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

**ORDINANCE
NUMBER 23-066**

AN ORDINANCE APPROVING [1] A MAP AMENDMENT FROM R-3A SINGLE-FAMILY RESIDENTIAL TO R-2 SINGLE-FAMILY ESTATE RESIDENTIAL; [2] A VARIANCE TO REDUCE THE WEST SIDE SETBACK FOR THE EXISTING PRINCIPAL STRUCTURE FROM THE REQUIRED TWENTY (20) FEET TO TWELVE (12) FEET; [3] A VARIANCE TO REDUCE THE WEST SIDE SETBACK FOR THE EXISTING OPEN FRONT PORCH FROM THE REQUIRED TEN (10) FEET TO NINE (9) FEET; AND [4] A VARIANCE FOR EXISTING LOT WIDTH FROM THE REQUIRED ONE-HUNDRED FIFTY (150) FEET TO ONE HUNDRED FORTY-SEVEN (147) FEET; FOR CERTAIN REAL PROPERTY LOCATED IN THE R-3A SINGLE-FAMILY RESIDENTIAL DISTRICT AT 12513 W HADLEY ROAD, HOMER GLEN, ILLINOIS. [CASE NO. HG-2323-AV]

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

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

AN ORDINANCE APPROVING [1] A MAP AMENDMENT FROM R-3A SINGLE-FAMILY RESIDENTIAL TO R-2 SINGLE-FAMILY ESTATE RESIDENTIAL; [2] A VARIANCE TO REDUCE THE WEST SIDE SETBACK FOR THE EXISTING PRINCIPAL STRUCTURE FROM THE REQUIRED TWENTY (20) FEET TO TWELVE (12) FEET; [3] A VARIANCE TO REDUCE THE WEST SIDE SETBACK FOR THE EXISTING OPEN FRONT PORCH FROM THE REQUIRED TEN (10) FEET TO NINE (9) FEET; AND [4] A VARIANCE FOR EXISTING LOT WIDTH FROM THE REQUIRED ONE-HUNDRED FIFTY (150) FEET TO ONE HUNDRED FORTY-SEVEN (147) FEET; FOR CERTAIN REAL PROPERTY LOCATED IN THE R-3A SINGLE-FAMILY RESIDENTIAL DISTRICT AT 12513 W HADLEY ROAD, HOMER GLEN, ILLINOIS. [CASE NO. HG-2323-AV]

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

WHEREAS, an application has been filed by Robert Skik seeking [1] a Map Amendment from R-3A Single-Family Residential to R-2 Single-Family Estate Residential; [2] a Variance to reduce the west side setback for the existing principal structure from the required twenty (20) feet to twelve (12) feet; [3] a Variance to reduce the west side setback for the existing open front porch from the required ten (10) feet to nine (9) feet; and [4] a Variance for existing lot width from the required one-hundred fifty (150) feet to one hundred forty-seven (147) feet; for certain real property located in the R-3A Single-Family Residential District at 12513 W Hadley Road, Homer Glen, Illinois; and,

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

WHEREAS, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission held a public hearing with regard to said application on November 2, 2023, and rendered its findings of fact and recommendations to the Board of Trustees; and,

WHEREAS, the Plan Commission after due consideration of the issues, exhibits and testimony, made findings of fact and a recommendation to the Board of Trustees which are incorporated into the record of its proceedings attached hereto as “Exhibit B” and “Exhibit C” and which include the specific findings as required by §220-1208 and §220-1207, respectively, of the Code of the Village of Homer Glen; and,

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

WHEREAS, the Village President and Board of Trustees, after due consideration have determined that granting seeking [1] a Map Amendment from R-3A Single-Family Residential to

R-2 Single-Family Estate Residential; [2] a Variance to reduce the west side setback for the existing principal structure from the required twenty (20) feet to twelve (12) feet; [3] a Variance to reduce the west side setback for the existing open front porch from the required ten (10) feet to nine (9) feet; and [4] a Variance for existing lot width from the required one-hundred fifty (150) feet to one hundred forty-seven (147) feet; for certain real property located in the R-3A Single-Family Residential District at 12513 W Hadley Road, Homer Glen, Illinois, is in conformance with the Village's Comprehensive Plan and in the best interests of the public health, safety and welfare of the Village's residents.

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

Section 1. Incorporation of Recitals. That the recitals and findings set forth above and in the recommendation of the Plan Commission, attached hereto as Exhibit "D" are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.

Section 2. Zoning Map Amendment. The Village hereby grants a Zoning Map Amendment to rezone the subject property from R-3A Single-Family Residential to R-2 Single-Family Estate Residential, for certain real property located in the R-3A Single-Family Residential District at 12513 W Hadley Road, Homer Glen, Illinois.

Section 3. Variance. The Village hereby grants [1] a Variance to reduce the west side setback for the existing principal structure from the required twenty (20) feet to twelve (12) feet; [2] a Variance to reduce the west side setback for the existing open front porch from the required ten (10) feet to nine (9) feet; and [3] a Variance for existing lot width from the required one-hundred fifty (150) feet to one hundred forty-seven (147) feet; for certain real property located in the R-3A Single-Family Residential District at 12513 W Hadley Road, Homer Glen, Illinois.

Section 4. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 5. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.


Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 7. Notice to Applicant. That the Village Clerk is further directed to forward a copy of this Ordinance to the applicant as notification of the passage and approval of this Ordinance.

Adopted this 13th day of December, 2023 pursuant to a roll call vote as follows:

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

APPROVED by the Village President on December 13th, 2023



Christina Neitzke-Troiike
Village President

ATTEST:


Candice Bielski
Village Clerk

Legal Description – “Exhibit A”

Address: 12513 W Hadley Road

PIN: 16-05-25-100-058-0000

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 231.15 FEET OF THE WEST 705.05 FEET OF SAID EAST HALF; THENCE NORTH 1 DEGREE 37 MINUTES 02 SECONDS WEST, ALONG THE WEST LINE OF SAID EAST 231.15 FEET, 1187.99 FEET TO A LINE THAT IS 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF CHICAGO AND BLOOMINGTON STATE ROAD (NOW HADLEY ROAD); THENCE NORTH 56 DEGREES 42 MINUTES 19 SECONDS EAST, ALONG SAID PARALLEL LINE, 121.15 FEET TO A POINT OF BEGINNING ON THE EAST LINE OF THE WEST 577.00 FEET OF SAID EAST HALF; THENCE SOUTH 1 DEGREE 37 MINUTES 02 SECONDS EAST, ALONG SAID EAST LINE, 212.48 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 22 IN WINDSOR COURT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 2004, AS DOCUMENT R2004007681, AS MONUMENTED; THENCE NORTH 88 DEGREES 19 MINUTES 46 SECONDS EAST, ALONG SAID EXTENSION, 125.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 22; THENCE NORTH 1 DEGREE 40 MINUTES 14 SECONDS WEST, ALONG THE WEST LINE OF WINDSOR COURT SUBDIVISION, AS MONUMENTED, 289.50 FEET TO AFORESAID LINE THAT IS 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF CHICAGO AND BLOOMINGTON STATE ROAD (NOW HADLEY ROAD); THENCE SOUTH 56 DEGREES 42 MINUTES 19 SECONDS WEST, ALONG SAID PARALLEL LINE, 146.90 FEET TO THE POINT OF BEGINNING; IN WILL COUNTY, ILLINOIS.

Findings of Fact – “Exhibit B”
Standards for Map Amendments

Chapter 220-1208D 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 categories with staff’s recommended findings in italics:

- (a) Existing uses of property within the general area of the property in question.
Existing uses within a quarter mile of the subject property are single family homes on large lots/acreage, some traditional subdivisions (average lot size of 20,000sf or approx. half acre).
- (b) The zoning classification of property within the general area of the property in question.
Existing zoning within a quarter mile of the subject property are mixed rural/estate residential zoning classifications, including, A-1 Agricultural (minimum 10 acre lots), A-2 Rural Residential (minimum 2.5 acre lots), E-1 Estate Residential (Minimum 5 Acre lots), R-1 Single Family Residential (minimum 60,000sf lots), R-2 Single Family Residential (minimum one acre/43,560sf lots) and R-3 Single Family Residential (minimum 20,000sf lots). The requested zoning district for the one-acre lot is R-2 Single Family Residential, which allows for a lots with a minimum lot are of one acre.
- (c) The suitability of the property in question to the uses permitted under the existing zoning classification.
Both the R-3A and R-2 zoning districts are suitable for the detached single-family land use. The differences in the zoning code allowance for each district lie mostly in the bulk regulations/physically allowances on the property. In R-3A (typical of much smaller lot sizing), lot width and depth are smaller, setbacks are smaller, impervious surface allowance is greater, and accessory structure allowance is smaller. With the exception of the accessory structure allowance, R-3A zoning applied to a very oversized lot, could allow for an excessive amount of development on a large amount of land, not only in impervious, but also with regard to its proximity to adjacent property.

	R-3A Bulk Regulations	R-2 Bulk Regulations
LOT SIZE	15,000sf	43,560
LOT WIDTH (measured at front building line)	100	150
LOT FRONTAGE	90	135
LOT DEPTH	130	140
FRONT SETBACK	40	40
SIDE SETBACK	Total of 25' not less than 10' on any side	20
REAR SETBACK	30	40
IMPERVIOUS	40%	30%
LOT COVERAGE	40%	20%
MAX ACCESSORY STRUCTURE SF	650sf	1200SF
ACCESSORY STRUCTURE SETBACK (TYPICAL)	10	10

- (d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification. *Generally, this area of the Village sees construction of large single-family homes on vacant property and conversion of agriculture property for single family homes. Much of the area is already built out with large lot rural single-family homes with large outbuildings. To the east of the subject property are more traditional subdivisions with single family detached homes on lots averaging 20,000sf, neighborhoods include Windsor Court, Wedgewood Highlands, and Meadowcrest. To the south of the subject property is a large landholding, owned by Gallagher and Henry. The property to the south is currently commercially farmed. The subject property (recently re-subdivided to allow only two total lots) was approved in 2020 for a subdivision with 15,000 sf lots.*
- (e) The change in zoning is in conformance with the comprehensive plan of the Village and its official map. *The Comprehensive Plan designates the subject property as Single Family Rural. The Map Amendment request is more closely aligned with the Comprehensive Plan than the R-3A that was previously granted and is consistent with lot sizing in the area.*
- (f) The length of time the property has been vacant as zoned, considered in context of the land development in the area surrounding the subject property. *The existing home on the subject property was constructed prior to 1970, per the Will County historic aerial photography.*
- (g) The extent to which property values are diminished by particular zoning restrictions. *Neither zoning under R-3A or R-2 would likely have any impact on property values. R-3A zoning does restrict the allowance for larger detached structures, which are very common in this area of the Village and also typically necessary to house equipment to maintain properties of this size.*

Findings of Fact – “Exhibit C”
Variance Standards

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

1. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:
 - (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
The property owner could likely yield a reasonable return. The biggest impact would be the restriction on size of detached structure for a lot size of one acre.
 - (b) That the plight of the owner is due to unique circumstances.
The request for these variances is related to the siting of an existing home.
 - (c) That the variance, if granted, will not alter the essential character of the locality.
Similar lot widths occur in the area (including in Bellbrook Subdivision located northwest across Hadley Road), where numerous R-2 lots measure one hundred thirty-five (135) feet in width.
2. A variance shall be recommended to the Village Board only if the evidence, in the judgment of the Plan Commission, sustains each of the three conditions enumerated in Subsection C(1).
3. For the purpose of supplementing the above standards, the Plan Commission, in making its determination, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:
 - (a) That the particular surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
The existing home on the property created a challenge when the previous landowner was proposing to subdivide Skik Estates into two lots. The owner was trying to provide enough lot width for Lot 1, the larger 5-acre property, and at the time they were not seeking a map amendment for Lot 2, the lot met lot width for R-3A because the requirement is a narrow ninety (90) feet.
 - (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 attributes of the subject property described herein are not applicable to any other properties in the nearby area.
 - (c) That the purpose of the variance is not exclusively based upon a desire to make more money out of the property.
The owner desires to maintain the existing single-family home with consistent accessory structures.

- (d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
The current owner/applicant did have interest in the property when it was re-subdivided and sought to establish a lot size of one acre for it to be more in character with the area, although it was very oversized for the R-3A zoning district.

- (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 proposed variances will not be injurious to the public welfare or other properties in the area.

- (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.
Any new detached accessory structures will have to meet all applicable Village codes.

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

Plan Commission Recommendation – “Exhibit D”

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to recommend approval of: Consider a request for: [1] a Map Amendment from R-3A Single-Family Residential to R-2 Single-Family Estate Residential and [2] a Variance to reduce the west side setback for the existing principal structure from the required twenty (20) feet to twelve (12) feet; [3] a Variance to reduce the west side setback for the existing open front porch from the required ten (10) feet to nine (9) feet; and [4] a Variance for existing lot width from the required one-hundred fifty (150) feet to one hundred forty-seven (147) feet; for certain real property located in the R-3A Single-Family Residential District at 12513 W Hadley Road, Homer Glen, Illinois. The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Bradarich, Fiskow, Stanly, Foley, Bugos-Komperda, Vice-Chair McGary and Chairman Hand voting in favor seven (7) to zero (0). The motion passed unanimously and will go before the Village Board on December 13, 2023.

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to adopt staff’s findings as the findings of the Plan Commission, [Case No. HG-2323-AV]? The motion was seconded by Stanly. A roll call vote was taken with Commissioners Stanly, Foley, Fiskow, Bugos-Komperda, Bradarich, Vice-Chair McGary and Chairman Hand voting in favor seven (7) to zero (0). The motion passed unanimously and will go before the Village Board on December 13, 2023.