, the Petitioner also provide the Village with a landscape plan indicating that any disturbed areas will be reseeded with natural prairie vegetation; and

4. That lot coverage calculations be presented by the Petitioner's engineer or architect, to ensure that no more than 25% of the lot is occupied by structures per R-1 zoning district regulations.

### 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.

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PASSED this 18th day of February, 2008

/s/ David P. Maher

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**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 18th day of February, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**

APPROVED this 18th day of February, 2008

/s/ Daniel J. McLaughlin

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**Daniel J. McLaughlin, Village President**

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PUBLISHED this 19th day of February, 2008

/s/ David P. Maher

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**David P. Maher, Village Clerk**