

Village of Homer Glen

**14933 S. Founders Crossing
Homer Glen, Illinois 60491**

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PLAN COMMISSION REGULAR MEETING

**Thursday, January 7, 2016
7:00 PM**

**Village Council Chamber
14917 S. Founders Crossing
Homer Glen, Illinois 60491**

A. Call the Plan Commission to Order

The meeting of the Homer Glen Plan Commission was called to order by Chairman Maska at 7:00 P.M.

B. Pledge of Allegiance to the Flag**C. Roll Call; Establish Quorum**

Present were Chairman Joe Maska, Members Kevin O'Donnell, Eileen Crement, Lynn McGary and Don Mitchell. Present on behalf of the Village of Homer Glen was the Director of Planning and Zoning, Michael J. Schwarz. The minutes were recorded and transcribed by Candace Rose.

D. Approval of Minutes**November 16, 2015**

A motion to approve the minutes from November 16, 2015 was made by Member McGary, seconded by Member O'Donnell. Voice vote take, all in favor, none opposed. *Motion Carried.*

Chairman Maska makes the announcement that the public hearing for item F.2, Case No. HG1518-S, Parkview Christian Church, will be tabled until the next Plan Commission meeting on January 21, 2016 at the request of Village Staff and the applicant. He states that anyone wishing to give testimony for or against this case may do so tonight but are advised to return on January 21 because there will be not staff presentation of the case tonight.

E. Agenda Items

1. **HG-1517-V William and Darlene Oglesby (*Public Hearing – Tabled from December 7, 2015*): Consideration of requests for (1) a Variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps (Table 1B and Section 11.2-2 of the Zoning Ordinance); and (2) a Variation allow parking in the required front yard for an existing driveway (Section 6.13.1(G) and Section 10.3-2(f) of the Zoning Ordinance). The subject property is located at 14049 S. Oak Street, Homer Glen, Illinois.**

Mike Schwarz explains that the subject property is located at 14049 S. Oak Street and is zoned R-2, Single-Family Residential District. The petitioner desires to construct an approximately 17' x 27' room addition onto the northeast corner of the existing house. The existing driveway provides for parking with the required front yard. If approved, the requested variations will allow expansion of the footprint of the existing non-conforming house and replacement of the existing non-conforming driveway. It should be noted that given the unique, time-sensitive medical needs of one of the occupants of the house, the building permits for both the proposed rear room addition and handicap ramps, and the replacement of the existing non-conforming driveway, have been issued based on the assumption that the requested variations will be granted. As of the date of this memo, construction has not yet begun on the room addition. The replacement and repaving of the existing non-conforming driveway has been completed. Mr. Schwarz states that he will not read all the findings of fact for this case tonight but asks that they be included in the minutes of the meeting. The following are those findings taken from the staff report prepared by Mike Schwarz.

The Plan Commission shall not vary the provisions of the Zoning Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases (Section 12.7-3). The following numbered statements are the required standards, with staff's suggested findings presented in bold italics. A variation shall be recommended to the Village Board only if the evidence, in the judgement of the Plan Commission, sustains each of the three (3) conditions enumerated. (1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

Variation #1: The existing house on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001 and has a 32-foot front yard setback from the front lot line. The subject property cannot yield a reasonable return if permitted to be used in strict accordance with the regulation that requires a 40-foot front yard in the R-2 District (Table 1B and Section 11.2-2 of the Zoning Ordinance). [Favorable to Applicant]

Variation #2: The existing driveway appears to have been in place since prior to 2005 according to available historical aerial photography. No evidence has been submitted to demonstrate that the property cannot yield a reasonable return if the driveway regulations (Section 6.13.1(G) and Section 10.3-2(f) of the Zoning Ordinance) are strictly enforced so that there would only be direct access to the garage, with no dedicated parking spaces located within the required front yard. However, the applicants have indicated that one of the occupants of the house has a medical need that requires the use of a wheelchair, and the vehicle that will be used to transport the wheelchair will use the existing non-forming portion of the driveway to turn around for easier loading and unloading. Therefore, without the requested variation, the property cannot be reasonably used consistent with the intent of the R-2 zoning district. In this particular instance, the purpose of the variance is not

otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same zoning district. [Favorable to Applicant]

(2) That the plight of the owner is due to unique circumstances.

Variation #1: *The plight of the owner is unique because the existing house on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001 and has a 32-foot front yard setback from the front lot line. [Favorable to Applicant]*

Variation #2: *The plight of the owner is unique because the applicants have indicated that one of the occupants of the house has a medical need that requires the use of a wheelchair, and the vehicle that will be used to transport the wheelchair will use the existing non-forming driveway to turn around for easier loading and unloading. [Favorable to Applicant]*

(3) That the variation, if granted, will not alter the essential character of the locality.

Variation #1: *If granted, the variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps, will not alter the essential residential character of the neighborhood based on the proposed placement of the room addition and handicap ramps in the rear yard. [Favorable to Applicant]*

Variation #2: *If granted, the variation to allow parking in the required front yard for an existing non-conforming driveway, so that it may be reconstructed and remain in place, will not alter the essential character of the neighborhood. Due to the generally larger lots in the immediate area, the rural residential character of the area will remain unaffected if the requested variation is granted. [Favorable to Applicant]*

To supplement these standards, the Plan Commission in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence (12.7-3c):

(1) That the particular physical surroundings, shape or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as out.

Variation #1: *The fact that the existing house on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in*

2001, and has a 32-foot front yard setback from the front lot line, demonstrates that the physical surroundings of the property will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations are carried out. The existing house would need to be physically moved in order to comply with the minimum 40-foot front yard requirement. [Favorable to Applicant]

Variation #2: The fact that the existing nonconforming driveway on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001, demonstrates that the particular physical surroundings of the property will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out, meaning that the nonconforming portion of the driveway (parking pad located within the required front yard) could not be reconstructed and remain in place without the granting of the requested variation. [Favorable to Applicant]

(2) That the conditions upon which the petition for variation is based would not be applicable, generally, to other property within the same zoning classification.

Variation #1: The fact that the existing house on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001, and has a 32-foot front yard setback, implies that the conditions upon which the petition for this variation is based would not be applicable, generally, to other property within the same zoning classification. [Favorable to Applicant]

Variation #2: The fact that the existing nonconforming driveway on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001, demonstrates that the particular physical surroundings of the property will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out, meaning that the nonconforming portion of the driveway (parking pad located within the required front yard) could not be reconstructed and remain in place without the granting of the requested variation. [Favorable to Applicant]

(3) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

Variation #1: Although the proposed room addition may add value to the property, the purpose of the variation is not based exclusively upon a desire to make more money out of the property. The petitioner desires to construct a room addition and handicap ramps for medical reasons. [Favorable to Applicant]

Variation #2: *The purpose of the variation is not based exclusively upon a desire to make more money out of the property. The petitioner desires to reconstruct the existing nonconforming driveway so that it may remain in place to serve the vehicle that is used to transport a wheelchair. [Favorable to Applicant]*

(4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

Variation #1: *The alleged difficulty or hardship stems from the fact that the existing house on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001, and has a 32-foot front yard setback has not been created by the applicants who are the current property owners. [Favorable to Applicant]*

Variation #2: *The alleged difficulty or hardship stems from the fact that the existing nonconforming driveway on the subject property was constructed prior to the adoption of the Homer Glen Zoning Ordinance in 2001. Staff has not determined if the nonconforming driveway was created by the applicants who are the current property owners. [Neutral to Applicant]*

(5) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.

Variation #1: *If granted, the variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps, will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located. [Favorable to Applicant]*

Variation #2: *If granted, the variation to allow parking in the required front yard for an existing non-conforming driveway, so that it may be reconstructed and remain in place will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located. [Favorable to Applicant]*

(6) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and function plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

Variation #1: *If granted, the variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps, will not be so at variance with either the exterior architectural appeal and function plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. [Favorable to Applicant]*

Variation #2: *If granted, the variation to allow parking in the required front yard for place, will not be will not be so at variance with either the exterior architectural appeal and function plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. [Favorable to Applicant]*

(7) That the proposed variation will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

Variation #1: *If granted, the variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps, will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. [Favorable to Applicant]*

Variation #2: *If granted, the variation to allow parking in the required front yard for an existing non-conforming driveway, so that it may be reconstructed and remain in place, will not be will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood. [Favorable to Applicant]*

Chairman Maska asks if the petitioner has anything to add. The petitioners state that they are present tonight to answer any questions.

A motion to open the public hearing in Case No. HG-1517-V was made by Member Crement, seconded by Member Mitchell. Voice vote take, all in favor, none opposed. *Motion Carried.*

Chairman Maska calls for question or comments from the public. Hearing none, he asks for a motion to close the public hearing.

A motion to close the public hearing in Case No. HG-1517-V was made by Member McGary, seconded by Member Mitchell. Voice vote take, all in favor, none opposed. *Motion Carried.*

Member Mitchell states that he believes that there is no doubt as to what the recommendation in this case should be and feels the Plan Commission should just make the motion.

A motion to adopt the Village staff's suggested findings of fact as the findings of fact of the Plan Commission, and to recommend to the Village Board the approval of a variation to reduce the required front yard setback from 40 feet to approximately 32 feet for an existing detached single-family home in order to allow the expansion of a non-conforming structure for a proposed rear room addition and handicap ramps (Table 1B and Section 11.2-2 of the Zoning Ordinance), for certain real property located at 14049 S. Oak Street, Homer Glen, Illinois, 60491 was made by Member Crement, seconded by Member O'Donnell. Roll call vote taken. In favor (5) Crement, Mitchell, McGary, Maska, O'Donnell. Opposed (0) none. Absent (2) Locacius, Backal. Abstained (0) none. *Motion Carried.*

A motion to adopt the Village staff's suggested findings of fact as the findings of fact of the Plan Commission, and to recommend to the Village Board the approval of a variation to allow parking in the required front yard for an existing driveway (Section 6.13.1(G) and Section 10.3-2(f) of the Zoning Ordinance), for certain real property located at 14049 S. Oak Street, Homer Glen, Illinois, 60491 was made by Member McGary, seconded by Member Mitchell. Roll call vote taken. In favor (5) Crement, O'Donnell, Mitchell, McGary, Maska. Opposed (0) none. Absent (2) Locacius, Backal. Abstained (0) none. *Motion Carried.*

2. **HG-1518-S Parkview Christian Church (*Public Hearing – To be Tabled to January 21, 2016*): Consideration of a request for a Major Change to a Planned Development (Section 9.3-3 of the Zoning Ordinance), to amend the conditions of Ordinance No. 06-082, which granted a Special Use Permit for a Planned Development to permit the development of a place of worship (former Eagle Rock Community Church), and also to approve an amended Preliminary/Final Development Plan, for the purpose of constructing additional parking spaces, a new access road, and a future building addition, including possible variations from the Village of Homer Glen Zoning Ordinance. The subject property is generally located at the southeast corner of 159th Street (IL Rt. 7) and Messenger Circle, and is commonly known as 14367 W. 159th Street, Homer Glen, Illinois.**

Michael Schwarz states that, as already explained, this case will not be heard tonight and instead will be tabled until next meeting scheduled for January 21, 2016. Chairman Maska asks for a motion to table the item.

A motion to table the public hearing in Case No. HG-1518-S until January 21, 2016 was made by Member O'Donnell, seconded by Member McGary. Voice vote take, all in favor, none opposed. *Motion Carried.*

F. Other/New Business

None

G. Adjournment

A motion to adjourn at 7:30 pm was made by Member McGary, seconded by Member O'Donnell. Voice vote taken, all in favor, none opposed. *Motion Carried.*

Approved March 17, 2016
Chairman Maska Joseph J. Maska