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

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**ORDINANCE  
NUMBER 24-005**

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**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN  
ACCESSORY UNIT FOR CERTAIN REAL PROPERTY LOCATED IN  
THE R-5 SINGLE-FAMILY DISTRICT AT 12032 W. FORESTVIEW  
DRIVE, ORLAND PARK, ILLINOIS (WITHIN HOMER GLEN  
CORPORATE LIMITS), [HG-2325-SP]**

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

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

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AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ACCESSORY UNIT FOR CERTAIN REAL PROPERTY LOCATED IN THE R-5 SINGLE-FAMILY DISTRICT AT 12032 W. FORESTVIEW DRIVE, ORLAND PARK, ILLINOIS (WITHIN HOMER GLEN CORPORATE LIMITS) [HG-2325-SP]

**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 Steven Macewko seeking a Special Use Permit for an Accessory Unit for certain real property located in the R-5 Single-Family District at 12032 W. Forestview Drive, Orland Park, Illinois (within Homer Glen Corporate limits) [HG-2325-SP]; 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 January 4, 2024, 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 which include the specific findings as required by §220-1209D 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 a Special Use Permit for an Accessory Unit for certain real property located in the R-5 Single-Family District at 12032 W. Forestview Drive, Orland Park, Illinois (within Homer Glen Corporate limits) 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; and

**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 B” 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. Special Use Permit.** The Village hereby a Special Use Permit for an Accessory Unit for certain real property located in the R-5 Single-Family District at 12032 W. Forestview Drive, Orland Park, Illinois (within Homer Glen Corporate limits), subject to the following conditions:

1. *Waive the age restriction.*
2. *Waive the requirement for reconversion.*
3. *This special use for accessory housing shall not expire when any owner conveys any portion of his or her interest in the property.*

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

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

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

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

Adopted this 24<sup>th</sup> day of January, 2024 pursuant to a roll call vote as follows:

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

**APPROVED** by the Village President on January 24, 2024

  
Christina Neitzke-Troike  
Village President

ATTEST  
  
Candice Bielski  
Village Clerk



**Legal Description – “Exhibit A”**

PIN: 16-15-01-206-009-0000

Address: 12032 Forestview Drive, Orland Park, Illinois

LOT 4 IN BLOCK 2 IN SYLVAN HILL SUBDIVISION UNIT 1, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 23, 1975 AS DOCUMENT NO. R75-18754, IN WILL COUNTY, ILLINOIS.

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**Findings of Fact – “Exhibit B”**  
**Standards for Special Use Permit**

Chapter 220-1209D of the Code of the Village of Homer Glen states the required standards for making findings of fact for a special use (and any amendments thereto). The following are the categories with staff's suggested findings (*in italics*):

1. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.

*The proposed special use for an accessory unit will not be detrimental to, or endanger, the public health, safety, morals, comfort or general welfare.*

2. The proposed use at the proposed location will not have an undue or substantial adverse effect, above and beyond that inherently associated with such use, irrespective of the location in the particular zoning district, upon adjacent property, the character of the neighborhood, or other matters affecting the public health, safety and welfare of the community.

*The proposed special use for an accessory unit will not have an undue or substantial adverse effect. The unit will be attached to the primary home which will maintain the appearance of a single-family dwelling.*

3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

*The proposed special use for an accessory unit will not be injurious to the use and enjoyment of other properties in the area. The unit will be attached to the primary home which will maintain the appearance of a single-family dwelling.*

4. The proposed use at the particular location is desirable to provide a service or facility in the interest of public convenience and the gain to the public and all or a part of the community exceeds the hardship imposed upon the property owner.

*Attached accessory units are a permitted special use in the R-5 Single-Family District. While the dwelling unit is private, the Village Code and Draft 2020 Comprehensive plan acknowledges the increasing number of persons in the Village over the age of 62 who may desire to maintain separate households but may be unable to. Village Code states, “permitting an accessory unit to be maintained in single-family dwellings in the single-family residential districts of the Village, persons 62 years old or older will be afforded a means of obtaining the additional income and security which will enable them to remain in homes owned and occupied by them. Also, other persons owning and occupying single-family dwellings in these districts will be provided with a means of caring and providing companionship for relatives who are 62 years old or older.”*

5. The proposed use is generally suitable for the particular zoning district and will not adversely affect development of adjacent properties in accord with the applicable district regulations.

*The proposed accessory unit is suitable for the R-5 Single-Family Zoning District as it is attached to the primary structure and meets all bulk regulations for the district.*

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6. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*The proposed accessory unit will not impede the normal and orderly development and improvement of the surrounding property. The neighborhood is already developed and the attached unit meets all bulk requirements for the district, as well as requirements of the Accessory Housing Code section.*

7. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

*The proposed accessory unit meets the requirements for exterior materials and maintains a single-family appearance as required per Code. Staff does not have an opinion on property values.*

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

*The proposed attached accessory unit already has access to adequate utilities, access roads, drainage and/or necessary facilities.*

9. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

*The applicant is not proposing any changes to the existing ingress and egress.*

10. The proposed use has been considered in relation to the location, goals and objectives of the Village's Comprehensive Plan and is in general accord with the guidelines of the plan.

*The subject property is currently zoned R-5 Single-Family Residential and is designated as Single-Family – Moderate Density in the 2005 Comprehensive Plan designates it. In the 2020 DRAFT Comprehensive Plan, Accessory Dwelling Units (ADUs) are mentioned several times. The Village Code and Draft 2020 Comprehensive plan acknowledges the increasing number of persons in the Village over the age of 62 who may desire to maintain separate households but may be unable to. Village Code states, "permitting an accessory unit to be maintained in single-family dwellings in the single-family residential districts of the Village, persons 62 years old or older will be afforded a means of obtaining the additional income and security which will enable them to remain in homes owned and occupied by them. Also, other persons owning and occupying single-family dwellings in these districts will be provided with a means of caring and providing companionship for relatives who are 62 years old or older."*

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**Plan Commission Recommendation**

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to recommend approval with conditions for Special Use Permit for an Accessory Unit for certain real property located in the R-5 Single-Family District at 12032 W. Forestview Drive, Orland Park, Illinois (within Homer Glen Corporate limits [Case No. HG-2325-SP] in Chapter 220-821):

1. Waive the age restriction.
2. Waive the requirement for reconversion.
3. This special use for accessory housing shall not expire when any owner conveys any portion of his or her interest in the property.

The motion was seconded by Commissioner Bradarich. A roll call vote was taken with Commissioners Foley, Stanly, Bugos-Komperda, Bradarich, Fiskow, Vice-Chair McGary and Chairman Hand voting in favor seven (7) to zero (0). The motion passed and will go before the Village Board on January 24, 2024.

Chairman Hand asked for a motion. Vice-Chair McGary made a motion to adopt staff's findings as the findings of the Plan Commission. The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Fiskow, Bradarich, Bugos-Komperda, Stanly, Foley, Vice-Chair McGary and Chairman Hand voting in favor seven (7) to zero (0). The motion passed and will go before the Village Board on January 24, 2024.