

---

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

---

**ORDINANCE  
NUMBER 24-031**

---

**AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE  
REQUIRED SOUTH SIDE YARD SETBACK FOR A PATIO FROM TEN  
(10) FEET TO FIVE (5) FEET FOR CERTAIN REAL PROPERTY  
LOCATED IN THE R-6 MULTIFAMILY RESIDENCE DISTRICT AT  
16037 S. SYD CREEK DR, HOMER GLEN, ILLINOIS. [HG-2411-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 SOUTH SIDE YARD SETBACK FOR A PATIO FROM TEN (10) FEET TO FIVE (5) FEET FOR CERTAIN REAL PROPERTY LOCATED IN THE R-6 MULTIFAMILY RESIDENCE DISTRICT AT 16037 S. SYD CREEK DR, HOMER GLEN, ILLINOIS. [HG-2411-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 Garratt Breidster for a Variance to reduce the required south side yard setback for a patio from ten (10) feet to five (5) feet for certain real property located in the R-6 Multifamily Residence District at 16037 S. Syd Creek Dr, 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 June 6, 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 south side yard setback for a patio from ten (10) feet to five (5) feet for certain real property located in the R-6 Multifamily Residence District at 16037 S. Syd Creek Dr, 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 south side yard setback for a patio from ten (10) feet to five (5) feet for certain real property located in the R-6 Multifamily Residence District at 16037 S. Syd Creek Dr, Homer Glen, Illinois [Case No. HG-2411-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 25<sup>th</sup> day of June, 2024 pursuant to a roll call vote as follows:

	<u>YES</u>	NO	ABSENT	PRESENT
Consolino			X	
Fialko	X			
Mason	X			
McNaughton			X	
Reynders	X			
Steilen	X			
Neitzke-Troike (Village President)				
TOTAL	4		2	

APPROVED by the Village President on June 25, 2024

  
Christina Neitzke Troike  
Village President

ATTEST:  
  
Candice Bielski  
Village Clerk

**Legal Description – “Exhibit A”**

COMMON ADDRESS: 16037 S. Syd Creek Dr, Homer Glen, Illinois  
PIN: 16-05-21-204-053-0000

*LOT 6 IN EVELYN'S GATE NORTH, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 6, 2008 AS DOCUMENT NO. R2006-168354, 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 could indeed yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-6 Multifamily Residence District. However, the applicant indicated this layout would be more symmetrical with the layout of the home and lot.*

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

*The plight of the owner is due to the unique circumstance of single-family homes on small lots that do not fit the character and intention of the current R-6 zoning district that is present in the Evelyn’s Gate North subdivision. These conditions are unique to the subdivision, but every property in this subdivision has the same conditions present.*

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

*The variances, if granted, will not alter the essential character of the locality. The patio is in the rear yard of the subject property.*

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 applicant has indicated there is a drainage swale and that this patio layout is more visually appealing.*

- (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 conditions for this variance would not be applicable to residential lots generally in the R-6 Zoning District, but could be applicable to other properties in the Evlyn's Gate North subdivision.*

- (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 this Variance is not exclusively based on the desire to make a profit out of the property, but to enhance the outdoor space and use of property.*

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

*The applicant did not create the hardship.*

- (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 these Variances as having a detrimental impact on the public welfare or being unduly injurious to other property or improvements in the Evlyn's gate subdivision.*

- (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 patios.*

- (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 variances will not impair an adequate supply of air to the adjacent property or substantially increase the danger or fire. Staff does not have opinions 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 south side yard setback for a patio from ten (10) feet to five (5) feet for certain real property located in the R-6 Multifamily Residence District at 16037 S. Syd Creek Dr, Homer Glen, Illinois, [HG-2411-V]? The motion was seconded by Vice-Chair McGary. A roll call vote was taken with Commissioners Bugos-Komperda, Lyons, Stanly, Bradarich, Vice-Chair McGary and Chairman Hand voting in favor six (6) to zero (0). The motion passed unanimously and will go before the Village Board on July 10, 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 Stanly, Lyons, Bugos-Komperda, Bradarich, Vice-Chair McGary and Chairman Hand voting in favor six (6) to zero (0). The motion passed unanimously and will go before the Village Board on July 10, 2024.*