
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 24-021**

**AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE
REQUIRED SIDE YARD BUILDING SETBACK FROM TWENTY (20)
FEET TO SIXTEEN (16) FEET FOR CERTAIN REAL PROPERTY
LOCATED IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT AT
16454 S. SPANIEL LAKE COURT, HOMER GLEN, ILLINOIS.
[HG-2405-V]**

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
JENNIFER CONSOLINO
DAN FIALKO
CURT MASON
CJ MCNAUGHTON
ROSE REYNDERS
SUSANNA E. STEILEN**

AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE REQUIRED SIDE YARD BUILDING SETBACK FROM TWENTY (20) FEET TO SIXTEEN (16) FEET FOR CERTAIN REAL PROPERTY LOCATED IN THE R-2 SINGLE FAMILY RESIDENTIAL DISTRICT AT 16454 S. SPANIEL LAKE COURT, HOMER GLEN, ILLINOIS. [HG-2405-V]

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and,

WHEREAS, an application has been filed by O’Malley Builders a Variance to reduce the required side yard building setback from twenty (20) feet to sixteen (16) feet for certain real property located in the R-2 Single Family Residential District at 16454 S. Spaniel Lake Court, Homer Glen, Illinois; and,

WHEREAS, the parcels that are the subject of the aforesaid application and of this Ordinance (“Subject Property”) are legally described in “Exhibit A;” and,

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission of the Village held a public hearing with regard to said application on April 4, 2024 and rendered its findings of fact and recommendations to the Board of Trustees of the Village; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits, and testimony, made findings of fact and recommended approval to the Village Board which are incorporated into the record of its proceedings, are attached hereto as Exhibit “B,” and,

WHEREAS, the Village President and Board of Trustees carefully considered public commentary and the recommendations of the Plan Commission which are incorporated into the record of its proceedings; and,

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that granting of a Variance to reduce the required side yard building setback from twenty (20) feet to sixteen (16) feet for certain real property located in the R-2 Single Family Residential District at 16454 S. Spaniel Lake Court, Homer Glen, Illinois, is in conformance with the Village’s Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit “B” are incorporated

herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the recitals of the Village Board.

Section 2. Variances. The Village hereby grants a Variance to reduce the required side yard building setback from twenty (20) feet to sixteen (16) feet for certain real property located in the R-2 Single Family Residential District at 16454 S. Spaniel Lake Court, Homer Glen, Illinois [Case No. HG-2405-V].

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 6. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.

Adopted this 24th day of April, 2024 pursuant to a roll call vote as follows:

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>PRESENT</u>
Consolino	X			
Fialko	X			
Mason	X			
McNaughton	X			
Reynders	X			
Steilen	X			
Neitzke-Troiike (Village President)				
TOTAL	6			

APPROVED by the Village President on April 24, 2024



Christina Neitzke-Troiike
Village President

ATTEST:


Candice Bielski
Village Clerk

Legal Description – “Exhibit A”

COMMON ADDRESS: 16454 S. Spaniel Lake Ct, Homer Glen, Illinois

PIN: 16-05-24-408-021-0000

LOT 12 IN HIDDEN COVE AT SPANIEL LAKE WEST, BEING A SUBDIVISION IN THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 14, 2006 AS DOCUMENT R2006-207393, IN WILL COUNTY, ILLINOIS

Findings of Fact-“Exhibit B”

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 cannot yield a reasonable return if permitted to used only under the conditions allowed by the regulations in the R-2 Single-Family Residential Zoning District. The presence of the conservation easement and existing hammerhead leave a very small area to site a home that is suitable for the subdivision covenants.

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

The plight of the owner is due to unique circumstances. The subject property has a small “buildable” lot area due to significant conservation easement in the rear yard of the property. This lot also has an ingress, egress, and public utility easement over the existing hammerhead turn around.

(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 previous owner of the subject property was also granted a side setback reduction where the home was located closer to the south side lot line than the new plans. The property at 16455 S. Hidden Cove Court was granted front and side and setback reductions in 2022.

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 presence of the conservation easement creates particular hardship by leaving a very small area to site the primary structure. The location of the existing hammerhead on the ingress, egress, and utility easement also creates hardship.

(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 R-2 Zoning District due to the unique conservation easement and hammerhead turn around.

- (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 were not created by the current property owner. The subdivision was platted in 2005.

- (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 Hidden Cove at Spaniel Lake subdivisions.

- (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 apply to this Variance request. The proposed home must conform to the Village's exterior materials ordinance where primary structures must be constructed with exterior finishes consisting of either stone material or brick material covering 100% of the aggregate total area of all first floor or story exterior walls, exclusive of doors, windows, and associated trim

- (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 single-family home as a public safety issue and the structure is still required to meet all of the required building codes. Staff does not have a professional opinion on property values.

Plan Commission Recommendation

Chairman Hand asked for a motion. Commissioner Bradarich made a motion to recommend approval of a Variance to reduce the required side yard building setback from twenty (20) feet to sixteen (16) feet for certain real property located in the R-2 Single Family Residential District at 16454 S. Spaniel Lake Court, Homer Glen, Illinois [HG-2405-V]? The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Stanly, Foley, Bugos-Komperda, Bradarich, Vice-Chair McGary and Chairman Hand voting in favor six (6) to zero (0). The motion passed and will go before the Village Board on April 24, 2024.

Chairman Hand asked for a motion. Commissioner Bradarich made a motion to adopt staff's findings as the findings of the Plan Commission. The motion was seconded by Vice-Chair McGary. A roll call vote was taken with Commissioners Bradarich, Bugos-Komperda, Foley, Stanly, Vice-Chair McGary and Chairman Hand voting in favor six (6) to zero (0). The motion passed and will go before the Village Board on April 24, 2024.