

**Agenda**  
**Village of Homer Glen**  
**PLAN COMMISSION**  
**Thursday, July 15, 2021 – 7:00 p.m.**  
**Village Board Room, 14240 W. 151<sup>st</sup> Street, Homer Glen**

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1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Roll Call.
4. Minutes.
  - a) July 1, 2021
5. Public Comment.
6. Old Business.
  - a) **Case No. HG-2111-PS, Prairie Ridge Subdivision, 12361 W. 159<sup>th</sup> Street (*Public Hearing*):** Consideration of a request for: (1) a Preliminary and Final Plat of Subdivision, (2) a Map Amendment from A-1 Agricultural to R3-A Single-family Residential District; (3) Special Use for a Planned Unit Development (PUD) with certain exceptions, and (4) Site Improvement Plans with certain modifications for the proposed Prairie Ridge Subdivision located at 12361 W. 159<sup>th</sup> Street, Homer Glen, Illinois.  
  
**NOTE:** *The Plan Commission will be requested to continue this public hearing on this matter from July 15, 2021 (previously announced) to August 5, 2021 as the applicant is still working on the plan revisions. There will no presentation or discussion on this matter on July 15, 2021.*
7. New Business.
  - a) **Case No. HG-2114-V, 13161 Woodland Avenue (*Public Hearing*):** Consideration of a request for a Variance to reduce the side yard setback for a patio and fireplace from the required ten (10) feet to six (6) feet for certain real property located in the R-5 Single-Family Residential District at 13161 Woodland Drive, Homer Glen Illinois.
8. Reports of Plan Commissioners and Staff.
9. Adjourn.

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**DISABLED:** Any individual requiring special accommodations as specified by the Americans with Disabilities Act is requested to notify the Village Manager of Homer Glen at 708-301-0632 at least 24 hours in advance of the meeting date.

# Plan Commission

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Minutes of the Meeting on  
July 1, 2021

**DRAFT**

Village of Homer Glen  
14240 W 151<sup>st</sup> Street, Homer Glen, IL 60491  
Community Room

**1. Call to Order**

The Meeting was called to Order at 7:05 PM

**2. Pledge of Allegiance to the Flag led by Commissioner Hand.**

**3. Roll Call**

Members present: Vice-Chair Verdun, Commissioner Stanly, Commissioner Hand, Commissioner Zarebczan, Commissioner McGary, Director Gadde, Senior Planner King and Plan Commission Secretary Cassin.

**Not present:** Chairman Kozor and Commissioner Foley

**4. Minutes**

**a) June 17, 2021**

Chairman Kozor asked for a motion to approve the minutes from the May 6, 2021 Plan Commission, as written. Commissioner McGary made the motion to approve the minutes, seconded by Commissioner Zarebczan. All in favor, zero (0) opposed. The motion carried.

The Plan Commission Secretary swore in all present, wishing to speak.

**5. Public Comment. NONE**

**6. New Business**

**a) Citizen Planner Training by APA-IL and Chaddick Institute for Metropolitan Development, Session Leaders: Marty Scott, AICP ad Andy Cross, AICP**

Marty Scott (Western Springs) and Andy Cross (Highland Park) presenting. Each introduced themselves and provided a brief introduction of their career and experience.

The presenters went through a variety of slides, discussing various tools of the trade, which included explanations of the topics and tools used in the Planning and Zoning Department.

The presenters discussed the different roles of various Commissions, various jurisdictions including school districts, park districts, fire districts, municipalities, townships, State agencies, Regional Planning Commissions and the role of the Commissioners. They also discussed the role of the Elected Officials, including focusing on budget, non-land use responsibility, and are the final authority on land use matters, policy direction and they appoint Commission members. There was also discussion about reading emails into the record, of which they explained the adopted a policy that includes reading an email into the record of 200 words or less, otherwise, the email is just added to the packet. In addition, there was discussion about keeping a three (3) minute timer for the public comment and adhering to it. They cited some references for more learning material prior to concluding their presentation.

**7. Reports of Plan Commissioners and Staff**

Director Gadde informed the Plan Commission that the O'Malley subdivision approval is expiring soon they will need to go before the Village Board for an extension, which they will do on July 14, 2021. Also, Jewel is seeking a minor PUD amendment from the Village Board to add a fifth (5<sup>th</sup>) sign.

The next Plan Commission Meeting will be on July 15, 2021 with the continuation of the Cachey project and a variance case.

**8. Adjournment**

Member Hand made the motion to adjourn, seconded by member Stanly. All in favor, zero (0) opposed. The meeting was adjourned at 9:08 pm.

Minutes transcribed and respectfully submitted by Gia Cassin.

*Gia Cassin (Plan Commission Secretary):* \_\_\_\_\_

*Approved Date:* \_\_\_\_\_



## PLAN COMMISSION MEMORANDUM

**Agenda Item Number:** 6.b  
**Plan Commission Meeting Date:** July 15, 2021  
**Subject:** Case No. HG-2114-V  
**Address:** 13161 Woodland Drive

**Item Title:** Consider a request a Variance to reduce the side yard setback for a patio and fireplace from the required ten (10) feet to six (6) feet for certain real property located in the R-5 Single-Family Residential District at 13161 Woodland Drive, Homer Glen Illinois.

**Staff Contact:** Senior Planner Melissa King

### **Background Information**

The applicant, Tadeusz Magiera, lives on the subject property located at 13161 Woodland Drive in the Meadowview Subdivision. The applicant expanded a concrete patio and constructed a stone fireplace without a permit. Village staff stopped work on the job and requested that the applicant apply for the applicable permits. Upon completion of the zoning review, it was found that the fireplace and patio were constructed six (6) feet from the property line where a ten (10) foot setback is required. The applicant would like to leave the fireplace and the patio where they were constructed and are requesting a variance to reduce side yard setback from the required ten (10) to six (6) feet.

### **Property Information**

**Location:** 13161 Woodland Drive  
**Property Size:** 9,360 sf  
**Existing Zoning/Use:** R-5 Single Family Residential / Single Family Detached Dwelling  
**Adjacent Zoning:**  
N: R-5 Single Family Residential  
E: R-5 Single Family Residential  
S: R-5 Single Family Residential  
W: R-4 Single Family Residential

### **Conformance with Zoning Regulations**

As mentioned above, in the R-5 Single Family Residential Zoning District, the required side yard setback for patios and fireplaces/accessory structures is ten (10) feet. The patio expansion and fireplace were built six (6) feet from the property line (see Attachment 3, Site Visit Photos).

**Impervious Surface/Lot Coverage:** The constructed patio expansion (includes the footprint of the fireplace) brings the impervious surface percentage to thirty-five (35) percent and the lot coverage to

twenty-nine (29) percent. Both of the percentages are well under the forty-five (45) percent maximum impervious and lot coverage for the R-5 Residential Zoning District.

ADDRESS: 13161 Woodland			
SUBDIVISION: Meadowview Unit 3			
ZONING: R-5			
	<b>REQUIRED CODE</b>	<b>PROPOSED</b>	
MIN LOT SIZE	10,000	9,360	
	<b>*LOT COVERAGE</b>	<b>IMPERVIOUS</b>	<b>DET. STRUCTURES</b>
HOME & GARAGE	2061	2061	N/A
DRIVEWAY	494	494	N/A
FRONT WALK	N/A	170	N/A
PATIO W EXPANSION (INCLUDES FIREPLACE)	N/A	374	N/A
POOL (294/5)	147	147	147
<b>TOTAL SQUARE FOOTAGE PROPOSED</b>	2702	3246	147
<b>MAX ALLOWABLE SQUARE FOOTAGE</b>	4,212	4,212	650
<b>SQ FEET LEFT TO COVER</b>	1510	966	503
<b>MAX ALLOWABLE PERCENT</b>	45.00%	45.00%	
<b>PERCENTAGE PROPOSED</b>	28.87%	34.68%	
*Lot Coverage, as defined in Village Code, does not include sidewalks, patios, decks, swimming pools, open porches ( <i>staff interp includes roofed porches and gazebos</i> ), outdoor tennis or basketball courts, or other similar accessory uses.			

**Findings of Fact**

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 the staff findings of fact. *Staff was not able to find evidence hardship beyond the burden of reconstructing a non-compliant structure that was constructed without permits.*

**Conformance with other Village Regulations**

**Exterior Construction Standards (Chapter 75, Article II):** The Exterior Construction Standards do not apply to the requested Variance as such standards apply only to primary dwellings and accessory structures greater than two hundred twenty-five (225) square feet in area located in residential zones.

**Open Burning (Chapter 75, Article V):** The Open Burning regulations do apply to this request because the applicant has constructed an “approved container” that is closer than the required fifteen (15) setback from the principle structure. The fireplace was constructed approximately seven and a half (7.5) feet from the home. Variances to the Building Code can only be reviewed by the Village Board of Trustees with a recommendation from the Building Official. **This Variance will be reviewed at the Board level.**

**Lighting (Chapter 75, Article II):** The Lighting regulations do not apply to this request as no exterior lighting has been proposed.

**Conservation Subdivision (Chapter 107, Article IV):** The Conservation Subdivision regulations do not apply to this request because the applicant has not proposed the development of a residential subdivision greater than ten (10) acres in area, nor have they proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.

**Tree Preservation (Chapter 107, Article III):** The Tree Preservation regulations do not apply to this request as the applicant has not requested the approval of a Preliminary Plat of Subdivision or proposed the division of the subject property, and the subject property is less than five (5) acres in size.

**Subdivision & Stormwater (Chapter 138, Article I):** The Subdivision regulations do not apply to this request as the applicant has not proposed the division of the subject property at this time. The Stormwater regulations do not apply to this request.

**Park Donation (Chapter 138, Article II):** The Park Donation regulations do not apply to this request as these regulations only apply when the final Plat for a residential subdivision or development has been approved, or when the final Plat for a Planned Unit Development has been approved.

**Conformance with Adopted Plans**

**Comprehensive Land Use Plan:** The Comprehensive Plan designates the subject property as Single-Family – Moderate Density. The Comprehensive Plan designation aligns with the existing single-family home land use on the subject property and is consistent with the constructed accessory structure use.

**Transportation Plan:** The Variance requested by the applicant conforms to the regulations and recommendations set forth within the Village of Homer Glen Transportation Plan.

**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 a Variance to reduce the side yard setback for a patio and fireplace from the required ten (10) feet to six (6) feet for certain real property located in the R-5 Single-Family Residential District at 13161 Woodland Drive, Homer Glen Illinois [Case No. HG-2114-V]?

**Attachments**

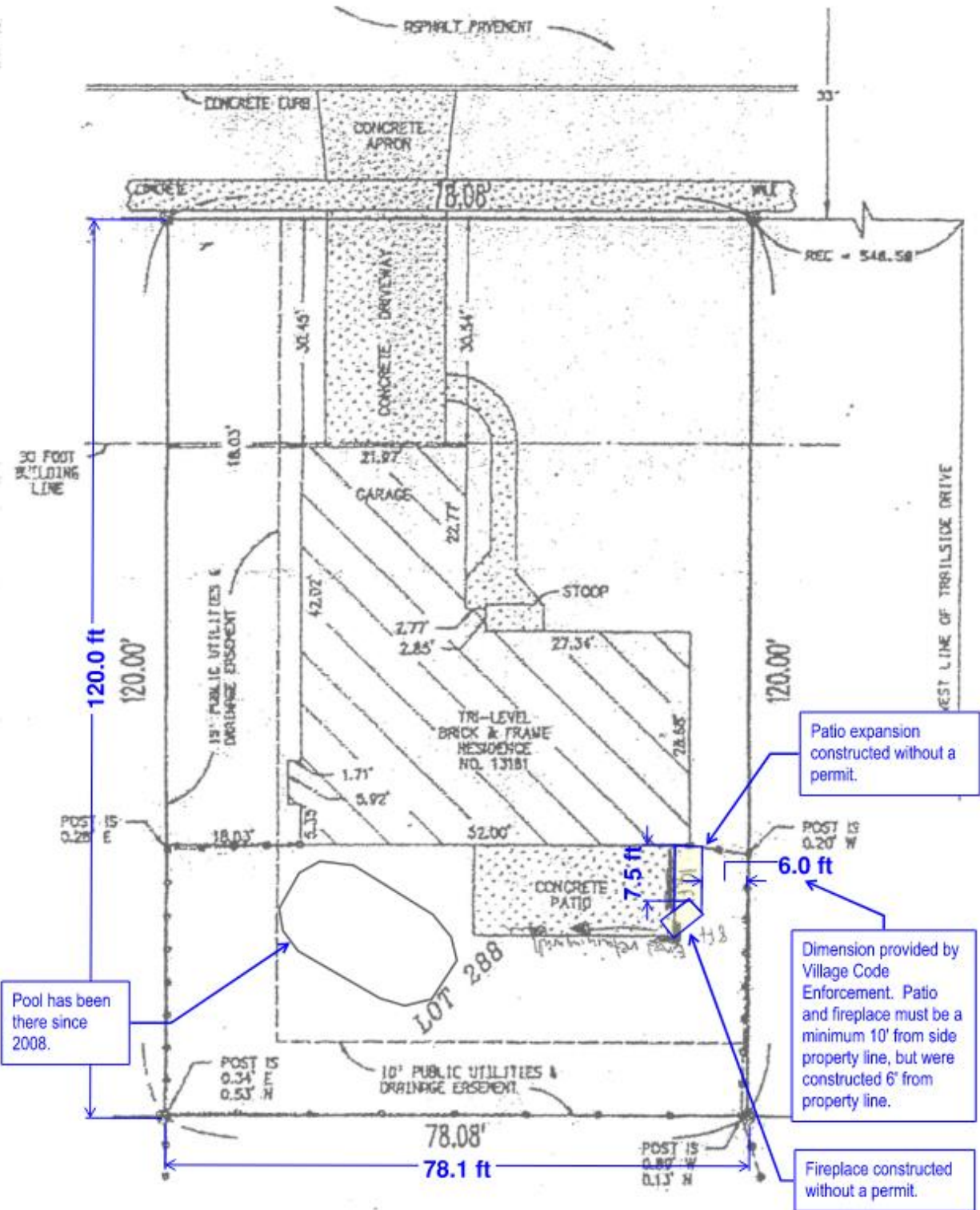
1. Aerial
2. Plat of Survey
3. Site Images
4. Staff-Suggested Findings of Fact

Attachment 1 – Aerial





# Attachment 2 – Plat of Survey



### Attachment 3 – Site Visit Photos

Subject Property, Front



Subject Property, Side Yard/Edge of Fireplace with dimension provided by Village Code Enforcement



**Attachment 3 – Site Visit Photos**

Subject Property, Fireplace



Subject Property, Expanded Patio



## 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 indeed yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-5 Single-Family Residential District; but the property owner would not be able to keep the fireplace or expanded patio area in the current location.*

*The applicant has indicated that the relocation of the patio and fireplace would be a financial loss and burden to move due to the significant amount of concrete and rebar, not only in the structure by the large concrete foundation.*

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

*Staff has not found any evidence that the plight of this owner is unique, except that the structure has already been constructed.*

*The applicant has indicated that they were under the impression that the setbacks were allowed.*

(c) That the variance, if granted, will not alter the essential character of the locality.

*The Variance, if granted, will not likely alter the essential character of the locality. There are other lots in Meadowview Neighborhood with accessory structures close to property lines. As this is an older neighborhood, a lot of structures in this subdivision may have been permitted/constructed through Will County, prior to incorporation.*

*The applicant has indicated they believe it will not alter the character because it has not encroached into the entirety of the setback.*

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.

*Staff has not found any evidence that the particular surroundings, shape, or topographical conditions bring a particular hardship upon the owner.*

*The applicant indicated that they constructed in this location for aesthetics and personal use by their family.*

- (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.

*The only evidence of hardship is that the structure would be a financial burden to move because the non-compliant structure has already been built. If this is the hardship established for the case then it would be possible for the same variance to be requested within the same zoning classification for other homeowners that complete construction projects without applicable permits.*

*The applicant indicated this variance request is only for the patio and chimney and no other accessory structures.*

- (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.*

*The applicant has indicated that they constructed the expanded patio and fireplace in this location for aesthetics and personal use by their family and that the relocation of the patio and fireplace would be a financial loss and burden to move.*

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

*The hardships presented were created by the current homeowner, as the homeowner constructed the non-compliant structures without permits and within required accessory structure setbacks.*

*The applicant has indicated that they do not believe they have created any hardship on neighbors or surrounding houses.*

- (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.

*The structures have not been constructed within a drainage easement. Staff does not think that there are any other issues that could be detrimental to the public welfare. The smoke from the chimney will be closer to the neighboring property. Staff is unsure if there is a significant difference in the impact of the smoke from the fireplace being setback six (6) feet vs. ten (10) feet back from the property line.*

*The applicant has indicated that they do not feel that the structures will be detrimental to the public welfare or injurious to property and instead will increase property value.*

- (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 Village's exterior materials standards do not apply to fireplaces.*

*The applicant has indicated that the structure will increase their property value and in turn surrounding property values.*

- (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 smoke from the chimney will be closer to the neighboring property. Staff is unsure if there is a significant difference in the impact of the smoke from the fireplace being setback six (6) feet vs. ten (10) feet back from the property line. Staff does not foresee the location of the fireplace and patio as a public safety issue, the structures are still required to meet all of the required building codes. Staff does not have a professional opinion on property values.*

*The applicant does not believe that the structures will impair air supply, cause public safety issues or diminish property values.*