1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Roll Call.
4. Public Comment.
5. Minutes.
   a) May 7, 2020
   b) June 18, 2020
6. Old Business.
   a) **HG-1726-V, 14623 W. 143rd Street (Public Hearing):** Consideration of (1) a variance to permit an accessory structure in the required front yard of the subject property where accessory structures are not a permitted obstruction; and (2) a variance to reduce the required front yard setback for an accessory structure located within the required front yard of a residential property from forty (40) feet to ten (10) feet at 14623 W. 143rd Street, Homer Glen, Illinois.

7. New Business
   a) **HG-2006-S, 13341 W. 151st Street (Public Hearing):** Consideration of an Amendment to the Planned Unit Development (PUD) granted by Ordinance No. 17-023 for the property commonly known as 13341 W. 151st Street, Homer Glen, Illinois. The applicant is requesting to allow the sale of alcoholic beverages in association with the PUD.

   b) **HG-2007-V, 13643 W Cedarbend Drive (Public Hearing):** Consideration of a Variance to permit an above ground pool as an obstruction in a corner side yard for certain real property located in the R-5 Single Family Residential Zoning District at 13643 W Cedarbend Drive, Homer Glen, Illinois.

8. Reports of Plan Commissioners and Staff (includes Old Business).
1. Call to Order.

The meeting was called to order at 7:02 p.m. by Chairman Backal.

2. Pledge of Allegiance to the Flag.

3. Roll Call.

Members present (in the Board Room) at 7:02 p.m. were Chairman Backal, Member Kozor, Member Stanly, and Member McGary.

Members present via Zoom at 7:02 pm were Members Verdun, Hand and Foley.

Also present were Planning and Zoning Director Gadde, Senior Planner, Melissa King, Chief Building Official Joe Baber and Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Gia Cassin.

4. Public Comment.

None

5. Minutes

March 19, 2020

Chairman Backal asked if there was a motion to approve the minutes as written. Member McGary made the motion, seconded by Member Stanly. All were in favor, zero (0) opposed, the motion carried.

April 2, 2020

Chairman Backal asked if there was a motion to approve the minutes as written. Member McGary made the motion, seconded by Member Stanly. All were in favor, zero (0) opposed, the motion carried.

6. New Business

a) HG – 2002-V, Bell Tower Plaza (Public Hearing): Consideration of a Variance to Section 75-56(D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois.

Director Gadde provided the background for this case. The lighting fixtures at Bell Tower Plaza have been replaced without securing an outdoor lighting permit. An outdoor lighting permit was submitted in late November 2019 and the photometric plan was sent to Farnsworth for review. Farnsworth has identified the following
outdoor lighting requirements to be met to satisfy the Village’s outdoor lighting code requirements as it pertains to replacement of luminaires and supporting structures and the comments were forwarded to the applicant.

Section (75-59) (D) – FINAL PLAN SUBMISSION

- **12.09.19 FGI Comment:** Provide documentation/revisions for:
  - Site photometric calculation line at 36” above the property line and compliance with the light trespass requirements of 0.5 f/c.
  - Revised cut sheets to indicate 3000K CCT
  - Revised cut sheets for wall mounted fixture TYPES WPG and WPR to indicate a full cut-off type fixture.

A letter was received in March of 2020 addressing all of the above items except for meeting the following light source requirement. The Applicant stated that he was unaware of this requirement and the replacement cost would be approximately thirty thousand dollars ($30,000.00). The applicant further requested a variance to Section 75-56 (D) of the Outdoor Lighting Regulations for all the lighting fixture that have been installed.

Section (75-56) (D) – LIGHT SOURCE REQUIREMENTS

- **12/09/2019 FGI Comment:** Submitted cut sheets indicate that the wall mounted fixture Types WPG and WPR have a CCT of 5000K and the pole mounted fixture Types A, B, C and D have a CCT of 5000K. All lighting fixture types shall have a CCT of 3000K to comply with the Ordinance.

The plight of the applicant is due to the replacement of the light fixtures without securing an outdoor lighting permit. The replacements are projected to achieve an annual energy savings of $14,500 annually for the property owner. However, the variance between what was installed, which was the 5000K and what is permitted by code which is the 3000K is significant. While the Homer Glen Dark Sky ordinance is unique, the applicant should have checked with the Building Department prior to the installation rather than treat it as a maintenance project. Staff does not support this significant variance.

Chief Building Official Baber followed by providing a timeline of events. Mid-September of 2019, he was alerted to the lighting issue. Mr. Baber contacted the property owner to discuss the Village Code and the permit process and provided them with a lighting permit application. A permit was submitted in November 2019, and to date, the lighting permit has not been issued.

A motion was made to open the Public Hearing by Member Verdun, seconded by Member McGary. All in favor, the motion passed unanimously.

The applicant, Terry Smith who is an ESN Contractor for Bell Tower Plaza stepped up to present his position. Mr. Smith stated he was unaware of the color temperature in the Village of Homer Glen being 3000K. He stated his lack of awareness created an issue that is not easy to remedy, and added that the hardship leading to this variance was the cost to correct this. His findings at the location were that the lighting system were antiquated, and he
replaced all of the it. He explained there was a substantial ComEd incentive for this and they funded ninety (90) percent. Using the system put in place by Mr. Smith would save the property owner approximately fourteen-thousand five hundred dollars. ($14,500.00). He did try to adjust some of the tilts on the lights he installed to redirect the way the light would shine. Mr. Smith also explained that the lights currently installed are stock items, and the ones the Village will require him to replace with need to be ordered and take additional time.

Chairman Backal clarified this was viewed as a self-imposed hardship and what this contractor is really asking for is for forgiveness after the fact, since he didn’t ask for permission in advance.

Contractor Smith stated that the work he had completed is considered maintenance in all other communities (except for Frankfort).

A total of forty-seven (47) Lumineers were replaced and twenty-five (25) foot poles were rewired. No poles were replaced.

Five (5) letters were sent to the Village for public comment rather than appear in person due to the current Covid19 crisis. Plan Commission Secretary read each one aloud. (letters attached at the end of these minutes)

A brief summary of the comments is described below:

Resident Cynthia Rataj presented a detailed opposition to the lighting citing the brightness.

Resident Margaret Sabo presented a detailed opposition to the lighting citing light pollution.

Resident Randy Juras presented a concise letter providing Dark Sky Association recommendations and that the current lighting is too bright.

Resident Joseph Turrise presented a concise letter reminding the Plan Commission that the ordinance required 3000K, requesting to have the current lights changed to meet the code.

Resident Andrew Panelli presented a letter stating as an HOA president of a nearby subdivision, he’s been fielding many complaints on the lighting and is strongly in favor of the adhering to the current Village ordinances with no variance.

A motion was made to close the Public Hearing by member McGary, seconded by member Stanly. All in favor, zero (0) opposed, the motion carried.

The Plan Commission held a very brief discussion. Chairman Backal asked if there was a motion for this case.

Member Kozor made a motion to adopt staff’s findings as the findings of the Plan Commission and to recommend denial of a Variance to Section 75-56 (D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois. [Bell Tower Plaza, Case No. HG-2002V]. The motion was seconded by Member McGary.
A Roll Call vote was taken, six (6) members voted in favor, one (1) opposed. The motion carried.

Chairman Backal moved to the next item on the agenda.

b. HG-2003-S, Mugshots Bar and Grill: Consideration of a Special Use for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0) feet, as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance, for Mugshots Bar & Grill located at 13031 W. 143rd Street, Homer Glen, Illinois in the C-1 Neighborhood Commercial Zoning District.

Senior Planner King presented the Background information on this case. Mugshots Bar & Grill is a permitted restaurant located in a west end unit tenant space in one of the primary buildings of the “Orland Oak” commercial shopping center. The restaurant is currently undergoing a commercial build-out and the tenant space does not currently have an outdoor seating area. The applicant is proposing an outdoor seating area directly outside of the tenant space and underneath an existing alcove. The proposed space will occupy a ten (10) by fifty (50) foot area. A proposed seating plan has been provided with approximately 9 tables and a minimum of a three (3) foot fence or wall will be included. A minimum of a five (5) foot walkway requirement is included in the proposal, and there is currently an existing ADA ramp just north of the proposed outdoor seating section. Senior Planner King concluded her presentation.

Steve Wood and John Smoger, owners of Mugshots Bar & Grill provided some additional information, including that this restaurant is a sports bar and they are currently considering including an outdoor television, with the controllers remaining inside the facility, and they may play music outside as well. They are considering limiting the hours for the outdoor seating section. They were planning to move forward, if approved, for June or July, all things considered.

Chairman Backal asked for a motion to open the Public Hearing. Member Foley made a motion to open the public hearing, seconded by Member Hand. All in favor, zero (0) opposed, the motion carried.

One (1) letter was received by a resident for public comment. Senior Planner King read the letter aloud, written by Cynthia Saenger, who lives directly behind this end of the Orland Oak mall. Ms. Saenger provided a detailed letter explaining personal family situations and health issues she is concerned about that could be impacted by the outdoor seating, including smoke and loud crowds. This resident did provide a solution to the smoking issue and suggested it be placed at the front of the store, making it further from her property. (see attached letter).

The public hearing concluded and Member Foley made a motion to close the Public Hearing, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried.

The Plan Commission discussed this case and some possible scenarios to provide some form of barrier between the restaurant and the property owner behind. The restaurant is approximately seventy-five (75) feet off of the rear property line of resident Saenger.
Suggestions included construction of some type of wall at the back end of this outdoor seating area, that included some form of entry/exit. Discussion about finding a way to minimize the visibility and buffer the noise were discussed. The owners of the restaurant were open to ideas and willing to consider anything.

Chairman Backal asked for a motion. Member Verdun made a motion to adopt staff's findings as the findings of the Plan Commission and to recommend for approval of a Special Use Permit for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0) feet, as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance, for Mugshots Bar & Grill located at 13031 W. 143rd Street, Homer Glen, Illinois in the C-1 neighborhood Commercial Zoning District [Mugshots Outdoor Seating, Case No. HG-2003-S]. The motion was seconded by Member McGary.

A Roll Call vote was taken. All were in favor to approve for outdoor seating, zero (0) opposed. The motion passed unanimously. This will be presented at an upcoming Village Board Meeting.

7. Reports of Plan Commissioners and Staff (includes Old Business):

Director Gadde stated no business to discuss, and added the Comprehensive Plan project is currently two (2) months behind and there will not be a Plan Commission meeting until June.

8. Adjournment:

Chairman Backal asked for a motion to adjourn. A motion to adjourn was made by Member Foley, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the meeting adjourned at 8:31 p.m.

Minutes transcribed and respectfully submitted by Gia Cassin.

Chairman Kozor: ________________________________

Approved (Date): ________________________________
Public Comments and Questions regarding the Public Hearing for the Bell Tower Plaza
As of May 7, 2020

May 6, 2020

Dear Plan Commissioners,

Item Title: Consider for Approval a Variance to Section 75-56(D) of the Outdoor Lighting Regulations for the parking lot light improvements at 15750 S. Bell Road, Homer Glen, Illinois [Bell Tower Plaza, Case No. HG-2002-V].

I object to the aforementioned variance request for the following reasons: The lighting is exceptionally brighter than all adjacent properties, the CCT is almost double than what is allowed, especially the wall packs at 5700 CCT. A significant amount of the luminaires are not positioned to be fully shielded and installed in the proper orientation to achieve fully shielded performance with respect to a horizontal plane. I am unable to quantify the lumens per acre in the photometric plan and luminaire schedule. I am sympathetic to the additional costs that may be incurred by the applicant but the applicant should have exercised due diligence with respect to the codes of the Village before beginning this project.

Specifically regarding Applicants submission, I have the following questions and concerns:

Page 3: Regarding Section (75-56) (A) Fully Shielded Requirement

Applicant: It was found that due to the locations of the existing poles, there were inadequate light levels directly in front of the building.

CR: 1) Lighting levels, uniformity, etc. are the responsibility of the owner, and not regulated by the village lighting ordinance

2) The CCT of the light has no bearing on the illumination level produced, whatever the pole spacing.

3) If the light poles are improperly placed to achieve the owner's desired illumination levels, the poles should be relocated or light fixtures with different distribution patterns should be chosen. The limitations created by trying to preserve legacy hardware is a limitation created by the choice of the property owner to limit costs – and not a limitation unusual to this property on the appropriateness of the Villages lighting code standards. This is a self-imposed hardship and not the fault of the Village or the Village's ordinances.
Page 4: 1(b) That the plight of the owner is due to unique circumstances.
Applicant: With this originally constructed prior to the ordinance being in place, there would be inadequate and unsafe light levels for this environment without substantial financial burden.

CR: See above

1(c) That the variance, if granted, will not alter the essential character of the locality.
Applicant: The adjacent properties are similar in color to the 5000k.

CR: Non-conformance of adjacent properties is not a valid claim for "altering the essential character of the locality". Non-compliance of the property at issue, regarding CCT or lumen totals or any standards of the Village Code, is a self-created hardship and violation of Village standards. Again, it's relation to adjacent non-conforming properties is not a valid claim to maintain "essential character of the locality."

Adjacent properties, if non-conforming, is a legal condition. Non-conformance of any other property is not relevant to the request for a variance. Anyone can remain non-comforming as long as they do not change their lighting. The property in question is now non-compliant – that is an illegal condition, created by changing lights without permit.

3. (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.
Applicant: As stated, the financial burden would be tremendous. Additionally, full cutoff wall packs set significantly from the road, would not allow the amount of appropriate light in front of the stores.

CR: Note the standard variance terminology – "particular surroundings, shape, or topographical conditions... bring a particular hardship." Note hardships created by existing property improvements such as light poles and their placement are not recognized in law as valid grounds for granting a variance. If fully shielded (or full cut off) fixtures located on the building do not provide adequate lighting to meet the owner's needs, a different lighting design may be necessary. This is the responsibility of the owner, and not the Village.

Page 5: 3(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.
Applicant: If this project was done in smaller phases, this project would be complying as lighting maintenance is this truly was.

CR: This is irrelevant, the project was not done in phases.

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

Applicant: It is the contractor who would field the burden of the required changes.

CR: If plumbing or electrical codes were violated the contractor would also need to rectify the problems. The contract/applicant is not allowed to pick and chose which Village laws must be followed.
3(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.

Applicant: It is felt that the system installed greatly improved the environment and was designed professionally with the intent to do so.

CR: What is and is not detrimental to the public welfare is defined by the duly-enacted laws and ordinances of the Village, including the lighting code. What the applicant feels or does not feel is not germane to the public welfare.

3(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.

Applicant: Appeal of the property was improved.

CR: Per what source?

CR: In regard to the photometric plan and luminaire schedule:

The photometric plan is confusing. One section of the plan has a note that reads "revise to 35w" for nine of the wall pack luminaires. Is this current or future tense? The luminaire schedule reads 80w for the wall packs.

The photometric is incomplete. The plan shows fixture E with two luminaires in the southeast corner, this fixture is not on the luminaire schedule, so I am unable to determine the lumens per acre.

The luminaire schedule is incomplete. The schedule does not list the luminaire manufacturer and part numbers for each type of luminaire. There is no CCT listed for the parking lot luminaires.

Sincerely,

Cynthia Rataj
15500 Red Cedar Trail
Homer Glen, IL 60491
From: earthapril422@urbancom.net  
Sent: Wednesday, May 6, 2020 10:02 PM  
To: Vijay S. Gadde <vgadde@homerglenil.org>; Gia Cassin <gcassin@homerglenil.org>  
Cc: Karie Friling <KFriling@homerglenil.org>; Melissa King <MKing@homerglenil.org>; G. Yukich <preciseab@aol.com>; George Yukich <mayoryukich@homerglenil.org>  
Subject: Plan Commission Meeting 4-6-2020 Bell Tower Plaza 15750 S. Bell Rd. Case No, HG-2002-V Parking Lot Lighting Concerns Submission Letter

Bell Tower Plaza  15750 S. Bell Rd.  Case No, HG-2002-V

Plan Commission Meeting-April 16th. Concerns for HG Lighting Status/Changes

If the Plan Commission votes in a positive way for the property owner, the consequences are severe. That means that they are voting for light pollution, increased lighting and brightness and against all that the Outdoor Lighting Ordinance requires and that of what being a Dark Sky Community means.

Being designated as a Dark Sky Community is an honor and distinction that few towns have worldwide. Homer Glen is known throughout the world for being a Dark Sky Community.

The property owner states that he did not know he was required to get a permit.
Since any government has laws that are required to be followed such as those like a state, county or municipalities, is it not true that ignorance of the law is not an excuse for waiving any guilt? Therefore, if laws are not followed, the individuals are still guilty.

The Outdoor Lighting Ordinance does not allow for variances of this kind and the request of this variance should not be sought or be encouraged to be granted

If the Village grants the property owner who is the guilty party, the variance, the Village is then encouraging others to do the same. The Outdoor Lighting Ordinance is thoroughly weakened and can be taken advantage of in the future.

RESPONSE TO VARIANCE FACTORS

Variance Factor Item 1.a.
As written, it reads ---- “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. Answer: with the existing infrastructure being as it is, and the fixtures being already installed at 5000K, the cost to modify would be in excess of $30,000

The property owner says that it would take $30,000 to comply. He needs TO PROVE that it would cost that much. There is a way to alter the Kelvin and Watts to comply. It should be done.

That property has not been greatly improved but “greatly altered”. In fact, the property as it now exists has nuisance lighting. It has not been so-called ------ “improved”.

Variance Factor Item 1.b.:
It reads: “The plight of the owner is due to unique circumstances.” Answer: “With this originally constructed prior to the ordinance being in place, there would be inadequate and unsafe light levels for this environment without substantial financial burden.

Is this believable? Because there is not proof that this property had been unsafe over a long period of decades.

Variance Factor Item 1.c. It says: “That the variance, if granted, will not alter the essential character of the locality.” Answer: “The adjacent properties are similar in color to the 5000K.”

Are the adjacent properties similar in color? That should be challenged since the unapproved lighting at 5000 K CCT has already altered the character of the property. The increased lighting is negatively affecting residential properties at a great distance. It is also emitting glare which is one of the important reasons that the Outdoor Lighting Ordinance prevents.

Variance Item 3. a. It states: That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, .... etc. Answer: the Financial burden would be tremendous.... etc.

The $30,000 burden should be investigated and corrected to a much lower cost with some other ideas rather than a “complete overhaul”. There is a way to prove that the burden does not have to be $30,000 and it should be tried.

Item 3. b. It reads: That the conditions upon which the petition for variance is based would not be applicable.... etc. Answer: If this project was done in smaller phases, this project would be complying.... as lighting maintenance.

Whether done all at once as it was done or in phases, this project would not have complied and the extreme changes cannot be considered purely maintenance.

Item 3. c. It reads: That the purpose of the variance is not exclusively based upon a desire to make more money ....etc. Answer: This project only moved forward “due to the assistance of a significant Com Ed incentive...... etc.

ComEd and its grant money -- ComEd has decided that it will invade Homer Glen and over power its lighting ordinance and regulations. ComEd should be working with Homer Glen if they wish to help the commercial property owners. Is 5000 K CCT a requirement in their grant?

Item 3. d. It reads: That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Answer: It is the contractor who would field the burden...... etc.

The hardship has been created by the owner of this property and in a way that is self -inflicting.
It is possible that changing bulbs or sockets would bring the fixtures into compliance. That should be investigated and would be a much less costly fix.

Item 3. e.
It reads:  *That the granting of the variance will not be detrimental to the public welfare, unduly injurious .... etc.*  
Answer: It is felt that the system installed greatly improved the environment and was designed professionally .... etc.

The property has not been improved and was designed without approval. The changes are detrimental because of the egregious increase in lighting, brightness, and glare. The public has also reacted very negatively and contacted the Village about the problems they have endured because of these changes.

Item 3. f.
It reads:  *That the exterior architectural appeal and functional plan of any proposed structure......etc.*  
Answer: Appeal of the property was improved.

The action at Bell Tower Plaza is being called an ‘improvement’ which it is not because of the negative factors that have been created.

Item 3. g.
It reads:  *That the proposed variance will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, public safety, substantially diminish or impair ....*  
Answer: No impairment was created.

It does endanger the Public Safety and Quality of Life. Over-lighting and glare have been known to cause accidents.

Sincerely,
Margaret Sabo
Former Homer Glen Trustee  2001 to 2015
Environment Committee Member
Acceptable for public hearing.

The lighting in question is for the Bell Tower Plaza. The issue is that ComEd wants to see energy reducing LED type lamps.

The LED lights being proposed are 5000k LED lamps.

The recommendation proposed by the Dark Shy Association along with the Homer Glen Environment Committee would be for 2200K LED/PC Amber. This lamp would be the closest equivalent to the current HPS lamp and still offer the energy reduction of an LED type lamp.

Randy Juras
14351 Oak Trail
Homer Glen, Illinois

_____________________________________________________________________________________

Hello Mr. Vijay Gadde:

I would like to PLEASE express my concerns about the present 5000K lights on the Bell Tower parking lot. Our ordinance requires 3000 Kelvin. I would kindly like to request to have them changed. Thank you,

Cordially, Joseph Turrise

_____________________________________________________________________________________
Good afternoon Gia,

I have been fielding complaints in my HOA about the bright light emanating from the shopping areas on the west and east side of Bell Rd. just north of 159th st. Some specific complaints were leveled at the dialysis center, but the area overall with Nicks, Stock & Field, Chesdan on the West side, and the Dialysis center south to 159th on the east side combine to light up the sky in an aesthetically unpleasing and distracting way in the evenings for our community, especially when standing at the south of our lake and looking towards the intersection where these stores and lighting exist.

We are strongly in favor of adhering to our Village ordinances with no variances, and desire lower wattage amber colored lighting - shielded lighted pointed down where possible.

Many of our neighbors have enjoyed views to the night sky unmarred by excessive lighting for decades, and we wish to move forward with any commercial development with responsible lighting compliant with our Dark Sky initiative.

Let me know if there is any action required of me to speak on behalf of our HOA.

Sincerely,
Andrew Panelli – President
Deboer Woods Homeowners Association
Hello, My name is Cynthia Saenger, I live at [redacted] Homer Glen. We moved here in 2013 and couldn’t be happier. My husband and I have 3 young children 8, 10 and 14. I am writing you with the concern of a new business they are opening about 20 feet from my back yard. It is a Bar called Mugshots. My family has been through some trying times these past few years. My daughter Hailee Saenger just got over a battle with Cancer. Lymphoma….. she has had a rough go the past few years. (The Town of Homer Glen was and is AMAZING the support everyone gave us is so humbling) And before this my husband has had a Major Heart Attack that nearly killed him called the Widow Maker and now has a pace maker and defibrillator in his chest at 44. I come from a Family of Bar Owners. My parents own a bar in Hickory Hills, My Brother Owns a bar in Palos Heights and My other Brother owns a bar in Rockford. So I am writing to you to see if there is anything we can do about the Zoning they are requesting for an outdoor Seating Area. As this will definitely affect our little strip of homes. We love to sit in our yard and swim, BBQ, Hang with neighbors and I feel the last thing the QUIET town of Homer glen Needs is an out door area of people Eating Drinking and SMOKING right outside my backyard and the backyard of a few other homes. I get that these guys want a Booming Bar Business….. My Family was all about it as I said they own bars I manage a Bar! However what they are asking to do so close to community homes and out in the open can and will affect many of us. Especially the health of my family or any of my wonderful neighbors….. the last thing any of us needs is added noise and pollution from Cigarettes, Cigars or Marijuana! I am very concerned!!!. Its bad enough we will have constant traffic now in and out and for God knows how early into the morning hours possibly 2 a.m. But they need to consider the family neighborhood they are so close to. With children. Families that need sleep to work the next day Etcetera. I tell you of the health issues my daughter and husband have because they are doing ok now but extra pollutions from this place and Smoke from people smoking outside will affect them. Not to mention we have to already deal with the smell of Dumpsters out back and junk these business owners have thrown out their back doors and into our view. Don’t get me wrong I understand We bought this house knowing there is a strip mall behind it. But NEVER in a Million Years did I think we would
have a Loud Noisey BAR in our yard. This is the area of the old village hall. Had normal and decent business hours and closed on weekends. This is all going to change for us and a few others that this new Bar Mugshots is not considering. I ask that you please direct me in some way how I can help this out door zoning not happen. Myself and some other neighbors have received a letter about Case No HG-2003-s for a meeting April 2\textsuperscript{nd}. Which I don’t think will happen now due to the Covid-19 Lockdown but I am very concerned. I get they want a Bar and Pub there and that’s going to be bad enough til 2 am. But an outdoor area will be Aweful for these young family’s to have to put up with. I Love Homer Glen and I am so happy we decided to move here and I don’t want to Move ever! I am so sad that this is even an option for these guys. Ok thank you for reading. I hope you and your family is well. Stay safe sorry to bother you with something that may NOT seem like that big of an issue right now but it weighs on my heart as a Mother and Wife and Resident and as I said I bartend I know the bar industry and I am not OK with this at all. It will affect us in a big way Believe Me I KNOW ok Thank You Again for reading. Stay Healthy and let me know How We can make our voices heard as the hearing will be cancelled now I’m sure!

Take Care!

Sincerely
Cynthia Saenger
Plan Commission

Minutes of the Meeting on
June 18, 2020

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 7:00 p.m. by Chairman Kozor.

   A last-minute agenda change was required to allow for the swearing in of our new Plan Commission officers. The motion was made by Member McGary, and seconded by Member Foley, so that we could allow for the swearing in of new appointments to new positions on the Plan Commission. All in favor, zero (0) opposed. The Motion was passed unanimously.

   Director Gadde swore in new Plan Commissioner Chairman, Bryan Kozor. Chairman Kozor then swore in Member Verdun to Vice-Chair.

2. **Pledge of Allegiance to the Flag.**

3. **Roll Call.**

   Members present (in the Board Room) at 7:00 p.m. were Chairman Kozor, Vice-Chair Verdun, Member Foley, Member Hand, Member McGary, and Member Stanly. Also present were Planning & Zoning Director Gadde, Senior Planner King, Assistant to the Village Manager Matt Walsh and Plan Commission Secretary Cassin. The minutes were recorded and transcribed by Gia Cassin.

4. **Public Comment.**

   None

5. **Minutes**

   **May 7, 2020**

   Chairman Kozor pointed out the minutes were not included in the packet and therefore asked for a motion to table the minutes until the next Plan Commission meeting. Member Verdun made the motion to continue the minutes, seconded by Member McGary. All in favor, zero (0) opposed. The motion passed.

6. **Old Business**

   a) **HG-2003-S, Mugshots Bar & Grill (Public Hearing):** Consideration of a Special Use Permit for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0) feet, as required in Section 220.835 of the Village of Homer Glen Zoning Ordinance, for Mugshots Bar & Grill, located at 1331 W. 143rd Street, Homer Glen, Illinois in the C-1 neighborhood commercial Zoning District.

   Senior Planner King presented a brief synopsis of the case. This is to consider a request for use of Special Use Permit for outdoor seating of a permitted restaurant, with a request to reduce the unobstructed sidewalk from five (5) feet to zero (0) feet. At the original Plan Commission meeting regarding the outdoor seating, a plan was presented and approved by the Plan Commission on May 7, 2020. The plan was heard at the Village Board Meeting on May 22, 2020 and based on public comment, the item was remanded back to the Plan Commission. At that time, it was recommended to staff to move the outdoor seating from the side of the
restaurant to the front of the restaurant. Senior Planner King provided some slides showing the new location, providing a visual for the Plan Commission to review. This meeting was not to discuss the layout of the new seating concept at the front of the store, but merely to discuss the proposed relocation to the front of the store front. There will be double ADA approved swings in this outdoor seating, (at either end of the outdoor seating area) and there will be bollards, some fencing and landscape as well at the rear/south end of the property, and there is also ADA accessibility. All ADA accommodations will be met. This concluded Senior Planner Kings report.

Chairman Kozor spoke up to highlight the purpose for this item being remanded back to the Plan Commission was in part, due to the subdivision speaking up so that the placement of the outdoor seating could be relocated to the front of the restaurant rather than to the west side, which is closer to the residents, as originally laid out.

Chairman Kozor followed this by asking for a motion to open up the public hearing for case number HG-2003-S. Member Foley made the motion, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the Public Hearing was opened.

The Petitioners, Steven Wood and John Smogur stepped up to add some commentary to Melissa’s presentation, to say that their two (2) families are working together very hard, to make this work for their families. This is a dream for them, and they are very much invested and added that the outdoor seating areas are expected now-a-days with the current Covid Climate and they have been working very closely with the Village to make corrections, modifications and changes as requested.

Comments from residents in attendance were heard.

Resident Susan Manning expressed her happiness for the restaurant but was against the outdoor patio seating due to the potential for noise with the TV’s and music and the current hours that were established at ten (10) pm on the week days and twelve (12) am on the weekends.

Residents Cindy and Bill Saenger stated they live directly behind the restaurant, they have health issues in the family and while they are happy about the bar, they are not fans of the outdoor seating. Cindy added she comes from a family of bar owners and feels the outdoor seating will lead to more chaos and worries for what could possibly happen outside of the bar.

Resident Melissa Prado spoke to the noise and smoke pollution. Ms. Prado is a Chef and manages four (4) restaurants and based on her experience, doesn’t feel any buffer will reduce the noise. Ms. Prado stated she understands the value of expanding the capacity beyond the dining room space, but does not believe the buffer ideas provided will not be enough to block the noise. She has young children and has noise concerns. Ms. Prado added that she does empathize with the impact on the small business that their plight to not have outdoor seating does have on these restaurant owners.

Residents Bob and Jackie Rossi stated they are supporting the bar, but were worried about the restaurant being able to control the content of the bar – with alcohol being involved, anything can happen.

Resident Kathy Curtis stated she resides behind the plaza and was having coffee at nine (9) AM and heard three (3) workers over there doing work and it was very loud and that was just three (3) people. She has concerns over her own safety if the seating is moved to the front
because she will need to then walk directly in/through the parking lot when she visits the nail salon and does not know if she will move or continue to stay because of these changes.

Resident Krystal Johnson spoke to state while she is happy that the restaurant is coming to the neighborhood, she is not supportive of the outdoor seating and provided information on a digital petition she passed around through her neighborhood with a total of 101 signatures opposing the outdoor seating.

No additional “on line” public comments. This concluded the Public Hearing.

Member Hand made the motion to close the Public Hearing, seconded by Member McGary. All in favor, zero (0) opposed. The motion carried and the hearing was closed.

The Plan Commissioners discussed the matter. It was made clear that the fenced off area would likely be locked during non-business hours so there would not be a means to pass through on the sidewalk. Also, the owners of the business clarified that the main entry doors would be both the east and west side, even with the outdoor seating in place. When the applicants were questioned about the hour restriction and if they were set in stone, the applicants indicated they were not set in stone at this time but these hours are the Village standard. Lastly, the Commissioners learned that with respect to parking, per code there was sufficient parking in that lot for all of the restaurants, but there wasn’t any room left to encroach on any of the parking spaces with additional side walk.

The discussion concluded. Chairman Kozor asked for a motion. Member Verdun made the motion to adopt staff’s findings as the findings of the Plan Commission and to recommend for approval of a Special Use Permit for outdoor seating associated with a permitted restaurant with an exception to reduce the required unobstructed adjacent sidewalk from five (5) feet to zero (0) feet, as a required in section 220.835 of the Village of Homer glen Zoning Ordinance, for Mugshots Bar & Grill, located at 13031 W. 143rd Street, Homer glen, Illinois in the C-1 Neighborhood Commercial Zoning District [Mugshots Outdoor Seating, Case No. HG-2003-S], subject to the following conditions?:

1. The location of the outdoor seating area shall be limited to the area under the alcove along the font or north side of the tenant space, as shown on Attachment 4.

2. Provide one (1) bollard in the middle of each opening between the columns of the building alcove along the north edge of the outdoor seating area, for a total of four (4) bollards. Bollards shall meet the Building Code regulation for vehicle impact protection.

3. Update the parking lot landscaping island at the west and of the proposed outdoor seating area to include ornamental grasses.

4. Provide a six (6) foot by six (6) foot privacy fence panel along the south edge of the outdoor seating area. Provide a six (6) foot by six (6) foot privacy fence panel at the south end of the building alcove.

5. Provide one (1) planter on the south side of the privacy fence along the south edge of the outdoor seating area.

6. Provide three (3) shrubs at the south end of the building alcove.

7. Closing hours of operation for only the outdoor seating area will be restricted to 9 pm on weekdays from Sunday through Thursday and 10 pm on Friday and Saturdays.
The motion was seconded by Member Stanly. A roll call vote was taken. Members in favor to approve were 5-0. (McGary, Stanly, Verdun, Hand, Foley to approve, Chairman Kozor abstained). The motion carried, and will be heard at the July 8 Village Board meeting.

b. HG-1905-PAS, O’Malley Builders, Inc. (Public Hearing): Consideration of a (1) a Plat of Subdivision with certain Variances; (2) a Map Amendment from A-2 Rural Residential to R3 – A Single-family Residential District; and (3) Preliminary Site Improvement Plans for the proposed Windsor Court, Phase 2 subdivision located at 12513 W. Hadley Road, Homer Glen, Illinois.

Director Gadde presented this case to the Plan Commission. The applicant, O’Malley Builders, Inc., is proposing a seven (7) lot subdivision as an extension of the Windsor Court Subdivision. The Commission originally approved this plan last year, but what happened at the meeting was there was an issue with a lack of secondary access. The Village suggested they speak with the Fire District to come up with a plan. The petitioner did meet with the Fire District and they agreed on the current plan that was presented which shows there is a secondary access now in a location that worked well for all. The Village Board remanded this back to the Plan Commission to make sure the neighbors are aware of the changes. The applicant, Mr. O’Malley and his engineer Kevin Chaffin were present to answer any questions.

Sean O’Malley, the owner of the property spoke about the challenge of the access road and that he has reached an agreement that has the Fire District approval. Also, originally, the Plan Commission and Village Board were in approval of the plan, which depicted eleven (11) lots. All was moving forward and about 20 days prior to starting, the Will County Highway Department sent a letter to Mr. O’Malley with concern of the secondary access being too close to the primary entrance. Mr. O’Malley revisited it again and came up with the current plan. In the process, Mr. O’Malley lost four (4) lots and he also agreed to have a tornado siren placed on the property. The Will County Highway has now signed off approval for the new access road as designed. He feels this is likely why there aren’t people there objecting.

Chairman Kozor asked for a motion to open the Public Hearing. Member McGary made the motion to open the public hearing, seconded by Member Hand. All in favor, zero (0) opposed, the Motion Carried and the hearing was opened.

No public comment was made.

A motion was made to close the public hearing by Member McGary, seconded by Member Verdun. All in favor, zero (0) opposed. The Motion carried and the hearing was closed.

The Plan Commission carried out a brief discussion clarifying the surface of the access road which will be paved with asphalt and will be maintained by the HOA. (Home Owners Association) as part of the development agreement. It will not be the responsibility of the Village. This road is to be accessed by EMS and it will be the access road to the private drive of lot seven (7), to bring them to their driveway. No others will utilize this road. On a day to day basis, there will not be any other usage and it will be heavily marked with signage that it is for private access and emergency access only. There was discussion with the Fire Department about including a bollard on that access road but they were not in favor of it. Mr. O’Malley was willing to work this any way the fire department preferred. The width of the access road is twelve (12) feet wide to make it sufficiently wide for emergency vehicles. The Plan Commission concluded their discussion and Chairman Kozor asked for a motion.

Member McGary made the motion to recommend for approval of (1) a Plat of Subdivision and Preliminary Site Improvement Plans; and (2) a Map Amendment from A-2 Rural Residential to R3-A
Single-family Residential District with the following Variances for the proposed Windsor Court Extension, (originally applied for as the Duke Subdivision) located at 12513 W. Hadley Road, Homer Glen, IL with the following Variances and subject to documentation of maintenance by developer/HOA and review of signage to ensure the emergency access remains clear.

**Variances:**

a. Reduce the required front/corner setbacks from forty feet (40’) to thirty feet (30’);  
b. Reduce the minimum required lot width from one-hundred (100) feet to seventy-six and a half (76.5) feet;  
c. Reduce the minimum required lot frontage from ninety (90) feet to seventy-six and a half (76.5) feet.

The motion was seconded by member Foley. A roll call vote was taken, six (6) in favor, (Chairman Kozor, Members McGary, Stanly, Verdun, Hand and Foley) and zero (0) opposed. The motion carried. This case will go before the Village Board on July 8, 2020.

7. New Business

a. HG-2005-SV, Aqua Pools, Inc. (Public Hearing): Consideration of a (i) a Variance to reduce the required front building setback from eighty (80) feet to ten (10) feet, [Chapter 220, Attachment 2, Table 2A of the Village of the Homer Glen Zoning Ordinance] (ii) A Special use Permit to allow a swimming pool in the side yard, [Section 220-807 of the Village of Homer Glen Zoning Ordinance]; (iii) A variance to reduce the required side yard setback for a swimming pool from twenty (20) feet to as little as seven (7) feet, [Chapter 220-812 C.1 and Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance]; (iv) A Variance to reduce the required side yard setback for a patio from twenty (20) feet to as little as three (3) feet, [Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance], and any other variances from the Homer Glen Zoning Ordinance as may be required for Aqua Pools, Inc., located at 13445 W. 159th Street, Homer Glen, Illinois in the C-4 Highway Commercial zoning District.

Senior Planner King presented this case, and introduced Dan Greco who is the engineer for Aqua Pools, a longstanding business in the Village of Homer Glen, is proposing to construct an approximately twelve (12) foot by twenty-six (26) foot in-ground display pool and patio/pool deck in the side yard directly west of the principle structure on the property at 13445 W. 159th Street. The pool requires a Special Use Permit to be installed in a side yard. The pool and patio/pool deck require Variances to the required side yard setbacks. While reviewing the proposal for the pool, it came to the attention of staff that the front of the building setback for the principle structure was a legal non-conformity. In order to establish the legality of the principle structure, the applicant has also requested a reduction to the required front building setback. In order to establish a side yard, staff had to establish a front yard.

This new display pool will also be used for equipment testing. The pool is a shallow pool. Fencing will be required. The pool is ten (10) feet from the property line. The list of hardships for the proposed location are as follows:

- The East side of the building is the existing parking lot and would not be a suitable location for the installation of an in-ground pool/display area.
- The principle structure extends nearly all the way to the rear property line; making it nearly impossible to install a pool in the rear yard.
- Even if it was physically possible to install the pool in the required rear yard, which it is not, the company is looking to install this pool as an extension of their main retail space, which is near the front of the principle structure.
Chairman Kozor asked for a motion to open the public hearing. Member Foley made the motion to open the public hearing, seconded by member Stanly. All in favor, zero (0) opposed, the motion carried.

Dan Greco the consultant was on the line via zoom, stated this pool was replacing an existing pool that was demolished as a result of the 159th street expansion. The pool was approved back in 2009. He added they worked with staff to find a location that would work best. The pool will only be accessible via the show-room. The petitioner Jim Eiler spoke to re-iterate his purpose for rebuilding the pool, wanting to replace what he had.

Member McGary made a motion to close the public hearing, seconded by Member Hand. All in favor, zero (0) opposed.

The Plan Commission held a brief discussion regarding this case. The pool was confirmed to be three (3) feet deep and also to note, the original pool was ten (10) feet off of 159th prior to the road construction/expansion, and again with this request, the pool will again be ten (10) feet off of the newer, wider 159th street. There is historical evidence to show there wasn’t an issue with the ten (10) foot setback. The pool disposition remains the same.

There was some discussion and clarification about the wording of the motion as it was worded. A decision was made to adjust the wording of the motion as originally written. A motion was not required much like a motion is not required when adding a condition to a motion. It was discussed and agreed to adjust the wording as it was originally written.

Member Foley made a motion to adopt the staff’s findings are the findings of the Plan Commission and to recommend for approval of (i) A Variance to reduce the required front building setback from eighty (80) feet to ten (10) feet, [Chapter 220, Attachment 2, Table 2A of the Village of Homer Glen Zoning Ordinance] (ii) a Special Use Permit to allow a swimming pool in the side yard, [Section 220-807 of the Village of Homer Glen zoning Ordinance]. (iii) A Variance to reduce the required side yard setback for a swimming pool from twenty (20) feet to as little as seven (7) feet, [Section 220-812C.1 and Chapter 220, Attachment 2, Table 2Aof the Village of Homer Glen Zoning Ordinance]; (iv) a Variance to reduce the required side yard setback for a patio from twenty (20) feet to as little as three (3) feet [Chapter 220, attachment 2], located at 13445 W. 159th Street, Homer Glen, Illinois, [Aqua Pools, Case No. HG-2005-SV].

The motion was seconded by Member McGary. A roll call vote was taken. All members present (Chairman Kozor, Member McGary, Member Stanly, Member Verdun, Member Foley and Member Hand) all voted in favor, zero (0) opposed. The motion passed unanimously. This is scheduled to be heard at the Village Board meeting on July 8, 2020.

7. Reports of Plan Commissioners and Staff (includes Old Business):

Director Gadde stated there would be a Stakeholder Meeting on Tuesday June 23, 2020 regarding the Village Branding. He further announced that the July 2, 2020 meeting is cancelled and that we do have a case on the books for the July 16 Plan Commission.

Member Verdun stated that the Steering Committee plans to resume meetings in July to review updates to the Comprehensive Plan.

Chairman Kozor stated his son is interested to learn about the status of the Chicken and Bee update with respect to enforcement of the Village Code.
8. Adjournment:

Chairman Kozor asked for a motion to adjourn. A motion to adjourn was made by Member Foley, seconded by Member Stanly. All in favor, zero (0) opposed, the motion carried and the meeting adjourned at 8:26 p.m.

Minutes transcribed and respectfully submitted by Gia Cassin.

Chairman Kozor: ________________________________

Approved (Date): ________________________________
To: Chairman and Members of the Homer Glen Plan Commission

From: Melissa King, Senior Planner

Plan Commission Dates: July 16, 2020; December 7, 2017; November 16, 2017

Board of Trustees Date: January 10, 2018

Agenda Item Number: 6.a

Subject: HG-1726-V, 14623 W. 143 Street – Mitch Mrowca

Item Title: Consider for Approval: (1) a Variance to permit an accessory structure in the required front yard of the subject property where accessory structures are not a permitted obstruction, and (2) a Variance to reduce the required front yard setback for an accessory structure located within the required front yard of a residential property from forty (40) feet to ten (10) feet for certain real property located in the R-3 Single Family Residential Zoning District at 14623 W. 143rd Street, Homer Glen, Illinois.

Property Information
Location: 14623 W. 143rd Street
Property Size: 2.67 acres (116,305 square feet)
Existing Zoning/Use: R-3 Single Family Residential/Single Family Home

Adjacent Zoning/Use:
N: R-3 Single Family Residential/Single Family Homes
E: R-3 Single Family Residential/Single Family Homes
S: R-1 Single Family Residential/Single Family Homes
W: R-2A Single Family Residential/Single Family Homes

Background Information
The property is approximately 2.67 acres, is a flag lot and has a four hundred (400) foot long driveway from 143rd Street. The property is zoned R-3 Single Family Residential. A detached garage and single-family home are located on the property and were both originally built in 1998, although the detached garage has been rebuilt in portions and an addition was added in 2017. The applicant carries on a home business where he sells Pigeon Feed.

Project History: In early 2017, an addition to the detached garage was constructed without a building permit. Village staff received a complaint from a neighboring property owner, prompting a site visit. In June, Village staff issued a letter detailing multiple Code violations and requesting the property be made compliant. The letter also requests that a building permit be obtained for the addition to the detached garage. No response was received. A second ticket was issued and an adjudication hearing date was set for August 16, 2017. The property owner,
Mitch Mrowca, appeared at the adjudication hearing and stated that a Plat of Survey was being completed, and that a building permit application would be submitted following the Survey’s completion. The case is continued until the next hearing on September 20, 2017 where Mr. Mrowca presented the completed Plat of Survey showing that the detached garage, following the construction of the addition, now sits three (3) feet from the north property line. Mr. Mrowca is advised that the structure is non-compliant and will need to be removed. Mr. Mrowca then requests an exception be made as the removal of the structure would present a substantial financial loss. He is then advised of the variance process. The case is continued until the next hearing on October 18, 2017. A formal zoning variance application was submitted to Village staff.

Following the conclusion of the public hearing held November 16, 2017, the Plan Commission tabled zoning case HG-1726-V in order to provide Village staff more time to gather pertinent information regarding the structure and its use. The Commissioners also requested that further information be provided about how far the addition was to be located from the north property line, the condition of the interior of the structure and the scope of the business operations occurring within the structure.

At the December 7, 2020 Plan Commission meeting, members concurred that the applicant had not proven any hardship other than one he had created himself and that he had also created a hardship and a nuisance to his neighbors for being so close to the property line. The Variance to increase the number of home occupations permitted on a single zoning lot from one (1) to two (2) was removed from the motion. Village staff verified during a site inspection that only the owner was living on the property and just operating a single home business. Members voted (6-0) to deny the Variance requests.

The item was heard at the January 10, 2018 Board of Trustees meeting. There was general consensus among the Trustees that the Variance was self-created/self-inflicted. The Trustees voted (5-0) to deny the Variance requests.

In 2019, the Village of Homer Glen filed a Complaint for Injunctive Relief (Village of Homer Glen v Mieczyslaw Mrowca, et. al., Will County Circuit Court Case No. 19 Ch 1780), which remains pending. The parties have discussed a possible settlement of the case and agreed to continue said matter until July 27, 2020, pending processing of this application for a Variance.

Conformance with the Zoning Code
Please note the letter submitted by the attorney, Attachment 5, on behalf of the property owner indicates a request to interpret the north property line as a side property line. Per the Village code, policy and a longstanding precedent on how flag lot lines have been interpreted, this will still remain a front property line for purposes of this review. For purposes of the Variance request, it is staff’s recommendation that the reduction in required setback will still be from the required forty (40) feet. This current application proposes to reduce the addition by seven (7) feet bringing to setback along the north property line to ten (10) feet, see Attachment 3.

Findings of Fact: §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).
Conformance with other Code Standards

Exterior Construction Standards (Chapter 75, Article II):
The Exterior Construction Standards do not apply to this project because the original structure predated the Village’s incorporation and is therefore exempt from such standards.

Lighting (Chapter 75, Article II):
The Lighting regulations do not apply to this project. The applicant is not proposing any new outdoor lighting.

Conservation Design (Chapter 107, Article IV):
The Conservation Design regulations do not apply to this project because it is not an approved subdivision.

Tree Preservation (Chapter 107, Article III):
The Tree Preservation regulations do not apply to this request as the applicant is not proposing any changes to landscaping.

Subdivision (Chapter 138, Article I):
The Subdivision regulations do not apply to this request as the applicant is not requesting the approval of a plat.

Park Donation (Chapter 138, Article II):
The Park Donation regulations do not apply to this request because the subject property is not a residential subdivision or development or a Planned Unit Development.

Water Resource Management (Chapter 210, Article I):
The Water Resource Management regulations do not apply to this project because no new development is proposed at this time.

Conformance with Adopted Plans
Comprehensive Land Use Plan:
The Comprehensive Plan designates the subject property as Single-Family – Estate.

Transportation Plan:
The applicant is not proposing any changes to the ingress and egress from W. 143rd Street.

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. A variance to permit an accessory structure in the required front yard of the subject property where accessory structures are not a permitted obstruction [Section 220-807 of Chapter 220 (Zoning) of the Code of the Village of Homer Glen], and

2. A variance to reduce the required front yard setback for an accessory structure located within the required front yard of a residential property from forty (40) feet to ten (10) feet [Attachment 1, Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen], for certain real property located in the R-3 Single Family Residential Zoning District at 14623 W. 143rd Street, Homer Glen, Illinois [Mrowca, Case No. HG-1726-V]?
Attachments
1. Aerial Map of Subject Property
2. Plat of Survey (As-built of Addition)
3. Plat of Survey (Proposed reduction to ten (10) feet)
4. Findings of Fact
5. Letter from Attorney
6. Link to previous staff reports and minutes:
Chapter 220-1207.C(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 **bold 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 permitted to be used only under the conditions allowed by the regulations in that zone. Detached accessory structures are permitted within the rear yard of the R-3 Single-family Residential District, therefore the space enclosed within the garage addition could have also been enclosed within a shed located within the property's rear yard.*

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

   *The plight of the applicant is not due to any unique circumstances.*

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

   *The variances, which would permit the detached garage addition to remain standing ten (10) feet from the north property line in a yard in which such accessory structures are typically not permitted, would not alter the essential character of the locality. The majority of the detached garage structure existed for over a decade before the construction of the addition. Furthermore, the structure is shielded from view along W. 143rd Street by two neighboring properties to the north in addition to vegetation and therefore does not have a dramatic impact on the locality's appearance or aesthetics.*

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 particular surroundings, shape, or topographical conditions of the subject property do not bring a hardship upon the owner, as distinguished from a mere inconvenience, because the area enclosed within the addition could have been located within a shed in the property's rear yard as permitted by current zoning regulations.*

   (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.

   *In regards to the variances requested for the location of the detached garage addition, the conditions upon which the petition for variances is based would be applicable, generally, to other property within the same zoning classification. Although the subject property is a unique shape, the flag shape of the lot does not specifically hinder the property owner from locating accessory structures in the property's rear yard, as is required of all other properties located in the R-3 Single-family Residential District.*
(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 variance is not exclusively based upon a desire to make more money out of the property.*

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

*The alleged difficulty or hardship has been created by the property owner due to the fact that he did not perform due diligence prior to the construction of an addition to a legal non-conforming structure.*

(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 granting of the variances 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 as the majority of detached garage structure has stood in the same location for over a decade; therefore, any new addition to the structure is not likely to impact the area significantly.*

(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 architectural appeal and functional plan of the detached garage addition is not at variance with the exterior architectural appeal and functional plan of the pre-existing detached garage structure as the full structure shares a uniform vinyl siding consisting of one color and style. Furthermore, the exterior architectural appeal and functional plan of the full structure will not cause a substantial depreciation in nearby property values as the permitted 2013 replacement was approved with vinyl siding.*

(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 adjacent property. Although the structure was partially destroyed by a fire in 2013, any permitted reconstruction after the incident would have been required to comply with the current building standards enforced at that time.*
June 25, 2020

Village of Homer Glen
14240 W. 151st Street
Homer Glen, Illinois 60491

Attn: Melissa King, Senior Planner
Department of Planning and Zoning

RE: Mieczyslaw (Mitch) Mrowca
14623 W. 143rd Street, Homer Glen, IL
Zoning Variance Application

Variance Sought: To Apply Side Yard Set Back of 10 Feet to the North Property Line to Permit Accessory Structure.

Dear Ms. King:

Please be advised that this office represents Mitch Mrowca, homeowner at 14623 W. 143rd Street in Homer Glen with respect to Mr. Mrowca’s Application for Zoning Variance relating to construction of a garage addition on his property. A summarized history of this matter follows:

This property consists of 3+ acres on a flag shaped lot, with a 400 foot driveway from 143rd Street leading to the main body of the parcel. A free-standing garage (pre-existing) stands in the North section of the parcel, with the house itself situated more or less in the middle. All structures face East, rather than North toward 143rd Street, and are set back more than 80 feet from the East lot line. The property is zoned R-3.

Mrowca carries on a home business in which he sells pigeon feed, for which he is licensed with the Village of Homer Glen. In 2017, the property owner constructed an addition onto the North side of the existing garage, of the same type of material, to store the feed in an enclosed space. He applied for a permit retroactively after being informed to do so, but was denied because the addition was located about three feet from the North lot line. Mrowca was then instructed to apply for a variance. The variance was denied on January 10, 2018 for the reason that the structure was located in violation of a 40 foot front yard set back requirement. In 2019, the Village of Homer Glen filed a Complaint for Injunctive Relief (Village of Homer
Glen v Mieczyslaw Mrowca, et.al., Will County Circuit Court Case No. 19 Ch 1780), which remains pending. The parties have discussed possible settlement of the case and agreed to continue said matter until July 27, 2020, pending processing of this Application for Variance.

Based on the configuration of the lot, it makes much more sense to view the North as a side yard, not a front yard. Accessory structures are permitted in side yards by Section 220-807 of the Homer Glen Zoning Code. The Code provides for side yard set backs of 25 total, and not less than 10 feet on any side. The homeowner proposes to reduce the size of the addition by seven feet, thereby achieving the 10 foot set back requirement. If the North lot line is construed as a Side Yard, not a Front Yard, the property owner will be compliant with the zoning code, having established the 10 foot set back by reducing the addition, as proposed.

On behalf of the property owner, we submit the follow additional information to be considered in evaluating this Application:

1. The North line of this parcel cannot properly be characterized as a “front yard”. The subject property consists of a rhomboid-shaped lot accessed by a 400 foot driveway (“flag-shaped”), set back 400 feet from 143rd Street. Two properties intervene between 143rd Street and the Mrowca property. The driveway first accesses a garage, to which the addition was constructed, and then the home. The residence faces East, and is set back approximately 80 feet from the East lot line. The garage is located within the northern section of the property, and was originally constructed within the “front yard” prior to Village incorporation. Therefore, an accessory structure always existed within the “front yard.” Further, the neighbor’s garage to the North likewise lies within the 40 feet rear yard set back required for R-3 zoning. In fact, the neighbor’s garage is set back less than 10 feet from the lot line.

2. The northern side of the garage, closest to the northern lot line, is the best and only location for the addition:
   a. Gas, utility lines and drainage lines run in the ground to the South of the garage toward the home, thereby precluding construction on the southern side.
   b. Should it have been possible to build the addition on the southern side despite the presence of utility lines, southern exposure would destroy the intended purpose of keeping the contents stored cool in the shade.
   c. One detached garage/accessory building is permitted under Code Section 220-808. Although a shed is also permitted, the typical garden shed, usually constructed for housing a lawn mower and similar use, would be inadequate for Mrowca’s purpose.

3. The addition was needed to store materials used in Mrowca’s occupation, WM Imports, Inc., a duly registered Illinois corporation, licensed by the Village of Homer Glen, as well the State of Illinois and registered with the US FDA. The addition is needed to store bird feed in an enclosed, ventilated space, protected from rodents or contamination. Outdoor storage is not an option, nor is it permitted by Village Code. Dismantling the addition would result not only in a large economic loss to Mrowca, but deprive him of continuing a business
that is duly licensed, on which he depends to supplement his income.

4. Upon granting the Variance, the homeowner will be able to obtain the requisite building permit, including reducing the size of the addition by moving back the North wall of the structure seven (7) feet. This will produce the requisite 10 foot side yard set back, in compliance with Village Code.

Please review the attached Application and supporting documents. A check in the amount of $1075.00 to cover fees is enclosed. Kindly contact me should there be any questions or concerns.

Respectfully Submitted,

ALICJA G. PLONKA

cc: client
To: Chairman and Members of the Homer Glen Plan Commission

From: Vijay Gadde, AICP, Director of Planning & Zoning

Meeting Date: July 16, 2020

Agenda Item Number: 7.a

Subject: HG-2006-S, 13341 W. 151st Street – Bengtson Pumpkin Farm, LLC.

**Item Title:** Consideration of an Amendment to the Planned Unit Development (PUD) granted by Ordinance No. 17-023 for the property commonly known as 13341 W. 151st Street, Homer Glen, Illinois. The applicant is requesting to allow the sale of alcoholic beverages in association with the PUD.

**Property Information**

**Location:** 13341 W. 151st Street

**Property Size:** Approximately 80 acres (see Attachment 1)

**Existing Zoning/Use:** A-1 Agricultural

**Adjacent Zoning/Use:** N: A-1 Agricultural / Single-family Homes and Farm land  
E: A-1 Agricultural / Farm land  
S: R-4 Single-family Residential / Farm View Hills & Meadowview  
W: R-4 Single-family Residential / Farm View Hills

**Comprehensive Plan:** Single-Family-Low Density, and Agriculture and Related Uses

**Background Information**

The Bengtson Pumpkin Farm has been operated on the subject property since 1988. In 2017, the Village approved a Planned Unit Development (PUD) to allow the property to be used as a private park with certain PUD exceptions via Ordinance 17-023.

**PUD Amendment**

The applicant is seeking an amendment to the PUD for the sale of alcoholic beverages pursuant to Section 220-502.B.22 of the Zoning Code. This amendment would help the Bengtson Pumpkin Farm to continue to grow its festival operation and deliver an additional service to those visitors that have requested this service for many years.
**Findings of Fact:** Section 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.

**Other Code Standards**

**Exterior Construction Standards (Chapter 75, Article II):**
The Exterior Construction Standards only apply to residential buildings located on agricultural properties.

**Lighting (Chapter 75, Article II):**
No new exterior lighting is planned at this time.

**Conservation Design (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 project as there are no plans to remove trees at this time.

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

**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.

**Community Plans**

**Comprehensive Land Use Plan:**
The Comprehensive Plan designates the subject property as *Single-Family-Low Density, and Agriculture and Related Uses.*

**Transportation Plan:**
The regulations and recommendations set forth within the Village of Homer Glen Transportation Plan do not apply as the applicant is not requesting any changes to the ingress and egress from the subject property.

**Motion for Consideration**
Is there a motion to recommend ____________ (approval / approval with conditions / denial) of an Amendment to the Planned Unit Development (PUD) granted by previously amended Ordinance No. 17-023 for the property commonly known as 13341 W. 151st Street, Homer Glen, Illinois, to allow the sale of alcoholic beverages [HG-2006-S, Bengtson Pumpkin Farm, LLC.]?

**Attachments**
1. Bengtson Farm PUD
2. Findings of Fact
Attachment 1

BENGTSON FARM
P.U.D.
Attachment 2 – Findings of Fact
Standards for Special Use Permit

Section 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 applicant’s 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 amendment to include the sale of alcohol to the Planned Development will not be detrimental to the public health, safety, morals, comfort or general welfare. The family owned business in control of this property has operated businesses in Homer Glen for more than three generations over 60 years. The livelihood of the Bengtson family is directly correlated to the perceived public opinion of both our farm (venue) and our family values. It is imperative for the Bengtson family to maintain a flawless record of conduct concerning matters of public health, safety, and morals. The general welfare of the visiting public is the source of our financial well-being. Any activity that jeopardizes the general welfare of our guests would be financially unsustainable due to the nature of our business. This assures that we will at all times consider any actions related to the sale of alcohol with the most conservative perspective.

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 proposed inclusion to this Planned Unit Development 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. This amendment will only constitute a very minor portion of the total business and activity conducted at this location. The change to the daily operations will most likely remain wholly unnoticed by the adjacent 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.

This amendment will help the Bengtson Pumpkin Farm continue to grow its festival operation. This proposed use will allow the Bengtson Family to deliver a higher level of service to those visitors that have requested this amenity for years. The continued visitation to the Homer Glen area by guests will continue to bring new exposure from visitors that travel from surrounding affluent communities. The guests typically travel from five to sixty miles to attend the festival. It could be assumed that this would only lead to a positive impact on property values due to the increased exposure to potential future residents that may be otherwise unaware of the unique blend of nature and tranquil suburban environment that exists here in our community.

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 amendment for the sale of alcohol will allow the Bengtson family to continue to operate the venue in service of the community in the interest of public convenience by expanding the appeal of the attraction. The Bengtson family has operated the venue in this location since 1988 and will continue to work cooperatively with the village of Homer Glen.
5. The proposed special 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.

This point is addressed in the original ordinance when the zoning change was approved April 26, 2017. The use will not adversely affect the development of adjacent properties in accord with applicable district regulations as the surrounding neighborhood is completely built out. A planned Development is an allowable special use in the A-1 Agricultural District and the proposed amendment is has a specific designation for Class L agritourism operations.

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 surrounding property is completely developed and will not be impeded to exist in its current condition. The farm has operated for over 30 years in the current location and the amendment to allow the sale of limited beverages over the course of a typical visit to the farm will have no impact on the daily lives of the surrounding property. Also, it is worth noting that over the course of the past 5 years of ownership our family has planted over one thousand new trees and hundreds of additional plants. These efforts will continue into the future. These plants will serve to screen the daily operations within the farm from having any impact on the surrounding community by creating a natural and eco-friendly barrier.

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.

This is unaffected by the amendment and is irrelevant to the change being proposed. No impact will be caused by the allowance for the sale of alcohol to this issue.

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

This remains unchanged from existing business operations. The amendment will not adversely affect in any way the current use of roads, drainage or necessary facilities. All improvements and changes that are made to the farm are done in accordance with village codes in cooperation with the building department and the other local authorities such as the fire department and the village administrative offices.

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.

This issue remains completely unaffected by the amendment being proposed. All possible measures are taken during times of operation by the Bengtson Farm. The Will county sheriff's office is contracted to conduct additional support and traffic control at any time of expected high attendance.

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.

This minor amendment should be considered a positive addition to the Village of Homer Glen in its ongoing efforts to grow the status and public opinion of our community. This amendment will allow for increased positive community interaction during times of festival operations. This addition that has come at the request of so many past visitors will allow for so many families to spend time in a positive environment based on shared interactive experience based in an agrarian themed outdoor well-maintained property. This should be considered a minor augmentation to the existing Planned Unit Development and is not intended to be the focus or major source of revenue or attraction to the venue.
To: Chairman and Members of the Homer Glen Plan Commission
From: Melissa King, Senior Planner/Project Manager
Meeting Date: July 16, 2020
Agenda Item Number: 7.b
Subject: 13643 W Cedarbend Drive, Case No. HG-2007-V

**Item Title:** Consider a request for a Variance to permit an above ground pool as an obstruction in a corner side yard, per [Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen], for certain real property located in the R-5 Single Family Residential Zoning District at 13643 W Cedarbend Drive, Homer Glen, Illinois.

**Property Information**

Location: 13643 W Cedarbend

Property Size: 9,023 S.F.

Existing Zoning/Use: R-5 Single-Family Residential (Pebble Creek, Unit 2)

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

**Background Information**
The applicant, Carrie Peel, lives on the subject property located at 13643 Cedarbend Drive in the Pebble Creek Subdivision, Unit 2. The applicant applied for a permit for an above ground pool and the permit was issued on June 12, 2020 with the location of the above ground pool not located in the corner side yard. JULIE was called by the homeowner/contractor and the utilities were identified on the property and it came to their attention that an electrical line was running directly under where the pool was proposed to be installed, per the permit. The homeowner/contractor made a decision in the field to move the pool to the northeast towards Heatherwood Drive in order to comply with Comed’s requirement that pools must be five (5) feet away from electric lines. It was assumed by the homeowner/contractor that the new position was compliant with the zoning code based on an assumption that pools are required to be ten (10) feet from side property lines. The homeowner/contractor did not realize that the area that they had moved the pool to was in a corner side yard not a side yard. Pools are not allowed as an obstruction in a
corner side yard. The Building Department performed a final inspection and failed the inspection until the zoning department had a chance to review the issue. Staff discussed the field change with the homeowner and it became clear that the homeowner potentially had a hardship on the property that would staff would support for a variance request. The homeowner recently installed a fence along the perimeter of the yard along Heatherwood Drive and along the rear property line. The pool is located behind this fence.

**Conformance with Zoning Regulations**

**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. *Staff concurs with the following hardship evidence:*

- The presence of the electrical lines running perpendicular to the home right through the middle of the rear yard restricts where a pool can be located on the property.
- There is an existing tree in the southwest side of the rear yard that would restrict where a pool can be located on the property.
- The depth of the rear yard is only forty-four and a half (44.5) feet and would be restrictive for installing the pool in an orientation perpendicular to the home. The existing deck is twelve (12) feet deep and the pool is twenty-three (23) feet; leaving only nine and a half (9.5) feet; which would encroach into the slightly into the existing drainage easement. The encroachment could actually be worse based on a base that might extend passed the walls of the pool and also the outside structure walls/buttresses. This orientation also does not meet the twelve and a half (12.5) foot required rear yard pool setback.
- The rear yard has topography that goes down from the house towards the rear property line and then starts to come back up creating a dip that could make it difficult to orient the perpendicular to the deck instead of parallel. Just south of the pool location there appears to be standing water and the homeowner has indicated that there are recurring flooding issues in this location.
- There is also existing standing water indicating a low spot in the yard that is to the west of the pool location. Alternative orientations of the pool could have exacerbated this flooding issue.

**Conformance with other Code Standards**

**Exterior Construction Standards (Chapter 75, Article II):**
The Exterior Construction Standards do not apply to the requested Variances 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.

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

**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 apply to this request and the applicable site plans will be reviewed as part of the permitting process.

**Tree Preservation and Conservation Subdivision (Chapter 138, Article I):**
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.
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 the applicant proposed the development of a residential subdivision made up of lots less than one and one-half (1.5) acres in size.

**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.

**Transportation Plan:**
The regulations and recommendations set forth within the Village of Homer Glen Transportation Plan do not apply as the applicant is not requesting any changes to the ingress and egress from the subject property.

**Motion for Consideration**
Is there a motion to adopt the attached findings as the findings of the Plan Commission and to recommend ____________ (approval / approval with conditions / denial) of a Variance to permit an above ground pool as an obstruction in a corner side yard, per [Table 1B (Site and Structure Bulk Requirements for Residential Districts) of Chapter 220 (Zoning) of the Code of the Village of Homer Glen], for certain real property located in the R-5 Single Family Residential Zoning District at 13643 W Cedarbend Drive, Homer Glen, Illinois.

[13643 W Cedarbend Drive, Case No. HG-2007-V]

**Attachments**
1. Aerial Map
2. Plat of Survey
3. Existing Site Images
4. Findings of Fact
Attachment 1 – Aerial (13643 Cedarbend Drive)
Attachment 2 – Plat of Survey

The actual pool location, as it was installed, in the corner side yard, shown in blue.

Original location of pool, as approved on the pool permit, shown as green line.

Perpendicular orientation. Does not meet twelve and a half (12.5) foot pool setbacks. Slightly encroaches into easement; impact to easement could be more based on actual outside structure and the base of pool.

Approximate location of electrical line, per homeowner.
Attachment 3 – Existing Site Images

Facing east towards Heatherwood Drive

Facing south/southeast towards the back corner of the property, note the existing tree and standing water.
Facing south/southeast towards the back corner of the property, note the utility boxes.
Facing east toward Heatherwood Drive
Facing south towards the back corner of the property.
Note shed in corner side yard at 13611 Heatherwood Drive; three houses away from the subject property.
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 the 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.*
   b) That the plight of the owner is due to unique circumstances.
      
      *Several justifications have been cited for the requested variance to allow for the above ground pool to be located in a corner side yard including constraints of narrow backyard, location of utility lines, location of large tree, topography, flooding and potential encroachment into easement.*
   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. Many pools in the other accessory structures in the Pebble Creek Subdivision are non-conforming to setbacks, are located in easements, etc.*

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 above.

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.
      
      *Several justifications have been cited for the requested variance to allow for the above ground pool to be located in a corner side yard including constraints of narrow backyard, location of utility lines, location of large tree, topography, flooding and potential encroachment into easement.*
   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.
      
      *Several justifications have been cited for the requested variance to allow for the above ground pool to be located in a corner side yard including constraints of narrow backyard, location of utility lines, location of large tree, topography, flooding and*
potential encroachment into easement. The conditions of the site are unique to this property.

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 and have been in existence for many years.

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 Pebble Creek 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 pools.

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. Staff does not foresee the location of the pool in a corner side yard as a public safety issue. Staff does not have a professional opinion on property values.
On June 26, 2019 the Village of Homer Glen amended Village Code §220-839 as it pertains to the keeping of chickens and bees. Since that time, the Village Code Compliance Officer has received a total eleven (11) complaints regarding chickens. One involved chickens running at large, three (3) involved the inability to meet zoning requirements, and the other seven (7) was due to the keeping of roosters, which is prohibited. All violations have been addressed by the removal of the birds.

There have been no complaints regarding bees since the amended code section took effect. There were two previously in 2017 and 2018.