

Agenda
Village of Homer Glen
PLAN COMMISSION
Thursday, January 5, 2023 – 7:00 p.m.
Village Board Room, 14240 W. 151st Street, Homer Glen

1. **Call to Order.**
2. **Pledge of Allegiance to the Flag.**
3. **Roll Call.**
4. **Minutes.**
 - a) December 15, 2022
5. **Public Comment.**
6. New Business and Possible Action or a Recommendation.
 - a) **Case No. HG-2230-SP, 15830 S. Bell Rd. (Public Hearing):** Consideration of a request for approval of [1] an Amendment to a Special Use Permit for Outdoor Sales, [2] a Special Use Permit for Outdoor Storage and [3] a Variance to reduce the required off-street parking space from three hundred and sixty-eight (368) to two hundred and ninety-two (292) spaces for certain real property located in the C-3 General Business District at 15830 S. Bell Road, Homer Glen, Illinois. [HG-2230-SP]
7. Reports of Plan Commissioners and Staff.
8. Adjourn.

Plan Commission

Minutes of the Meeting on
December 15, 2022

DRAFT

Village of Homer Glen
14240 W 151st Street, Homer Glen, IL 60491
Community Room

1. Call to Order

The Meeting was called to Order at 7:00PM

2. Pledge of Allegiance to the Flag was led by Commissioner Foley.**3. Roll Call**

Members present: Commissioner McGary, Commissioner Verdun, Commissioner Stanly, Commissioner Bradarich, Commissioner Bugos-Komperda, Commissioner Foley and Vice Chair Hand. Also present were Director King and Plan Commission Secretary Cassin.

4. Minutes**a) December 1, 2022**

Vice Chair Hand asked for a motion to approve the minutes for December 1, 2022 as written. Commissioner Stanly so moved, seconded by Commissioner McGary. All in favor, zero (0) opposed. The motion carried.

5. Public Comment.

None.

Secretary Cassin swore in those wishing to speak. Vice Chair Hand gave a brief statement explaining the procedures of the Plan Commission Public Hearing.

6. New Business and Possible Action or a Recommendation.

Case No. HG-2228-V, 12211 W. Spring Lake Dr (Public Hearing): Consideration of a request for approval of **[1]** a Variance to reduce the corner side yard building setback from the required thirty (30) feet to nineteen (19) feet; and **[2]** a Variance to reduce the required lot width for a corner lot from the required one hundred thirty (130) feet to eighty-two (82) feet, for certain real property located in the R-3 Single Family Residential District at 12211 W. Spring Lake Drive, Homer Glen, Illinois. [HG-2228-V]

Director King presented the background of this case. This is a zoning request for two (2) variances. The applicant is proposing to construct a ranch style home that is three thousand twenty-five (3,025) square feet. The lot is odd shaped which is why they are requesting the variance for the setbacks. As the lot width does not meet code a variance is being requested to reduce the required lot width.

There was quite a bit of public comment on this. A call came in from the neighbor to the south who wanted clarification of the zoning requests. This resident stated that he felt the home was too large for the property, is concerned about drainage to the south, feels the house could be moved to the east on the property, feels home does not fit the shape of the lot and was concerned about the depth of the driveway.

Another resident came in to the office on December 12th to discuss the variance requests on this property and stated the home is not consistent with the character of area, is worried about the future property values of their home and that the depth of the driveway isn't sufficient to park a car.

Another resident that lives in the neighborhood called with concerns about the variance requests and stated that they felt the owner knew what kind of lot they were purchasing and felt they should not have purchased this lot if it didn't work for their project. This resident stated that the neighborhood does have covenants that should be upheld, didn't agree with the side yard setback reductions and feels that no one should be able to change codes/covenants. This resident very strongly opposes the request and feels the owner should sell and build somewhere else.

A previous potential buyer of the lot called and asked about the public hearing sign on the property. This person had looked at the property when it was listed and liked the parcel, hoping it was still for sale. Staff explained the homeowners are requesting approvals from the Village to build their own home.

Regarding engineering – the applicant will be required to submit full grading plans with the building permit to be reviewed by the Village Engineer. Plans will need to be approved prior to any further movement on this project. Staff did add that there is space on this lot to grade, they will just need to meet all of our engineering requirements.

Staff completed a full review and also found that the impervious is well within the allowable zoning for this district. The shape of this subject lot is characterized by a narrow front yard which makes it difficult to site the home and also keep a rear yard for accessory structures. Also, accessory structures are not permitted in side yards. This concluded Director King's presentation.

Motion to open the public hearing made by Commissioner Verdun, seconded by Commissioner Stanly. All in favor, zero (0) opposed.

The applicant approached, stated the size of the square footage will be just under two-thousand five-hundred (2500) square feet, and said that if there is an issue, he will move the garage to S. Allison Lane and make a longer driveway, but it's not his preference aesthetically and also there will be more cost for a longer driveway.

Commissioner Hand asked if the driveway was on Allison, how would this impact the setbacks. Staff said if we go down this road, she asked that we don't make the motion today so that she could complete the review with newly located driveway setbacks.

Commissioner Bugos-Komperda asked if the applicant considered putting the home so that it faces Spring Lake because it's the wider side? He said that he had not, and said he wanted to face Allison like the rest of the neighbors. Commissioner Hand stated also by turning the house so it faces Allison would make it so the neighbors behind would face directly into the back of his house.

The applicant feels that road was a mistake and should not have been put there. That road was put there for a bridge to connect into the next subdivision, which never happened. He said that there is also a fire hydrant on that corner that should not be there either. The commissioners stated they noticed this as well during their drive-by visits to the site.

Resident Paul Plebanek, a neighbor directly to the South on Allison approached and stated he feels there is ample room for the house to be moved to the east. He said the house is kind of butting up to his kitchen window. He wondered if the house is too big for the lot, or maybe he

has to have a slightly smaller back yard. He said that Homer is about open space, and he said there is plenty of space to move this house.

Commissioner Bradarich asked this resident if the home was shifted just enough to give the applicant an extra 5 feet of driveway, and it wouldn't take away from the backyard. The variance that the applicant is asking for is do-able, but being sensitive to that he just said, shifting the house so that the corners of the two houses line up to each other. Staff said that this is in the new plans, and will shift it to get the driveway to about sixteen (16) feet longer by shifting the house Northeast. Staff said this would be possible. It would leave about a sixteen (16) or seventeen (17) foot setback.

Commissioner Hand said he would like to see this drawn up. Director King pulled it up and did edited the drawing in the meeting so the Plan Commission could discuss the change. The shift to match of the corners of the house resulted in a new setback at eighteen point seven (18.7) feet instead of twenty (20) feet.

Resident Paulette Baudler from across the street approached, and stated that she didn't quite follow the discussion about shifting the house. She said she has a similar kind of lot, it's oddly shaped, and said that she feels that the way the house is going to be positioned as it is proposed will impact the value of her house. Paula stated that she envisioned the home in a different part of the lot, and doesn't understand why it's not being positioned there. Staff walked the public back through the new layout. The neighbor did state she though facing the garage toward Allison will look awkward.

No further discussion. A motion was made to close the public hearing by Commissioner McGary, seconded by Commissioner Bradarich. All in favor, zero (0) opposed. The motion carried.

There was some discussion by the plan commissioners agreeing that it was an odd lot, placed on an odd street. Commissioner Bugos-Komperda said she would like to see if the house were turned so that it faces Spring Lake, and Commissioner Bradarich stated the applicant is looking to have some back yard. Vice Chair Hand stated the grading drops off too – so they would not have much of a yard as well. Commissioner Bugos-Komperda said that would lead to a walk-out possibility.

Commissioner Hand asked how long the driveway would be now. Staff stated it went from 29 to 36 feet in length, which would allow for 4 parked cars now and not be in the street.

Commissioner Verdun wanted to point out that members of the public have expressed what they would like to see on this lot and how they would like to see it. She said the thing is, is that the applicants designed this house and are putting the house where they want. The placement and direction of the house is not for the plan commission to decide, and that is their prerogative. She asked the applicant if they understood the new design.

The applicant stated they do, he doesn't have any intention of a walk-out basement, and the neighbor across the street isn't facing Spring Lake Drive. He said that how Melissa shifted the house was pleasing to him, but that he didn't quite understand what the Commissioners suggested tonight. Staff pulled it back up on the overhead and Commissioner Bradarich discussed the changes and explained them to the applicant. The applicant then did understand that the corners for both houses (his future home and Mr. Plebanek's current home to the south) to be corner to corner so they have matching building lines.

Vice Chair Hand asked if we want to make the motion or continue. Commissioner McGary asked if the owners are ok, then she didn't see a reason to bring it back.

A resident asked if this sets a precedent and Vice Chair stated the Plan Commission reviews each case on a case by case. He stated the Plan Commission is trying to assist the applicant build a home there. Lining it up helps the situation. He stated that you can consider the dead-end road an extension of the driveway. He clarified and asked if there is an HOA. The residents stated that there are covenants. A resident asked if this will be discussed again, the positioning of the home, and Vice Chair stated that this would be heard before the Village Board, if this moves forward.

The same resident asked if altering the setback sets a precedent. Staff said any variance sets somewhat of a precedent, but unique circumstances need to be met in some capacity. The neighbor next to this lot might look for the same variance, but it may not be granted because they have a traditional lot. Staff explained again that all zoning cases are looked at on a case by case basis. This would not provide a blanket precedent for all the homes in this zoning district. The applicant stated she is in favor of having a home, and said she doesn't want to look out her windows and see an oddly placed home. The residents want to know why this home cannot be pushed more to the east.

Vice Chair Hand stated that the home is being moved further to the east for this variance from the original plan submitted. The Commissioners recommended moving it back a little bit to the west to align with the neighbor's home. The neighbor (Paul Plebanek) said he doesn't care if it lines up as long as it is more East.

Commissioner Hand said we are ready for a motion and the applicant didn't have any more questions.

A motion was made by Commissioner McGary, to adopt staff's findings as the findings of the Plan Commission and to recommend approval of [1] a Variance to reduce the corner side yard building setback from the required thirty (30) feet to nineteen (19) feet and [2] a Variance to reduce the required lot width for a corner lot from the required one hundred thirty (130) feet to eighty-two (82) feet, for certain real property located in the R-3 Single Family Residential District at 12211 W. Spring Lake Drive, Homer Glen, Illinois. [Case No. HG-2228-V]. The motion was seconded by Commissioner Bradarich.

A roll call vote was taken with Commissioners Bradarich, Bugos-Komperda, Foley, McGary, Stanly, Verdun and Vice Chair Hand all voting in favor, seven (7) to zero (0). This motion passed unanimously and will go before the board on January 11, 2022.

7) Reports of Plan Commissioners and Staff

Staff explained there is a variance for a setback case coming up for the next meeting.

No reports from the Commissioners.

9) Adjournment

A motion was made to adjourn by Commissioner Stanly, seconded by Commissioner Bugos-Komperda. All in favor, zero (0) opposed and the meeting was adjourned at 8:19 PM.

Minutes transcribed and respectfully submitted by Gia Cassin.

Gia Cassin (Plan Commission Secretary): _____

Approved Date: _____



PLAN COMMISSION MEMORANDUM

Agenda Item Number: 6.a.
Plan Commission Meeting Date: January 5, 2023
Subject: Case No. HG-2230-SP
Address: 15830 S. Bell Rd.

Item Title: Consider a request for approval of [1] an Amendment to a Special Use Permit for Outdoor Sales, [2] a Special Use Permit for Outdoor Storage and, [3] a Variance to reduce the required off-street parking space from three hundred and sixty-eight (368) to two hundred and ninety-two (292) spaces for certain real property located in the C-3 General Business District at 15830 S. Bell Road, Homer Glen, Illinois. [HG-2230-SP]

Staff Contact: Assistant Planner Taylor Udarbe

Property Information

Location: 15830 S. Bell Rd
PIN: 1605144000140000
Property Size: 7.5 ac Lot
Existing Zoning/Use: C-3 General Business District
Adjacent Zoning/Use:
N: C-2 Local Business (Bell Tower PUD)
E: C-4 Highway Commercial / C-3 General Business
S: R-4 Single Family (Oak Valley Sub)
W: R-6 Multifamily (Homer Park Place)

Background Information

The subject property at 15830 S. Bell Road (RP Home and Harvest) is owned by Storemaster Funding XV LLC. The applicant, Town and Country Sheds LLC, is requesting approval of an amendment to the special use permit for outdoor sales, granted through OR14-061, and an additional special use permit for outdoor storage for their business to remain operating from the subject property. Town and Country Sheds sell Everlast Portable buildings including, but not limited to, sheds, barns, garages, and chicken coops. These sheds are stored on the subject property in the parking lot, as seen in *Attachment 1*.

As mentioned above, a special use permit for outdoor sales was granted to Central Big R Stores in 2014 via Ordinance 14-061. As the outdoor sales are located in the parking lot of the subject property, Big R was also granted a variance (OR14-062) to reduce the required number of off-street parking spaces from three hundred and sixty-eight (368) to three hundred and twenty-eight (328) spaces. As the proposed storage is taking up a maximum of fifty-two (52) spaces, the applicant is also requesting a variance to reduce the required off-street parking space from three hundred and

sixty-eight (368) to two hundred and ninety-two (292) spaces. See below a further breakdown for the parking variance request.

Public Comment

Staff has not received any comment as of December 29, 2022. Any additional comments prior to the public hearing will be included in the staff presentation at the January 5, 2023 Plan Commission meeting.

Conformance with Zoning Regulations

Outdoor Sales and Storage is listed as a special use C-3 General Business District per the Village's Use and Bulk Table for Nonresidential Districts. Outdoor storage and outdoor sales are listed separately with specific regulations in sections § 220-828 and § 220-829, respectively. See below for a summary of the applicable regulations set forth in these code sections.

§ 220-828: Outdoor storage: Per code, outdoor storage is defined as the keeping, in an unroofed area, of any goods, material, merchandise, or raw materials in the same place for more than 48 hours. The applicant is requesting this special use permit to allow the sheds to remain in the parking lot, occupying approximately 12,000 sf of the parking lot or fifty-two (52) parking spaces, at the subject property. See below the applicable regulations and responses:

- No goods, material, merchandise or raw materials intended for sale at retail shall be stored or stacked so that the height that exceeds 42 inches. Individual items whose height exceeds 42 inches may be stored but shall not be stacked so as to exceed the height of an individual item. ***The sheds are not being stacked in the location.***
- No goods, material, merchandise or raw materials shall be stored in such a manner so as to restrict or otherwise affect surface water drainage. ***The sheds are being stored on existing asphalt, which is already impervious, and therefore will not affect surface water drainage.***
- All nonpackaged goods, material, merchandise or raw materials shall be stored in such a manner so as to prevent the dispersal by the elements, such as wind and rain. ***These sheds are durable and are constructed for outdoor conditions.***
- All goods, material, merchandise or raw materials shall be stored on a permanent durable surface. ***As mentioned, the sheds are located on existing asphalt.***
- Except for raw materials intended to be sold in bulk or merchandise which is not customarily offered for sale in containers or packages, all goods, materials, merchandise or raw material intended for retail sale shall be stored in containers or packages. ***The shed arrived fully assembled and ready for purchase. These sheds are prefabricated and are not typically sold in packaging.***
- No goods, material, merchandise or raw materials shall be stored on a public sidewalk so as to impede the orderly flow of pedestrian movement or create an unsafe condition for pedestrians. ***The area for shed storage is not block any pedestrian paths and staff does not see the placement as creating an unsafe condition for pedestrians.***
- No goods, material, merchandise or raw materials shall be stored on any zoning lot:
 - 1) Within 15 feet of the ingress entrance or egress exit for that zoning lot to any public street or any ingress entrance or egress exit to any adjacent zoning lot; ***The outdoor storage area measures over one hundred (100) from the 2 closest ingress/egress access.***
 - 2) Within any side yard or rear yard setback or within 15 feet of any side or rear lot line, whichever is greater; provided, however, if said zoning lot has a zero side yard or rear yard setback and screening is installed along said setback, then such storage may occur adjacent to said screening; ***The sheds are located in the front parking lot***

and maintain large setbacks from the rear yard (abutting resident district) and the interior side (Bell Tower PUD).

3) In the front yard within 15 feet of the lot line on dedicated roads or within 65 feet of the center line on nondedicated roads. **The outdoor storage and sales area is setback more than 15 feet from the dedicated ROW.**

- Except as otherwise allowed pursuant to the terms of a special use permit, the total area of outdoor storage per zoning lot shall not exceed 500 square feet. **The existing special use permit exceeds this maximum and the applicant is looking to amend this approval to include additional sales and storage space.**

§ 220-829: Outdoor sales: Per code, outdoor sales, including farmer's markets, merchandising, and promotional displays, are permitted in all zoning districts, subject to the regulations, below, from §220-829. As mentioned above, outdoor sales are listed as requiring a special use permit in the C-3 General Business District per the Village's Use and Bulk Table for Nonresidential Districts. This property had previously been granted a special use permit for outdoor sales via OR14-061, where approved areas can be seen in *Attachment 2*. The applicant is requesting this special use be amended to include the outdoor sales for the sheds.

- The use shall be located so as to have direct vehicular access to a public street. **As seen in Attachment 1 and 2, the proposed location for the sheds has direct vehicular access to both Bell Road and 159th Street through the parking lot while maintaining the required setback as required for Outdoor Storage.**
- No sales or display activity shall be located on a public right-of-way. **The entire area proposed for the shed location is located out of public ROW.**
- The location of materials for sale shall not be located so as to block visibility for vehicles or pedestrians on or off the lot in a manner that would create a safety hazard. **The location of the proposed sheds is out of the required clear vision triangle on the corner of Bell Road and 159th Street.**
- All trash and debris is to be removed daily. **This is understood by the applicant.**
- All signage shall conform to the standards set forth in § 220-1005. **The applicant needs to conform to signage standards. Staff recommends this be added as a condition to the special use approvals.**

As mentioned above, this property was already granted a special use permit for outdoor sales but outdoor storage had not been addressed in OR14-061, although the uses are listed together in our nonresidential use table. Therefore, the applicant is seeking the additional special use permit for outdoor storage and requesting the outdoor sales special use be amended.

Parking Reduction Variance

As the subject property was also granted a variance to reduce the required off-street parking spaces from three-hundred and sixty-eight (368) spaces to three-hundred and twenty-eight (328) spaces via OR14-062, the applicant must be granted another Variance to further reduce the required parking by 52 spaces.

Per § 220-1002: Off-street parking, business establishments require four (4) spaces per 1,000 feet of gross floor area. As the RP Home and Harvest building measures 92,078 sf, they are required to provide a total of three hundred and sixty-eight (368) spaces. This property has three hundred and seventy-seven (377) off-street parking spaces on the site plan provided in 2014 for outdoor sales special use and the parking reduction variance, though staff at the time had called out the plan as having 378 spaces.

According to staff reports from 2014, it appears that seven (7) additional spaces were to be designated to staff parking in the rear of the building and the fire lane was shifted to the far west of the rear drive aisle. Staff has confirmed with RP Home and Harvest that these spots have not been and are not intended to be utilized for additional employee parking. These proposed seven (7) spaces are not included in the total parking count.

See below the breakdown of the parking calculations for the reduction variance:

	#	Notes
Total off-street parking spaces	377	RP Home and Harvest parking lot
Spaces currently used for existing storage	33	OR14-062 approved 57 spaces to be used for storage/sales. This layout has since been abandoned and this variance will reflect the adjustment.
Spaces proposed for storage	52	This is the maximum number of spaces as indicated by the applicant. Per 2022 aerials, the sheds use approximately 41 spaces.
REMAINING PARKING COUNT	292	Worst case scenario. To be discussed at public hearing.
Required Parking (4 spaces per 1,000sf)	368	92,078 sf building
PARKING VARIANCE REQUEST	Reduce required off-street parking from 368 spaces to 292 spaces.	Worst case scenario. To be discussed at public hearing.

As mentioned above, the fifty-two (52) additional spaces proposed to be dedicated for outdoor storage and sales represents the worst-case scenario. The applicant has indicated is it very unlikely that they would need to expand past those designated spaces as their stock rotates as buildings are sold from the lot.

Findings of Fact: Sections 220-1209D of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Special Use Permit. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. Please refer to *Attachment 3* for the Findings attached.

Section 220-1207C (1-3) of the Code of the Village of Homer Glen states the required standards for making findings of fact for a Variance. The Code requires that the Plan Commissioners consider these standards in making its finding and determining a recommendation to send to the Village Board. See *Attachment 4 for Variance factors*.

Conformance with other Village Regulations

Exterior Construction Standards (Chapter 75, Article II): The Exterior Construction Standards do not apply to this request as the applicant is not proposing any exterior building changes.

Outdoor Lighting (Chapter 75, Article II): The Outdoor Lighting regulations do not apply to this request as the applicant is not proposing any new lights in the parking lot.

Conservation Design (Chapter 107, Article IV): The Conservation Design regulations do not apply to this request as this is not a residential subdivision.

Tree Preservation (Chapter 107, Article III): The Tree Preservation regulations do not apply to this request as the subject property is less than 5 acres and there are no significant trees on the subject property.

Subdivision & Stormwater (Chapter 138, Article I): The Subdivision and Stormwater regulations do not apply to this request as no site development is proposed.

Park Donation (Chapter 138, Article II): The Park Donation regulations do not apply to this request as the subject property is not a residential subdivision.

Conformance with Adopted Plans

Comprehensive Land Use Plan: The subject property is currently zoned C-3 General Business and the 2005 Comprehensive Plan designates the property as Commercial.

Transportation Plan: The applicant is not proposing any changes to the existing ingress and egress as part of this proposal.

Motion for Consideration

Is there a motion to adopt staff's findings as the findings of the Plan Commission and to recommend _____ (approval / approval with conditions / denial) of **[1]** an Amendment to a Special Use Permit for Outdoor Sales, **[2]** a Special Use Permit for Outdoor Storage and, **[3]** a Variance to reduce the required off-street parking space from three hundred and sixty-eight (368) to two hundred and ninety-two (292) spaces for certain real property located in the C-3 General Business District at 15830 S. Bell Road, Homer Glen, Illinois, subject to the following conditions:

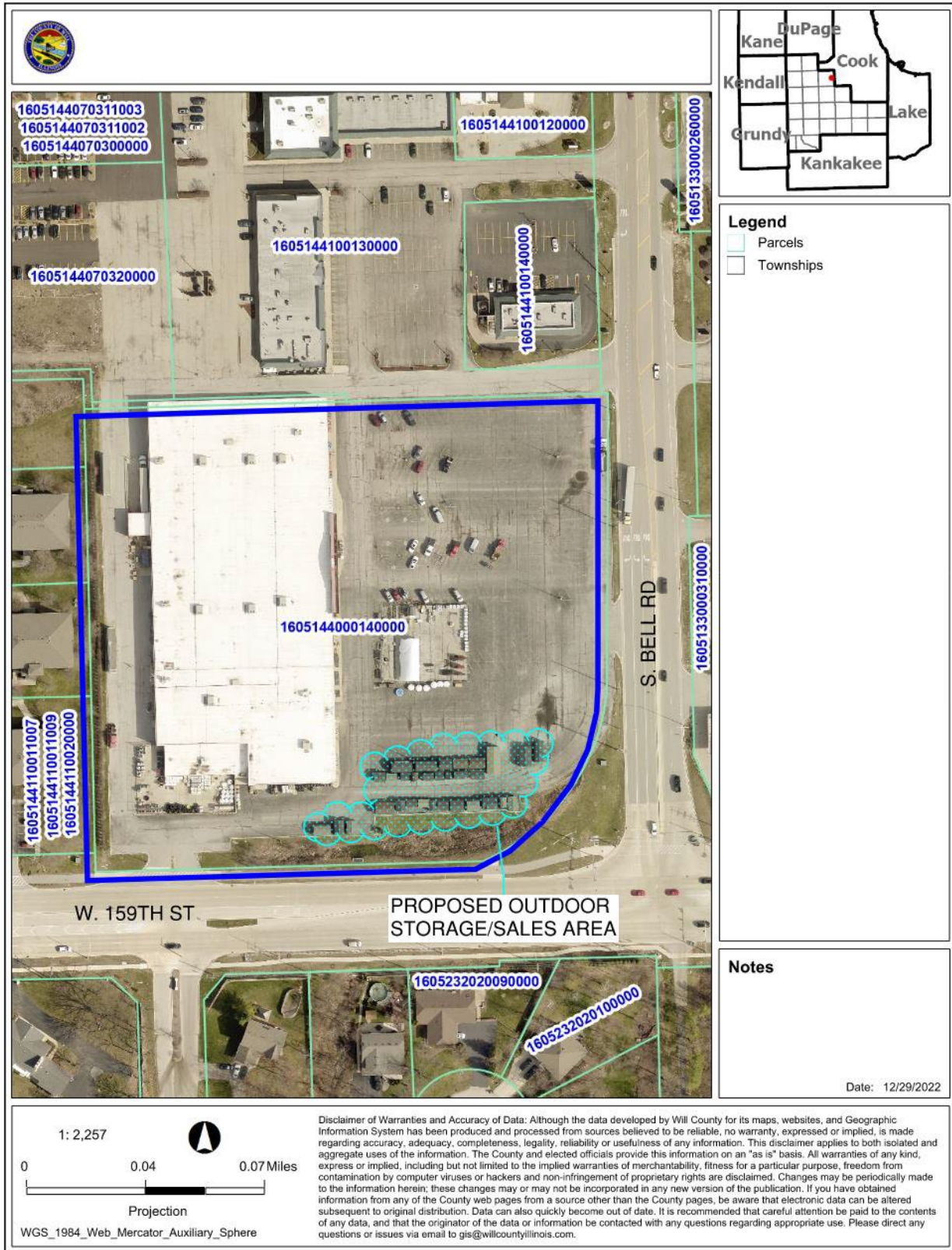
1. The existing fire lane remain open and clear of any storage or vehicles.
2. The interior bay of parking stalls just east of this storage/sales area be re-stripped so that that the parking stalls area accessible, as shown on site plan.
3. That Town and Country Sheds conform to sign regulations.

[Case No. HG-2230-SP]

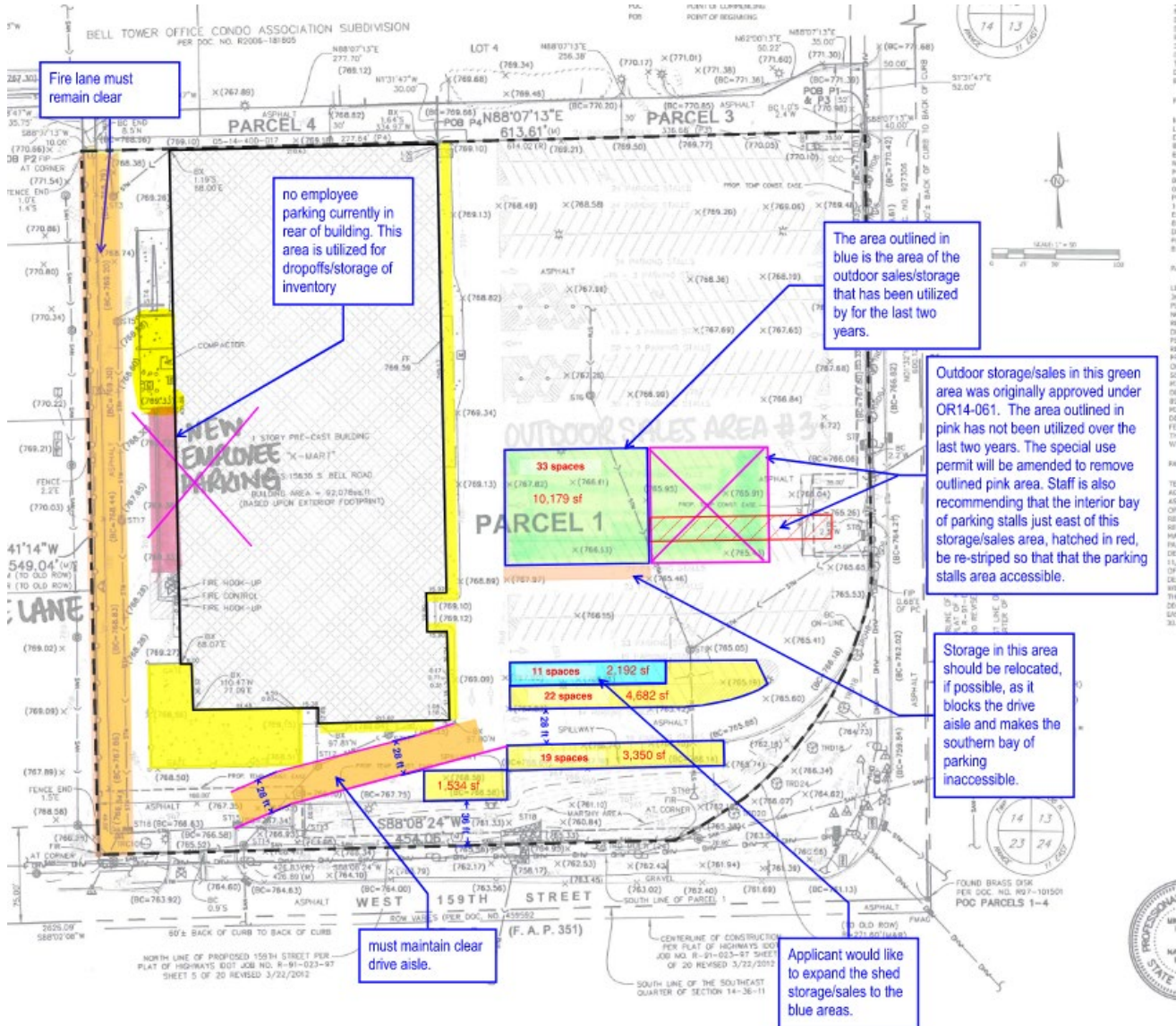
Attachments

1. Aerial Map of Subject Property
2. Site plan
3. Special Use Findings of Fact
4. Standards for Variances

Attachment 1 – Aerial Map of Subject Property



Attachment 2 – Site plan



Attachment 3 – Staff-Suggested Findings of Fact
Standards for a Special Use Permit

Chapter 220-1209D of the Code of the Village of Homer Glen states the required standards for making findings of fact for a special use (and any amendments thereto). The following are the categories with staff's suggested findings (*in italics*):

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

The proposed outdoor storage and sales will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.

The maintenance and operation of the proposed outdoor storage and sales area will not have an undue or substantial adverse effect. There is existing outdoor storage and sales at the subject property.

3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The maintenance and operation of the proposed outdoor storage will not be injurious to the use and enjoyment of other properties in the area. The area meets clear vision requirements and maintains required driving lanes for traffic through the parking lot.

4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.

The business is in operation at the site and compliments the primary retail user on the property. There is already existing outdoor storage and sales on this site.

5. The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accord with the applicable district regulations.

The proposed outdoor storage and sales is generally suitable for the C-3 zoning district and will not adversely affect development of adjacent properties. There is already existing outdoor storage and sales on this site.

6. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed outdoor storage and sales will not impede the normal and orderly development and improvement of the surrounding property, including the primary user on site (RP Home and Harvest) or the users in the Bell Towner PUD to the north.

7. 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 functional 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.

The applicant is not proposing any exterior architectural modifications to the existing building. The shed are prefabricated.

8. That the adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The location for the proposed automobile repair already has access to adequate utilities, access roads, drainage and/or necessary facilities.

9. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The applicant is not proposing any changes to the existing ingress and egress to the site.

10. The proposed use has been considered in relation to the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.

The proposed outdoor storage and sales is in concert with the goals, and objectives of the Village's Comprehensive Plan. The subject property is currently zoned C-3 General Business and the 2005 Comprehensive Plan designates this property as Commercial.

**Attachment 4 – Staff-Suggested Findings of Fact
Standards for Variances**

Chapter 220-1207C (1-3) of the Code of the Village of Homer Glen lists the standards by which the Plan Commission shall make the findings of fact. The following are the categories with staff's recommended findings in *italics*:

1. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (a) 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.

The property could yield a reasonable return if not granted a parking reduction variance, but the associated special use requests for outdoor storage and sales plan to utilize parking spaces. There is no other spot on the site than that these sheds could be places without losing parking spaces.
 - (b) That the plight of the owner is due to unique circumstances.

The plight of the owner is due to unique circumstances. The outdoor storage and sales of the sheds, as requested in the special use permit, need to utilize the parking lot.
 - (c) That the variance, if granted, will not alter the essential character of the locality.

The Variance, if granted, will not alter the essential character of the locality. The property is already using parking areas for outdoor storage and sales. This was approved in 2014 through a special use permit and a variance for a parking lot reduction.
2. A variance shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated in Subsection C(1).
3. For the purpose of supplementing the above 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:
 - (a) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

The subject property has a very large parking lot and the outdoor storage and sales for this particular product would not be able to placed anywhere else on the site.
 - (b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

It is unlikely that these conditions present on this property could be generally applicable in the C-3 General Business District. The parking reduction is tied directly to the outdoor storage and sales special use permit.

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

The purpose of the requested Variance is not exclusively based upon a desire to make a greater profit out of the property upon its sale; but for reasonable use of the land.

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

The hardships presented are tied to an large parking lot and the need for outdoor storage.

- (e) That the granting of the variance 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.

Village staff does not foresee the approval of this variance having a detrimental impact on the public welfare or being unduly injurious to other property or improvements in the vicinity.

- (f) That the exterior architectural appeal and functional plan of any proposed structure will not be so at Variance with the exterior architectural appeal and functional 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.

The Exterior Construction Standards do not apply to this Variance request.

- (g) That the proposed variance 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.

The proposed Variance will not impair an adequate supply of air to the adjacent property. Staff does not foresee the location of the proposed outdoor storage and sales area as a public safety issue. Staff does not have a professional opinion on property values.