1. Call to Order.

2. Pledge of Allegiance to the Flag.

3. Roll Call.

4. Minutes.
   a) October 15, 2020

5. Public Comment.


   a) Case No. HG-2013-V, 13564 W. 167th Street (Public Hearing): Consideration of a request for [1] a Variance to reduce the required rear yard setback for the proposed attached garage addition from the required forty (40) feet to thirty-three (33) feet, [2] a Variance to reduce the corner side setback for a non-dedicated right of way from the required eighty (80) feet to forty-six (46) feet, [3] a Variance to increase the maximum allowable impervious surface from thirty (30) percent to thirty-five (35) percent, and [4] a Variance to increase the maximum allowable lot coverage from twenty (20) percent to thirty-four (34) percent, for certain real property located in the R-2 Single-Family Residential District at 13564 W 167th Street, Homer Glen, Illinois.

   b) Case No. HG-2014-V, 15427 S. Badger Lane (Public Hearing): Consideration of a Variance to reduce the required rear yard setback for the proposed residential addition from the required thirty (30) feet, as shown on the Meadowview Plat of Subdivision, to fifteen (15) feet for certain real property located in the R-5 Single-Family Residential District at 15427 S Badger Lane, Homer Glen, Illinois.

   c) Case No. HG-2015-V, 13711 W. 159th Street (Public Hearing): Consideration of a request for a Variance to allow a commercial use multi-tenant monument sign on an A-1 Agricultural District property where monument signs are not allowed, pursuant to §220-1005 Signs, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the A-1 Agricultural District at 13711 W 159th Street, Homer Glen, Illinois.

   d) Case No. HG-2016-V, 13838 W. Stonebridge Woods Crossing (Public Hearing): Consideration of a request for a Variance to reduce the required driveway setback from five (5) feet to zero (0) feet, pursuant to §220-614 Other residential standards, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the R-3A Single-Family Residential District at 13838 W Stonebridge Woods Crossing, Homer Glen, Illinois.

7. Reports of Plan Commissioners and Staff.

8. Adjourn.
1. Call to Order

2. Pledge of Allegiance to the Flag.

3. Roll Call

4. Roll Call
Members present (in the Board Room) at 7:01 p.m. were Chairman Kozor, Member Verdun, Member Hand, Member McGary, Member Stanly, Member Foley and Member Zarebczan. Also present were Planning and Zoning Director Gadde, Senior Planner King, and Plan Commission Secretary, Gia Cassin. The minutes were recorded and transcribed by Plan Commission Secretary Gia Cassin.

Absent Members: None

4. Minutes
September 17, 2020 Minutes. Member Foley made the motion to approve the minutes as written, seconded by Member Stanly. All in favor, zero (0) opposed. The motion carried.

5. Public Comment.
None

6. Old Business
a) Case No. HG-2012-A, Zoning Code Text Amendment (Public Hearing):
Consideration of numerous text amendments to Chapter 220, Zoning, of the Code of the Village of Homer Glen including the following Attachments and Articles:

   a. Attachment 1: Use and Bulk Tables for Residential Districts
   b. Attachment 2: Use and Bulk Tables for Nonresidential Districts
   c. Article III: Rules and Definitions
   d. Article VI: Residence Districts
   e. Article VII: Nonresidential Districts
   f. Article VIII: General Provisions
   g. Article X: Site Development Regulations
   h. Article XII: Administration and Enforcement

In addition, Chapter 83, Business Operations, Article VII: Liquor will be amended.

Director Gadde briefly recapped the zoning code amendment status: The Plan Commission met and reviewed the changes at the September 17, 2020 Plan Commission meeting. Most of the changes were resolved in that meeting, there were a few that required more discussion.

Proposed Amendment: Remove Special Use required for extended hours of operation and introduce a new “extended hours of operation license”
Director Gadde stated the Plan Commission wanted clearer wording of the code for applicants seeking the extended hour operation license. The wording is clearer now that the applicant would need to apply for a Special Use permit with the Plan Commission. The updated wording is as follows:
The Current liquor license holders do not need to apply for a special use permit for operating outside of the hours of six (6) a.m. and eleven (11) p.m.

In the case of other nonresidential uses open for business outside the hours of six (6) a.m. and eleven (11) p.m., such uses may apply for an extended hours of operation license with the Village Clerk. Establishments seeking twenty-four (24) hour operation must be approved as a Special Use as set forth in § 220-711 (A) 11, Hours of Operation.

No further discussion between the Plan Commission and Staff.

**Proposed Amendment: Update setback for driveways that extend into the side yard**
Senior Planner King went forward into the discussion about the setbacks for driveways. King stated she reviewed properties in zoning districts R-3, R-3A, R-4 and R-5 in light of the fact that we have many residents that reside in these districts. These districts all carry a setback of ten (10) feet or less. A significant amount of our properties are built in these districts, and based on a rough calculation, this equates to approximately six thousand six hundred (6,600) properties. In some cases, the set backs are a little more, and others a little less, dependent on how the development was approved by Will County at that time. King said we do get a lot of requests for expanded driveways.

The Commissioners discussed this topic at length. The discussion lead into the concern over the pie shaped properties, where the front of the parcel is much narrower than the back yard. Staff clarified that the code change takes effect only if the resident is looking to widen their current driveway, not replace the drive as it exists today. Plan Commission asked if there was any issue if the applicant wanted to widen the driveway the other way, away from the side yard and make it wider in front of the home, for example. There is no issue with that either; it just needs to meet lot coverage. There was clarification made that the ten (10) foot setback applies to front load garages, and the setback remains at five (5) feet for sideload garages. King added that from hear experience, the driveway cannot be constructed past the actual building structure. It cannot be wider than the residence for front load garages. One of the Commissioners stated that it concerned him to have what seems like a double standard, to impose a ten (10) foot setback for front load garages and only a five (5) foot for side load garages. The Commissioners said they do not want to create more non-conformities. In the end of all of the discussion, the Plan Commission opted to leave the code with no changes.

**Proposed Amendment: Prohibit chain link fencing**
The next topic discussed was chain link fences and the proposal for restricting the uses for chain link fences. Staff is proposing the use of chain link fences for interior rear and side lot line fencing in R-2 and R-6 districts and in the Agricultural districts as well. Also, Staff did add the construction material of wrought iron as a listed material for fencing that is accepted within the Village being that there are many fences currently in the Village made of wrought iron. One of the Commissioners had expressed interest in seeing wrought iron listed so that it would mimic the bulk and use table. Plan Commission was in agreement with Staffs’ recommendation on the chain link use.
**Proposed Amendment:** Allow administrative review of outdoor seating areas associated with permitted restaurants

Director Gadde stated at the last Plan Commission meeting there was a request to specify the distance for outdoor seating areas from residential lots where a Special Use permit would need to be applied for. Staff added wording to the code that states:

*Outdoor seating located within three hundred (300) feet of any of the residential lots shall require a special use permit.*

This three-hundred (300) feet is the buffer zone so if anything encroaches on this buffer space, they would need to come to the Plan Commission to review the situation. Staff looked at the existing shopping center their outdoor seating areas, and there are many located within one-hundred-fifty (150) feet. Staff feels confident the three hundred-foot is adequate. The Plan Commission didn’t have any additional concern on this code.

**Proposed Amendment:** Require cross access for new development

Director Gadde stated that there was just a request from the Plan Commission to change upon the wording for the following section in the zoning code regarding cross access, eliminating the option and making it a requirement by removing the wording “where feasible.”

*Site to site access shall be granted through cross-access easement agreements, to facilitate traffic and frontage roads are encouraged along arterial roads.*

No other items to discuss. The Plan Commission concluded their discussion on these zoning code changes.

Member Verdun made the *motion to approve* of the text amendments to Chapter 220, Zoning, of the Code of the Village of Homer Glen including the following Attachments and Articles subject to the changes recommended by the Plan Commission including to leave the existing wording for driveway setbacks for side yards as is in the code:

a. Attachment 1: Use and Bulk Tables for Residential Districts
b. Attachment 2: Use and Bulk Tables for Nonresidential Districts
c. Article III: Rules and Definitions
d. Article VI: Residence Districts
e. Article VII: Nonresidential Districts
f. Article VIII: General Provisions
g. Article X: Site Development Regulations
h. Article XII: Administration and Enforcement

[Case No. HG-2012-A, Zoning Code Text Amendments]

*The Motion was seconded by Member McGary. A Roll Call vote was taken. The motion was approved by Members Zarebczan, Foley, McGary, Stanly, Verdun, Hand and Chairman Kozor) by a seven (7) to zero (0) vote. The motion passed unanimously.*

The zoning code amendment draft will be prepared for the October 28, 2020 Village Board Meeting.
7. Reports of Plan Commissioners and Staff
Director Gadde stated the Comprehensive Plan Steering Committee will be moving forward on October 20, 2020 and we have three (3) variances and potentially a fourth case lined up for the next Plan Commission meeting. Director Gadde asked for a confirmation of a quorum up front for the next Plan Commission meeting and all agreed they would be present.

Director Gadde added that the Board Meetings may be limited for November and December. The November 19, 2020 Plan Commission meeting is being reserved for review and discussion on the Comprehensive Plan which will follow the Comprehensive Plan Open house earlier that same evening which will begin at five (5) pm and will run until seven (7) pm, and then the Plan Commission meeting will begin.

Member Verdun asked what would be the plan if people that come to the open house suggest new changes. Director Gadde stated the Consultants would be present, the comments would be recorded and if needed, we would table the Village Board adoption.

No other reports made by any of the Commissioners.

8. Adjournment
Chairman Kozor asked for a motion to adjourn. A motion was made to adjourn the meeting at 7:28 pm by Member Foley, seconded by Member Zarebczan. All in favor, zero (0) opposed, the motion passed and the meeting was adjourned.

Minutes transcribed and respectfully submitted by Gia Cassin.

Gia Cassin (Plan Commission Secretary): _________________________________

Approved Date: _________________________________
To: Chairman and Members of the Homer Glen Plan Commission

From: Melissa King, Senior Planner/Project Manager

Meeting Date: November 5, 2020

Agenda Item Number: 6.a

Subject: HG-2013-V, 13564 W. 167th Street

Item Title: Consider a request for [1] a Variance to reduce the required rear yard setback for the proposed attached garage addition from the required forty (40) feet to thirty-three (33) feet, [2] a Variance to reduce the corner side setback for a non-dedicated right of way from the required eighty (80) feet to forty-six (46) feet, [3] a Variance to increase the maximum allowable impervious surface from thirty (30) percent to thirty-five (35) percent, and [4] a Variance to increase the maximum allowable lot coverage from twenty (20) percent to thirty-four (34) percent, for certain real property located in the R-2 Single-Family Residential District at 13564 W 167th Street, Homer Glen, Illinois.

Property Information

Location: 13564 W. 167th Street

Property Size: 43,734 SF

Existing Zoning/Use: R-2 Single-Family Residential

Adjacent Zoning:

N: R-2 Single-Family Residential
E: R-2 Single-Family Residential
S: A-2 Rural Residential
W: Unincorporated Will County

Background Information

The applicant, Brian Stevens, owns the subject property located at 13564 W. 167th Street. The property is zoned R-2 Single Family Residential and has a single-family home and a detached garage that have been on the property since prior to 1961, per a review of the Will County GIS Aerials. Mr. Stevens contacted the Village to discuss the potential for building a fifty (50) by sixty (60) foot expansion of the existing detached garage. Staff indicated that a Variance of more than twice the allowable square footage for a detached structure could not be supported by staff. Mr. Stevens then proposed to the addition as an attached garage addition to the principle structure. The addition, as proposed, still measures fifty (50) by sixty (60), see Attachment 2.
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. See below the discussion for each of the Variance requests:

A Variance to reduce the rear yard setback from forty (40) to thirty-three (33)

At the narrowest dimension, the proposed addition is sited approximately thirty-three (33) feet from the rear property line. The required rear yard setback for the addition to a principal structure is forty (40) feet. The existing detached structure is sited at thirty-eight (38) feet from the rear property line. In general, accessory structures of this size in the R-2 District require a twenty (20) foot setback. The property owner was hoping to utilize the footprint of the existing detached structure as part of the new footprint for the addition. The following hardships are evident:

➢ Utilize an existing footprint
➢ Utilize an existing driveway for ingress/egress to the garage addition. If sited elsewhere on the property, then there may have been a need for additional driveway, exacerbating the request to vary impervious surface and lot coverage.
➢ There may have been more available space in the rear yard if the house could have been sited closer to the front property line, you can see on the aerial, Attachment 1, that the neighboring properties to the north have the principle structures sited closer to the front property line. The house being shifted back off of Parker Road is likely due to the location of the petroleum pipeline on the west side of the home, see Attachment 3. The pipeline location also restricts the addition from being added in front of the principal structure.

A Variance to reduce the corner side setback for a non-dedicated right of way from eighty (80) to forty-six (46)

At the narrowest dimension, the proposed addition is sited approximately forty-seven (46) feet from the center line of 167th Street, also the corner side property line. The required corner side yard setback from a non-dedicated right of way is eighty (80) feet. Again, the property owner is proposing to utilize the footprint of the existing detached structure as part of the new footprint for the addition. The following hardships are evident:

➢ Utilize an existing footprint
➢ Utilize an existing driveway for ingress/egress to the garage addition. If sited elsewhere on the property, then there may have been a need for additional driveway, exacerbating the request to vary impervious surface and lot coverage.
➢ The pipeline location also restricts the addition from being added in front of the principal structure, see Attachment 3.
A Variance to increase the maximum allowable impervious surface from thirty (30) percent to thirty-five (35) percent & a Variance to increase the maximum allowable lot coverage from twenty (20) percent to thirty-four (34) percent.

The following hardships are evident:

➢ The property includes a large portion of the actual impervious roads, as the right of way along 167th Street and Parker Road have not been dedicated. The inclusion of the public roads into the impervious surface area and lot coverage for a property can create a hardship for meeting the required impervious surface and lot coverage allowances.

To continue, imagine that the right of way had been dedicated, the impervious surface and lot coverage could be re-calculated with a result of the impervious surface going down to approximately 29% (code compliant) and the lot coverage to 28%, (lot coverage can be administratively approved up to 10% over allowable). If we were still looking at this property as if the roads had been dedicated, then the property would be undersized for the Zoning District, at roughly 30,547sf, once the right of way is removed. Undersized lots can also create a hardship for meeting the required impervious surface and lot coverage allowances.

It is important to keep in mind the purpose of the Variance request and the requirements for Variances, as stated in the Village Code. Per the Village Code: “The variance process is intended to provide limited relief from the requirements of this chapter in those cases where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general.”

The impervious surface and lot coverage Variances, while they may be supported to some extent by hardship, are also more than “limited relief” to the strict application of the code. It is also important to remember that impervious surface regulations are directly related to the collective impact of lots in a larger drainage basin. Inherently, it is important when granting variances to these codes to always weigh the potential erosion of precedent that could have a larger impact to the drainage basin in the long run.

**Preliminary Engineering Review**

As part of the review on this project, staff determined there were some questions as to the location of some known and unknown pipelines (both natural gas and petroleum) and the affiliated easements. Staff has worked extensively with the property owner and with the owners of the pipelines to try to verify this information and staff has requested that the easements be added to the plat by a surveyor, prior to the project being reviewed for the zoning Variances, so that we could comfortably assess feasibility of this project. Staff has serious concerns for approving construction within pipeline easements without an approval or allowance from the owner of the pipeline. JULIE has located the two petroleum pipelines, as shown on Attachment 3 and in the images where the pipeline is shown flagged, see Attachment 3. The Village was able to secure a sign off from BP for one of the pipelines, see Attachment 5. The Village nor the applicant have been able to get in touch with the owner of the second pipeline, Chevron/Unicol, to verify if there is an easement over this line and/or if this proposed addition will be allowed. There is also a NICOR gas line that runs parallel to 167th Street.
Conformance with other Codes

Property Maintenance Violations: Upon inspection of the subject property, staff has noted a number of maintenance violations on the property. If these Variances are granted, there will be a condition added that all maintenance violations are corrected prior to the issuance of a building permit. Maintenance violations include storage of an inoperable vehicle, vehicle parked in a front yard, driveway in a state of disrepair, exterior surfaces of the principle structure roof, soffit and siding need to be repaired, retaining wall has fallen and needs to be repaired or removed, and trash/garbage that has accumulated behind the existing detached garage needs to be removed. See Attachment 7, for images and descriptions of the maintenance violations.

Exterior Construction Standards (Chapter 75, Article II): The Exterior Construction Standards do apply to apply to this residential addition. See Attachment 6 for Conceptual Building Elevations. Per section 75-66 of the Building code, this addition would be exempt from the provisions of the exterior construction standards, as the primary structure was constructed prior to the adoption of those regulations. As a condition of the exemption, the code requires that the elevations must be architecturally consistent with the exterior finishes of the principle structure. While the proposed conceptual elevations are a mix of siding and masonry; it is unclear if it is the same material and it does not appear to be the same color. Staff is recommending that the elevations be updated to match the principle structure.

Code excerpt: “....however, that any alteration, addition, repair or replacement of any residential building or structure in existence as of the effective date of this Part shall be exempt from the provisions of this Part if such alterations, additions, repairs or replacements are constructed with exterior finishes that are architecturally consistent with the exterior finishes of said residential structures as they existed as of the effective date of this Part,.....”

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. Due to the size of the addition, engineering plans will be required at the time of permit submittal.

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 – Estate.

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.

Staff Recommendation
Staff does not support approval of the project at this time. The Directors of both Planning & Zoning and Development Services believe it to be very important for us to have all of the pipelines/easements verified before we grant Variance approvals for the project. The second pipeline and related easement need to be verified and a letter of no objection needs to be provided by the pipeline owner. While staff has attempted to assist the property owner with this, the final responsibility rests with the property owner to obtain this information for his private property. A motion has been drafted below with recommended conditions, if there is a motion to approve.

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 [1] a Variance to reduce the required rear yard setback for the proposed attached garage addition from the required forty (40) feet to thirty-three (33) feet, [2] a Variance to reduce the corner side setback for a non-dedicated right of way from the required eighty (80) feet to forty-six (46) feet, [3] a Variance to increase the maximum allowable impervious surface from thirty (30) percent to thirty-five (35) percent, and [4] a Variance to increase the maximum allowable lot coverage from twenty (20) percent to thirty-four (34) percent, for certain real property located in the R-2 Single-Family Residential District at 13564 W 167th Street, Homer Glen, Illinois[Case No. HG-2013-V]?, subject to the following conditions:

1. Conceptual building elevations be updated to be architecturally consistent with the principle structure, prior to review by the Board of Trustees.
2. All property maintenance violations are corrected prior to the issuance of a building permit for this addition.
3. Pipeline easements are added to the plat of survey and to the engineering drawings.
4. Letters of no obstruction have been received from all pipeline owners.
5. Approval of Final Engineering.

Attachments:
1. Aerial for 13564 W. 167th Street
2. Plat of Survey
3. Aerial with Marked Pipelines
4. Recorded Easements
5. Letter of No Objection from BP
6. Building Concept Elevations
7. Existing Site Images & Property Maintenance Violations
8. Findings of Fact
Attachment 1 – Aerial for 13564 W. 167th Street
Attachment 2 – Plat of Survey
Attachment 3 – Aerial with Marked Pipelines
Attachment 4 – Recorded Easements

Attached Separately

Note to staff: See Easement Documents in Plan Folder in Zoning Case on network; we can bundle this into the pdf; there are a LOT of pages.
RIGHT-OF-WAY AGREEMENT

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand paid to John Spain, a Widower, hereinafter called Grantor (whether one or more), the receipt of which is hereby acknowledged, and the further consideration of $52.40 to be paid by CHICAP PIPE LINE COMPANY, a Delaware corporation, hereinafter provided, Grantor does hereby grant, sell, and convey unto said CHICAP PIPE LINE COMPANY, hereinafter called Grantee, its successors and assigns, a right of way easement to lay, maintain, inspect, operate, alter, repair, patrol (including aerial patrol), remove and re-lay a pipe line, the exact location of which shall be determined by a survey to be made by the Grantee, for the transportation of crude petroleum, gas, the products or by-products of each thereof, water, and other substances of a like or different nature, and for the purpose of making all appurtenances as may be necessary or convenient for such operations, over, through, upon, under and across the following described land situated in Will County, in the State of Illinois, to wit:

The East 131.73 feet of the West 395.19 feet of the South 496 feet, also the East 131.71 feet of the West 525.92 feet of the South 496 feet, and also the East 263.46 feet of the West 790.38 feet of the South 496 feet, and also the East 131.73 feet of the West 922.11 feet of the South 496 feet, all in the Southeast quarter of the Southwest quarter of Section 23, Township 36 North - Range 11 East of the 3rd P.M., in Will County, Illinois.

(Pipe line to be laid within the limits of the 50 foot width described in existing easement of Sinclair Pipe Line Company executed on September 21 & 24, 1954, recorded in Book 1495, page 371 & 373, public Records of Will County, Illinois.)

Any above-ground installation of drips, valves, fittings, meters and other equipment and appurtenances should be negotiated for and with the Grantor and should have Grantor's prior approval, and also, insofar as and to the extent that Grantor has the right to do so, over, through, upon, under and across the lands, roads, streets, highways or other rights-of-way clear of trees, undergrowth, brush and other obstructions so as to prevent damage or interference with the efficient operation and patrol of the pipe line constructed under this grant, it being understood that whenever the term "said land" is hereinafter used it shall be deemed to include any such lands, roads, streets, highways or other rights-of-way.

Together with at all times all rights of ingress, egress, regress, to, over, upon, through and from said land necessary or convenient for the full and complete use by Grantee of the said right-of-way easement and Grantor warrants that he is the owner of said land in fee simple. Grantor shall not erect over any line or lines of Grantee any improvements, lake or pond of such nature as to interfere with the rights hereby granted, but Grantor is not limited from enjoying and occupying said land in any way that will not interfere with or prevent the use by Grantee of the said right-of-way easement and the exercise by Grantee of the rights and privileges granted or otherwise mentioned hereunder. Grantor retains the right to install, operate and maintain a roadway (of materials other than reinforced concrete) upon and/or across the property included in the original 1954 right-of-way easement. Grantor retains the right to install, operate, and maintain such water and sewer piping, drainage systems, and other underground utilities under and across easement strips to be used by Grantee as Grantor's needs arise, all such installations of water and sewer piping, drainage systems, and underground utilities to be so arranged as not to interfere with Grantee's installations. Grantee's use shall be confined to a strip of land defined by existing easement, however, during the construction period only, grantor may use an adjoining additional strip of land 10 feet on the south side of said existing Sinclair Pipe Line Company easement.
Grantee shall make payment to Grantor of the further consideration of \( \frac{2}{3} \) acre hereinabove referred to before the commencement of the laying of the pipe line on said land.

Grantee hereby agrees to pay any damages that may arise with respect to Grantor’s crops, fences, trees, drainage systems or improvements occasioned by Grantee’s operations hereunder. Grantee to install any and all culverts required across and under easement strip to convey the flow of ground water across said strip. Upon completion of his operations, Grantee shall properly grade the ground surfaces disturbed by his operations, compressing all excavated area, and removing all excess excavated materials or properly spreading them over adjacent area, and where grass or lawn area exist prior to operations, under the terms of this Agreement, Grantee shall restore such grass or lawn area by providing and installing such top soil, fertilizer, seed and/or sod as may be required, AND where fertile farm land existed prior to said operations. Grantee shall restore the fertility of areas excavated by said operations by replacing top soil, applying such commercial fertilizers as may be required, and mixing such fertilizers into the top soils as required.

So far as is practical, the elevations of the top of the proposed new pipe line to be constructed under the terms of this Agreement shall be maintained at the same elevation as the top of the existing adjacent pipe line.

Remove all exposed stones larger than three (3) inches in diameter, all materials remaining from such construction, and all other debris resulting from such operations, leaving Grantor’s premises in a neat and orderly condition.

It is agreed that any payment hereafter required to be made hereunder may be made direct to Grantor, John Spain, whose address is 8356 S. Newland Ave., Oak Lawn, Illinois 60459.

This instrument and the right-of-way easement and each and all of the rights, privileges and interests granted to and conferred upon Grantee may be transferred, conveyed or assigned by Grantee, in whole or in part.

Grantor hereby surrenders and releases all right of dower and homestead in the premises above described, insofar as said dower and homestead may affect the purposes for which this grant is made.

This instrument and each and all of its terms, conditions and provisions shall extend to and bind upon the heirs, executors, administrators, personal representatives, successors and assigns of Grantor and Grantee, respectively.

IN WITNESS WHEREOF, Grantor has executed this instrument as of the 12th day of Jan., 1968.

WITNESS:

[Signatures]

A. H. Levy

John Spain  Grantor

APPROVED
BY:

[Signature]

H/W Supervisor
STATE OF ILLINOIS
COUNTY OF Cook

I, A. Levy, a Notary Public, within and for the aforesaid County and State, do hereby certify that John Spain, a widower, and his wife, personally known to me to be the same persons whose names is (are) subscribed to the within and foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act and deed, for the uses, purposes and consideration therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 15th day of January, 1968.

My Commission expires: July 9, 1968.

Notary Public

STATE OF ILLINOIS
COUNTY OF Cook

I, the undersigned authority, do hereby certify that personally known to me to be the same persons whose names are, respectively, as president and secretary of, a corporation of the State of subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being therein duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal, this 15th day of January, 1968.

My Commission expires:

Notary Public
THIRD-OFFWAY AGREEMENT

For and in consideration of the sum of Ten Dollars ($10.00) in hand paid to Leonard G. Kramerich and Janet A. Kramerich his wife

hereinafter called Grantor (whether one or more), the receipt of which is hereby acknowledged, and the further consideration of $1400.00 to be paid by SICILY PIPE LINE COMPANY, a Delaware corporation, herein referred to as Grantee, Grantor does hereby grant, bargain, sell, and convey unto said SICILY PIPE LINE COMPANY, hereinafter called Grantee, its successors and assigns, a right of way easement to lay, maintain, inspect, operate, alter, repair, patrol (including aerial patrol), remove and re-lay a pipe line, the exact location of which shall be determined by a survey to be made by the Grantee, for the transportation of crude petroleum, gas, the products or by-products of such thereof, water and other substances of a like or different nature, and such additional appurtenances may be necessary or convenient for such operations, over, through, upon, under and across the following described land situated in Will County, in the State of Illinois, to wit:

The South 166 feet of the West 263.66 feet of the Southwest quarter of the Southwest quarter of Section 23, Township 56 North, Rangell East of the third Principal Meridian, in Will County, Illinois.

(Pipe line to be laid within the limits of the 20 foot width described in said record of SICILY PIPE LINE COMPANY executed on September 14, 1953, recorded in Book 1489, page 275, land records of Will County, Illinois).

Any above-ground installation of drags, valves, fittings, pipes, and other appurtenances shall be negotiated for and with the Grantor and should have Grantor's prior approval, and also, insofar as and to the extent that Grantee has the right to do so, over, through, upon, under and across the lands, roads, streets, highways or other rights-of-way, the use of a portion of such over, under and across a portion of the same, under, upon and across such lands, road, streets, highways or other rights-of-way, for the purpose of laying, operating, maintaining the said pipeline, and such additional appurtenances at such times as may be necessary or convenient for any operations thereon or thereunder, to wit. Said land is hereinafter used it shall be deemed to include any such lands, roads, streets, highways or other rights-of-way.

Together with at all times all rights of ingress, egress, regress, to, over, upon, through and from said land necessary or convenient for the full and complete use by Grantee of the said right-of-way easement and Grantor warrants that he is a owner of said land in fee simple. Grantee shall not erect over any line or lines of Grantee any framework, tower or mound of such nature as to interfere with the right so granted, but Grantor is not limited from enjoying and occupying said land in any way that shall not interfere with or prevent the use by Grantee of the said right-of-way easement and the exercise by Grantee of the rights and privileges granted or mentioned hereunder. Grantee retains the right to install, operate and maintain a road (or materials other than reinforced concrete) upon and/or across the property included in the original 10 foot right-of-way agreement. Grantee should be able to install, operate, and maintain such water and sewer mains, drainage systems, and other underground utilities under and across easement strips to be used by Grantee to the extent that is necessary or convenient for any operations thereon or thereunder, to wit. Said land is hereinafter used it shall be deemed to include any such lands, roads, streets, highways or other rights-of-way.

North East & South
Grantee shall make payment to Grantor of the further consideration of $1,400.00 hereby referred to before the commencement of the laying of the pipe line on said land, JAN. 15, 1947.

Grantee hereby agrees to pay any damages that may arise with respect to Grantor's crops, fences, trees, drainage systems or improvements occasioned by Grantee's operations hereunder. Grantee to install any and all culverts required across and under easement strip to convey the flow of ground water across said strip. Upon completion of his operations, Grantee shall properly grade the ground surfaces disturbed by his operations, compaction all excavated areas, and remove all excess excavated materials or property spreading them over adjacent areas, and where grass or lawn areas exist prior to operations, under the terms of this Agreement, Grantee shall restore such grass or lawn areas by providing and installing such top soil, fertilizer, good and/or sod as may be required, and where fertile farm land existed prior to said operations, Grantee shall restore the fertility of areas excavated by said operations by replacing top soil, applying such commercial fertilizers as may be required, and mixing such fertilizers into the top soils as required.

So far as is practical, the elevation of the top of the proposed new pipe line to be constructed under the terms of this Agreement shall be maintained at the same elevation as the top of the existing adjacent pipe line.

Remove all exposed stones larger than three (3) inches in diameter, all materials remaining from said construction, and all other debris resulting from such operations, leaving Grantor's premises in a neat and orderly condition.

It is agreed that any personal injury required to be made hereunder may be made direct to Grantor, or his agent, Leonard G. Kramerich whose address is Route 1, Lockport, Illinois.

Grantee hereby agrees to pay damage to garage or towell due to construction or any time thereafter caused by operation of said pipe line.

This instrument and the right-of-way easement and each and all of the rights, privileges and interests granted are and conveyed upon Grantee may be transferred, conveyed or assigned by Grantee, in whole or in part.

Grantor hereby covenants and agrees that all right of dower and homestead in the premises above described, insofar as said dower and homestead may affect the purpose for which this grant is made.

This instrument and each and all of its terms, conditions and provisions shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of Grantor and Grantee, respectively.

In witness whereof, Grantor has executed this instrument as of the 27th day of December, 1957.

WITNESSES:

Leonard G. Kramerich

Janet A. Kramerich
STATE OF ILLINOIS
COUNTY OF WILL

I, A. H. Levy, a Notary Public, within and for the aforesaid County and State, do hereby certify that Leonard G. Kramerich and Janet A. Kramerich, his wife, personally known to me to be the same person whose name is (are) subscribed to the within and foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as free and voluntary act and deed, for the uses, purposes and consideration therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 27th day of December, 1967.

My Commission expires: July 9, 1968

ACKNOWLEDGMENT OF CORPORATE
STATE OF ILLINOIS
COUNTY OF

I, the undersigned authority, do hereby certify that personally known to me to be the same persons whose names are, respectively, as president and secretary of , a corporation of the State of , subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal, this day of , 19 .

My Commission expires:

ACKNOWLEDGMENT OF CORPORATE
STATE OF ILLINOIS
COUNTY OF

CHICAGO Pipe Line Company

CHICAGO Pipe Line Company

RIGHT OF WAY GRANT

When Retrieved, Return to
P.O. Box 543
Rutland, Illinois

Line

R.W. No.
Attachment 5– Letter of No Objection

October 19, 2020

Village of Homer Glen
Attn: Michael Salamowicz, Development Services Director
14240 W. 151st Street
Homer Glen, IL 60491

Brian Stevens
13564 W 167th Street
Homer Glen, IL 60491

RE: Consent for Garage Replacement at 13564 W 167th Street
Homer Glen, Will County
BP Ref: CHICAP_0028 / Log #12258

Dear Gentlemen:

Thank you for contacting Chicap Pipe Line Company (hereafter referred to as “Chicap”) regarding
your proposed project. Chicap has reviewed the information you provided regarding the
replacement of a garage at 13564 W 167th Street in Homer Glen, IL (attached hereto as Exhibit A)
and has determined your proposed activity, from Chicap’s perspective, and subject to the following
terms and conditions, is clear to proceed:

Prior to any activity near the pipeline right-of-way, David Triem, Chicap’s Damage Prevention
Specialist must be contacted to locate and flag the pipeline. David or his designated
representative must be on site at all times when working in close proximity of the pipeline. David
can be reached at (815) 519-1263.

A copy of this letter must be onsite at all times, all construction workers and equipment operators
must be made aware of the requirements herein. Failure to have a copy of the approval letter
onsite may result in a stop work order until the construction team is made aware of the conditions
and requirements required in this Approval Letter.

If the Chicap Damage Prevention Specialist, in his/her sole discretion, determines that Brian
Stevens’ (hereafter referred to as LANDOWER) activities could result in damage to the pipeline,
such Damage Prevention Specialist will notify LANDOWER, their operator or contractor.
LANDOWER herein acknowledges that the Chicap Damage Prevention Specialist shall have full
authority to stop any of LANDOWER’s excavation or construction related activities in close
proximity to the Chicap pipeline if in the Chicap Damage Prevention Specialist’s sole opinion,
LANDOWER’s activities could result in damage to the Chicap pipeline.
Should the scope of your project change and it become necessary to operate or stage equipment in close proximity to Chicap's right-of-way, a list of the proposed equipment, and when applicable revised drawings, must be submitted to Chicap for review and analysis. The change(s) to your scope of project cannot proceed until Chicap provides written approval for the contemplated changes in scope and/or equipment.

**Note:** Unless otherwise stipulated herein, no equipment will be allowed on or near BP's pipeline without prior written approval from Chicap.

Per relevant state law, 811, the national One-Call number, must be contacted, prior to commencement of any approved excavation related activities.

For your further reference, included with this letter, is Chicap and BP's Excavation and Construction Guidelines for your review. If you have any questions or concerns, please contact Blake Patrick at (872) 245-3915 or Blake Patrick@bp.com.

Best regards,

[Signature]

Blake Patrick
RAV Agent

BP: sw
Excavation Specific Requirements

1. No excavation or construction activity will be permitted in the vicinity of a pipeline until all appropriate communications have been made with Chicap’s field operations and the Right-of-Way Department. A formal engineering assessment may be required.

2. There shall be no excavation or backfilling within the pipeline right-of-way for any reason without a representative of Chicap on site giving permission.

3. In some instances, excavation and other construction activities around certain pipelines can be conducted safely only when the pipeline operating pressure has been reduced. Contractors are therefore cautioned that excavation which exposes or significantly reduces the cover over a pipeline may have to be delayed until the reduced operating pressures are achieved.

General Construction Activities

1. The contractor shall not be permitted to transport construction materials or equipment longitudinally over the pipeline.

2. Where it is necessary for construction equipment (i.e., tractors, backhoes, dump trucks, etc.) or equipment transporting construction materials to cross the pipeline, the crossing of the pipeline right-of-way shall be at, or as near to, a 90° angle as is feasible.

3. To gain access to the job site, the contractor shall submit a plan indicating where construction equipment will cross the pipeline, along with the depth of the pipe at the crossings, any proposed ramping over the pipeline, together with the following specifications for the equipment: type and weight of equipment; for track equipment – track width and length; for wheeled equipment – number of axles (single or tandem axles). Chicap will perform a stress factor calculation to determine if the equipment can safely cross the pipeline. If crossing of the pipeline is allowed, special measures may need to be taken to ensure the integrity of the pipeline.

4. No track type construction equipment shall be permitted to pivot or turn directly over the top of the pipeline.

5. A scraper or pan type tractor shall not be used for removal of soil within ten feet (10') of the centerline of the pipeline. Rubber tire or small track type equipment is an acceptable alternative.

6. A sheepsfoot roller shall not be used for compaction purposes within five feet (5') or directly above the centerline of the pipeline.

7. No vibratory rollers shall be used within three feet (3') of the centerline of the pipeline until the compacted cover over the pipeline has reached a depth of three and one-half feet (3 1/2').
EXHIBIT A INCLUDED WITH LETTER OF NO OBJECTION
Attachment 6 – Building Concept Elevations

167th Street View

Alternate 167th Street View

3’ Granite to match home
Rear yard east facing end wall view
Attachment 6 – Building Concept Elevations, continued
Attachment 6 – Building Concept Elevations, continued
Attachment 7 – Existing Site Images & Property Maintenance Violations

Driveway cracking and in need of repair.

Tarp on roof needs repair and possible inoperable vehicle.
Vehicle parked in front yard.

Missing soffit and fascia
Driveway repair needed.

Tarp on roof.
Missing siding.

Damaged retaining wall.
Trash and debris accumulating behind existing garage.
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 still be used only under the conditions allowed by the regulations in the R-2 Zoning District and still yield a reasonable return. The property already has a large existing garage on the property.

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

   The proposed layout of the addition is subject to the existing location of structures on the property. The principle home is setback further from Parker Road than other adjacent homes, likely due to the pipeline easement. The homeowner is requesting to utilize the existing footprint of the detached garage to limit impact to the property and to reduce the need for extra driveway to be built. The right of way was never dedicated and so portions of 167th Street and Parker Road are included as part of the impervious and lot coverage calculations for the property, this causes a hardship to meeting the strict regulations for impervious surface. These unique conditions together are not likely to be duplicated to another typical R-2 lot.

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

   The Variances, if granted, will alter the character of the locality to some degree. While there are a number of homes along 167th Street that are rather large and have large attached garages, these homes are set back significantly from 167th and have heavy landscape buffers along the roadway. Some of the older homes along Parker are built with mixed exterior materials and sit closer to the street, but are smaller in size and are more consistent with the size of the existing home and detached garage.

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.
The proposed layout of the addition is subject to the existing location of structures on the property. The principle home is setback further from Parker Road than other adjacent homes, likely due to the pipeline easement. The homeowner is requesting to utilize the existing footprint of the detached garage to limit impact to the property and to reduce the need for extra driveway to be built. The right of way was never dedicated and so portions of 167th Street and Parker Road are included as part of the impervious and lot coverage calculations for the property, this causes a hardship to meeting the strict regulations for impervious surface.

b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

The proposed layout of the addition is subject to the existing location of structures on the property. The principle home is setback further from Parker Road than other adjacent homes, likely due to the pipeline easement. The homeowner is requesting to utilize the existing footprint of the detached garage to limit impact to the property and to reduce the need for extra driveway to be built. The right of way was never dedicated and so portions of 167th Street and Parker Road are included as part of the impervious and lot coverage calculations for the property, this causes a hardship to meeting the strict regulations for impervious surface. These unique conditions together are not likely to be duplicated to another typical R-2 lot.

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 described in the staff report were not created by the homeowner/applicant. The size of the addition does impact the severity of the requested variances, and is self-created.

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.

There is concern regarding the location of the addition and its proximity to the pipelines and pipeline easements. The easements must be verified and letters of no objection must be obtained from all pipeline owners. The pipelines are very close the existing structure and pose concerns that will likely affect the construction techniques/methods, i.e. hand digging around the foundation.

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 apply to additions, but the existing structure does not comply with the masonry ordinance and so the addition is exempt.

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. There is concern regarding the location of the addition and its proximity to the pipelines and pipeline easements. The easements must be verified and letters of no objection must be obtained from all pipeline owners. The pipelines are very close the existing structure and pose concerns that will likely affect the construction techniques/methods, i.e. hand digging around the foundation. Staff does not have a professional opinion on property values.
To: Chairman and Members of the Homer Glen Plan Commission

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

Meeting Date: November 5, 2020

Agenda Item Number: 6.b

Subject: Case No. HG-2014-V, 15427 S. Badger Lane

Item Title: Consideration of a Variance to reduce the required rear yard setback for the proposed residential addition from the required thirty (30) feet, as shown on the Meadowview Plat of Subdivision, to fifteen (15) feet for certain real property located in the R-5 Single-Family Residential District at 15427 S Badger Lane, Homer Glen, Illinois.

Property Information

Location: 15427 S. Badger Lane (see Attachment 1)

Property Size: 9,480 Sq.Ft.

Existing Zoning/Use: R-5 Single-Family Residential (Meadowview)

Adjacent Zoning: N: R-5 Single-Family Residential (Meadowview)
               E: R-4 Single-Family Residential (Vacant)
               S: R-5 Single-Family Residential (Meadowview)
               W: R-5 Single-Family Residential (Meadowview)

Background Information

The applicant, Samir Nofal, owns the subject property located at 15427 S. Badger Lane. The property is zoned R-5 Single Family Residential and has a single-family home with attached garage. Mr. Nofal contacted the Village to discuss the potential for building a twenty (20) by twenty-seven (27) foot addition in the rear yard. Staff indicated that a Variance would be required from the required thirty (30) feet, as shown on the Meadowview Plat (see attachment 2), to fifteen (15) feet. The applicant noted he has a handicap daughter needing a bedroom and a bathroom at the ground level.

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. See Attachment 3 for Staff-Suggested Findings of Fact.

The homeowner is requesting to utilize the limited building area available in the rear yard subject the variance approval. The R-5 zoned lot is only 9,480 sq.ft. and requires a 30-foot rear yard instead of the typical 25 feet for R-5 zoning because the rear yard abuts S. Bell Road. There is a 15-foot easement in the rear yard which will not be impacted with the variance request.

**Conformance with Other Village Regulations**

**Exterior Construction Standards (Chapter 75, Article II):** The Exterior Construction Standards do apply to this residential addition. The applicant noted he will match the exterior materials for the addition with the materials of the existing house.

**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 reduce the required rear yard setback for the proposed residential addition from the required thirty (30) feet, as shown on the Meadowview Plat of Subdivision, to fifteen (15) feet for certain real property located in the R-5 Single-Family Residential District at 15427 S Badger Lane, Homer Glen, Illinois. [Case No. HG-2014-V]
Attachments:
1. Aerial Map and Subdivision Plat
2. Plat of Survey
3. Findings of Fact
Attachment 1 – Aerial Map and Subdivision Plat for 15427 S. Badger Lane
Attachment 2 – Plat of Survey with requested Variance

[Diagram of a property with dimensions and notes, including a note about a pool and deck being no longer present.]

TO JOHN FARINO, JR.
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 still be used only under the conditions allowed by the regulations in the R-5 Zoning District and still yield a reasonable return.

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

   The homeowner is requesting to utilize the limited building area available in the rear yard subject the variance approval. The R-5 zoned lot is only 9,480 sq.ft. and requires a 30-foot rear yard instead of the typical 25 feet for R-5 zoning because the rear yard abuts S. Bell Road. There is a 15-foot easement in the rear yard which will not be impacted with the variance request.

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

   The Variances, if granted, will not alter the character of the locality as the proposed addition is located in the rear yard.

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.

   The homeowner is requesting to utilize the limited building area available in the rear yard subject the variance approval.

   b) That the conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same zoning classification.

   The proposed layout of the addition could be utilized elsewhere in the subdivision with a similar variance.
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 described in the staff report were not created by the homeowner/applicant.*

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 variance will not be detrimental to the public welfare or unduly injurious to other property.*

f) That the exterior architectural appeal and functional plan of any proposed structure will not be 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 apply to additions. The applicant noted he will match the exterior materials for the addition with the materials of the existing house.*

g) That the proposed variance will not impair an adequate supply of air to adjacent property, substantially increase the danger of fire, otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

*The proposed Variance will not impair an adequate supply of air to the adjacent property.*
To: Chairman and Members of the Homer Glen Plan Commission
From: Melissa King, Senior Planner/Project Manager
Meeting Date: November 5, 2020
Agenda Item Number: 6.c
Subject: HG-2015-V, 13711 W 159th Street

Item Title: Consider a request for a Variance to allow a commercial use multi-tenant monument sign on an A-1 Agricultural District property where monument signs are not allowed, pursuant to §220-1005 Signs, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the A-1 Agricultural District at 13711 W 159th Street, Homer Glen, Illinois.

Property Information

Location: 13711 W 159th Street
Property Size: 41,053 SF
Existing Zoning/Use: A-1 Agricultural District
Adjacent Zoning: N: C-2 Local Business District
E: C-3 General Business District
S: C-3 General Business District
W: C-3 General Business District

Background Information
The applicants, Michael and Pat Forkan own the subject property located at 13711 W 159th Street. The applicant applied for a building permit to construct a multi-tenant monument sign for the subject property. While the subject property has long been utilized for mixed commercial/office, the property is still zoned A-1 Agricultural District. The only signs allowed in the A-1 Agricultural District are produce signs. The applicant is requesting a Variance to allow for the construction of a multi-tenant monument sign for a property in the A-1 Agricultural District.

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 property has long been utilized as a mixed commercial/office property, even though it is zoned A-1 Agricultural. If a Variance is not granted, the owners would have to rezone the property in order to strictly comply with the Village Sign Code, to install a monument sign.

The proposed sign will be required to meet all of the regulations of a multi-tenant monument sign in a Business District. The sign plan shown on Attachment 3, shows the proposed sign. Staff had two outstanding comments that will be conditions of the sign permit, (1) the width of the base, as proposed, does not meet the minimum eighty (80) percent of overall width of the sign and must be increased in size to provide the minimum width, and (2) the applicant has not provided a landscape plan that provides for the required one and a half (1.5) times the sign area of landscaping. These items will be required prior to issuance of a sign permit.

**Conformance with other Codes**

**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. While the Exterior Construction Standards do not apply in this case, the sign code does require that the base of the sign be constructed of masonry/stone and that it must match the principle structures. This monument sign will have to comply with all of the Village Codes related to monument signs allowed in Business Districts.

**Lighting (Chapter 75, Article II):**
The Lighting regulations do not apply to this request as no exterior lighting has been proposed, at this time. If lighting is proposed at a later date, then a plan would need to be submitted to the Village for review.

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

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. The sign is being proposed out of the clear vision triangle and will meet the five (5) foot setback requirements from all property lines.

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 allow a commercial use multi-tenant monument sign on an A-1 Agricultural District property where monument signs are not allowed, pursuant to §220-1005 Signs, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the A-1 Agricultural District at 13711 W 159th Street, Homer Glen, Illinois [Case No. HG-2015-V]?

Attachments
1. Aerial for 13711 W 159th Street
2. Plat of Survey
3. Sign Plan
4. Existing Site Images
5. Findings of Fact
Attachment 1 – Aerial for 13711 W 1598th Street
Attachment 2 – Plat of Survey
As a condition of the sign permit, the base of sign is required to be a minimum of 5' to comply with overall sign area. The base must be increased to a minimum of 1.5 times the sign area provided showing a landscaping plan on site.
Attachment 4 – Existing Site Images
Attachment 5 – Findings of Fact
Standards for Variances

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

1. The Plan Commission shall not vary the provisions of 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.

      *As this property has been operating as commercial mixed use for decades, it is possible that restriction the property to the conditions only allowed in A-1 could result in loss on return.*

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

      *While this is not the only property along 159th Street that has commercial uses, but is zoned ag, the majority of the parcels along 159th have been re-zoned.*

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

      *A monument sign for a commercial mixed-use property is appropriate for the 159th Street Corridor and is consistent with the essential character of the area.*

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.

      *The property has long been utilized as a mixed commercial/office property, even though it is zoned A-1 Agricultural. If a Variance is not granted, the owners would have to re-zone the property in order to strictly comply with the Village Sign Code, to install a monument sign.*

   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.

      *This Variance could not be applied generally to other properties within the A-1 Agricultural District, but it could be applied to other A-1 properties along 159th or another major commercial corridor like Bell Road that currently have grandfathered commercial uses.*
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 property owner is not responsible for the grandfathered use, not complying with current zoning on the property._

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.

_Staff has no known concerns that this sign could be detrimental to the public welfare. The sign is proposed to be constructed outside of the clear vision triangle._

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 monument signs, but the signage will need to meet all of the design standards for a typical Business District monument sign._

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 have any concerns about the sign endangering public safety. The sign is proposed to be constructed outside of the clear vision triangle. Staff does not have a professional opinion on property values._
To: Chairman and Members of the Homer Glen Plan Commission

From: Melissa King, Senior Planner/Project Manager

Meeting Date: November 5, 2020

Agenda Item Number: 6.d

Subject: HG-2016-V, 13838 W. Stonebridge Woods Crossing

Item Title: Consider a request for a Variance to reduce the required driveway setback from five (5) feet to zero (0) feet, pursuant to §220-614 Other residential standards, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the R-3A Single-Family Residential District at 13838 W Stonebridge Woods Crossing, Homer Glen, Illinois

Property Information

Location: 13838 W. Stonebridge Woods Crossing

Property Size: 15.057 SF

Existing Zoning/Use: R-3A Single-Family Residential (Stonebridge Woods)

E: R-3A Single-Family Residential  
S: R-3A Single-Family Residential  
W: R-3A Single-Family Residential

Background Information

The applicant, Phillip Hartz, owns the subject property located at 13838 W Stonebridge Woods Crossing in the Stonebridge Woods Subdivision. The applicant is the builder of the existing single-family home on the subject property that was constructed between 2018 and 2019. The single-family home was constructed with approximately eighteen (18) feet of driveway backup space, which is sub-standard. Village code requires twenty-six (26) feet of backup space for a side-loaded garage. In 2019, the Village was notified via an anonymous complaint, that an obstruction had been installed up to the property line along the western edge of the existing driveway of the subject property. Village staff, upon inspection, noted an impervious base with “artificial turf” laid across the top. The impervious artificial turf had been installed, without a permit, for extra back-up space for a side-load garage. Not only was the artificial turf installed within the required setback for a driveway, but also in the drainage easement. In Residential Zoning Districts, the required setback for a driveway from all property lines is five (5) feet.
The Development Services Department issued a violation letter that indicated the obstruction had to be removed. The Builder complied with removal. Since this violation, the applicant has continually been in touch with Village staff proposing alternative solutions to the substandard backup space.

The applicant is currently proposing a five (5) foot by thirty-five (35) foot expansion of the existing driveway that extends all the way to the property line into the five (5) foot Public Utility and Drainage Easement. The pavement being proposed is a Uni-lock permeable paver, see Attachment 3. It is proposed to be installed so that water can flow in between the pavers. Staff does not support the installation of this paver within the driveway setback or within the drainage easement.

- The Development Services Department still considers this to be an obstruction that “diverts” stormwater flow in a drainage easement.
- Planning staff has concerns about setting a precedent for allowing driveways to be installed up to the property line and how that impacts how we perceive the built environment.

There was another option proposed previously to staff called “geo-grid”, see Attachment 4, for details. This product could be installed without a base, backfilled with soil and seeded to have natural grass. Installing this product without a “base” allows for increased permeability and water flow to attempt to maintain the natural flow in the drainage easement.

If the Variance is approved by the Plan Commission, staff recommends the approval be subject to the conditions that an encroachment agreement and also a maintenance plan/agreement be recorded against the property.

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 back-up space for the side-loaded garage is approximately eighteen (18) feet, which is sub-standard, based on industry standards the twenty-six (26) feet required by Village Code. While there is a hardship, it was self-created by the Builder.

Public Inquiry:

1. Staff received a call Mr. Patrick McNamara. Mr. McNamara resides at 13850 W Stonebridge Woods Crossing, just west of and adjacent to the subject property. He received the postcard for the case on Stonebridge for the Plan Commission and indicated that he doesn’t understand how this is item is even allowed to be heard. He was required as part of his permit approval in 2014 to re-organize the design of his home to go from a side-load garage to a front load garage, because there wasn’t enough space to make a side-load fit. He said that in the fall of 2019, Phillip Hartz reached out to talk to him about expanding the driveway. Mr. McNamara contacted the HOA President to have Phil present for the planned HOA meeting. At that meeting, Mr. McNamara and HOA were not supportive of the request to widen the driveway. He said he has young kids that play outside, and that even if the tires of the vehicles don’t roll off the driveway, the 3 to 4 feet of vehicle overhang beyond the rear tires can pose a safety
hazard to his kids and he doesn’t want them to get hit in their own yard. Mr. McNamara has submitted a letter to the Village that he is not supportive of this expansion, see Attachment 6.

2. Staff received an email from the HOA that they are not supportive of the expanded driveway. They originally denied the request to utilize the artificial turf and also a request from Mr. Hartz to install pavers. The HOA has submitted a letter to the Village, detailing these events and reiterating that the position of the HOA has not changed, that they do not support the expansion of the driveway, see Attachment 7.

Conformance with other Codes

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 – Low 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 reduce the required driveway setback from five (5) feet to zero (0) feet, pursuant to §220-614 Other residential standards, of Chapter 220 Zoning of the Code of the Village of Homer Glen, for certain real property located in the R-3A Single-Family Residential District at 13838 W Stonebridge Woods Crossing, Homer Glen, Illinois [Case No. HG-2016-V]?, subject to the following conditions:

1. That prior to a building permit being issued for the expanded driveway, an encroachment agreement be recorded against the property, and
2. A maintenance plan/agreement be recorded against the property.

Attachments
1. Aerial for 13838 W Stonebridge Woods Crossing
2. Plat of Survey
3. Permeable Paver Specification
5. Existing Site Images
6. Letter from property owner at 13850 Stonebridge Woods Crossing
7. Letter from Stonebridge Woods HOA
8. Findings of Fact
Attachment 1 – Aerial for 13838 W Stonebridge Woods Crossing
Attachment 2 – Plat of Survey
Attachment 3 – Permeable Paver Specification, continued

## Eco-Priora™

**Advantages**
- **Permeable**: Can be installed to allow water to flow through.
- **Drive Friendly**: Can handle vehicular loads.

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**Note**: All prices are in USD and subject to change without notice. Specifications subject to change without notice. Always consult with your local supplier for updated information.
What is GeoGrid?

GeoGrid™ is a cellular, interlocking, HDPE (High-density polyethylene) plastic paving slab.

Ok. In simple terms, GeoGrid™ is a plastic cellular paving grid for reinforcing grass, gravel or decorative stones, creating a surface that is safe and easy to walk, ride and drive on, while being free draining. Surface water is returned to the ground rather than putting pressure on drains and stormwater systems.

GeoGrid™ offers an attractive alternative to concrete and asphalt pavements and concrete grass stabilisation products, and is very easy for the home handyman to install. The plastic panels simply clip together and are laid just under the surface. With the correct sub-base, GeoGrid™ pavers can take the weight of trucks.
Attachment 5 – Existing Site Images
10/28/2020

Patrick & Julie McNamara
13850 Stonebridge Woods Xing
Homer Glen, IL

Village of Homer Glen Plan Commission,

Hello, my name is Patrick McNamara, and although I would like to express myself in person on the following issue, due to the Covid-19 pandemic, I feel it best and safest to write a letter to be shared this evening. I am also writing on behalf of my wife, Julie McNamara. Our home address is 13850 Stonebridge Woods Xing and is the adjacent lot to the 13838 Stonebridge Woods Xing property requesting the variance at this hearing. We happen to be the immediate neighbor adversely impacted by the variance request. We strongly disagree with changing the driveway setback from 5 to 0 ft. on this property, and request that this variance be denied.

First and foremost, changing the setback would endanger our children who often play in our yard. An extension of the driveway would make it too easy for a future neighbor to drive over the property line and hit one of my children. Even if the driver was to never have his/her tires cross directly into my yard, the back of most SUVs these days would go three or four feet over my property line.

Phillip Hartz inappropriately contacted me last fall in an attempt to “negotiate” with me to allow him to break both the Village of Homer Glen and Stonebridge Woods Home Owner’s Association rules of the five-foot required setback. My response to him, alongside the response from the HOA president, was very clear. We are not ok with him circumventing rules that have been set in place by the village to ensure safety of community members. He is aware that we were extremely concerned that the lives or our children would be put at risk, and yet he is still requesting this variance, fully understanding that the property’s neighbors are opposed to his request.

Not only is this a safety issue, but this variance allowance would also create issues between my family and whoever buys this home from Phil
Attachment 6 – Letter from Property Owner at 13850 W Stonebridge Woods Crossing

Hartz. Whether that is the result of property damage of sod, sprinklers, landscaping, or most importantly the safety of my children, we do not need a future dispute.

Furthermore, as previously mentioned, rules are in place for a reason, and all property owners of Homer Glen should be expected to adhere to these rules. My wife and I had to change our architectural plans back in 2014 from a side load garage to a front load garage for this same reason -- the driveway just wouldn't fit within the required five-foot setback guidelines and provide enough clearance for a car to back out of the driveway. Ultimately we were disappointed as new plans needed to be drawn up by the architect, our project was delayed by more than 2-3 months, the changes to the plan added additional costs, and we couldn't build the home we originally envisioned. However, we didn't complain to the village or HOA. We didn't try to skirt the rules with full understanding that it would negatively impact our neighbor. We instead acted like adults, moved on and built a home that followed all village requirements. It is very clear that Phillip Hartz should not be granted an exception.

In our opinion, if the one neighbor that this directly impacts will not tolerate this variance, how can it be approved? If approved, is the Village of Homer Glen to be held legally and financially responsible when it results in property damage or personal injury or even worse for my family?

No one but Phil Hartz needs to be held responsible for his poor choices in building a home and driveway he chose to build, despite village code.

Thank you for your time. We trust you will do what is right in accordance to the rules set in place by the Village of Homer Glen, what is fair for all citizens, and what is safest for our family, and deny this request for a variance.

Sincerely,
Patrick & Julie McNamara
Attachment 7 – Letter from Stonebridge Woods HOA

Stonebridge Woods Homeowners’ Association, Inc.
14007 S. Bell Rd., Unit 166, Homer Glen, IL 60491
Date: October 29, 2020
Stonebridgewoodshoa@gmail.com

Village of Homer Glen Plan Commission:

In regards to the hearing for the address 13838 W Stonebridge Woods Crossing, Homer Glen, IL, 60491 for a variance expanding a section of the driveway to the property line, the Stonebridge Woods HOA Board opposes this proposal. We support the Homer Glen regulation for a minimum 5-foot setback of the driveway from the property line as described in section 13.06 in the Declarations and Covenants. In addition, the HOA has to approve driveway location, size, configuration (section 3.5 of the Design Manual) and materials (section 5.3 of the Design Manual). This creation of the design manual and its enforceability is described in the Declarations and Covenants section 13.03 which states that any standards shall be binding and enforceable on all owners.

In fact, we have already rejected Phil Hartz’s request to expand the driveway back in October of 2019. In 2019, he removed the grass that was originally placed along the driveway and put in Astroturf, which was raised to the Board as a violation, see the picture. This was a change from the original plans he submitted when the home was built and required approval per design manual section 3.5 and 5.3. He did not request the approval so the Board requested that Phil Hartz remove the Astroturf and place sod back as it had been in the original plan per the Declarations and Covenants section 13.09a. He then requested approval to place pavers stones instead of the Astroturf. This was also denied, since it encroached on the neighbors, the size and location were not appropriate (Design Manual section 3.5), and materials were inconsistent with the material of the rest of the driveway (Design Manual section 5.3). It also violated section 6.4 of the Design Manual by delineating a property line. Phil Hartz agreed with the Board and replaced the sod in that instance a year ago.

Nothing has changed in regards to this issue as such, the Stonebridge Woods HOA Board’s position remains the same as last year. We oppose his request to expand the driveway to the property line.

We would appreciate your support and deny his request for this variance as well. There are other options he can investigate that don’t negatively affect his neighbors and adhere to the design manual and Homer Glen regulations.

Regards,

Alex Rheingans
Stonebridge Woods HOA President
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 narrow driveway could present challenges in backing vehicles out of the garage, which the applicant states has made the sale of the home difficult. The Village is not an authority on whether or not this is the only variable that might present an issue with the sale of the home.*

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

      *The driveway was constructed with approximately eighteen feet of backup space for the side-loaded garage. This dimension is less than the required dimension in the Village Code, which is twenty-six feet.*

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

      *The Variances, if granted, will alter the essential character of the locality. Adding an expanded driveway extended all the way to the property line is not allowed per code and would vary the way the built environment is experienced not only in Stonebridge Woods, but also compared to other neighborhoods in the Village. There are a few other homes in the neighborhood that have added these extended pads, but they did so without a permit and years ago, as such these cannot be used as a guide to establish predominant essential character.*

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.

      *The driveway was constructed with approximately eighteen feet of backup space for the side-loaded garage. This dimension is less than the required dimension in the Village Code, which is twenty-six feet. While a hardship exists, it was self-created.*
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.

_This Variance could be applied to other properties that are not built to code._

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 driveway was constructed with approximately eighteen feet of backup space for the side-loaded garage. This dimension is less than the required dimension in the Village Code, which is twenty-six feet. While a hardship exists, it was self-created._

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.

_In addition to how this Variance will affect the built environment, the addition of a driveway obstruction in a drainage easement is not allowed. There is potential that the allowing obstructions in drainage easements could erode the Village Code/precedent that restricts such uses._

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 expanded driveways._

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 have some concern about vehicle overhang beyond where the tires may be sitting on the expanded driveway. It is likely that the vehicles will overhang into the neighbors’ property. Staff does not have a professional opinion on property values._