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

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**ORDINANCE  
NUMBER 24-007**

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**AN ORDINANCE GRANTING A VARIANCE TO INCREASE THE  
MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY  
STRUCTURES FROM THE ALLOWED SEVEN THOUSAND SIX  
HUNDRED AND TWENTY-THREE (7,623) TO TEN THOUSAND EIGHT  
HUNDRED AND TWENTY-ONE (10,821) SQUARE FEET, WHERE IN NO  
EVENT SHALL THE TOTAL SQUARE FOOTAGE OF ACCESSORY  
STRUCTURES EXCEED THE LESSER OF 10,000 SQUARE FEET OR  
3.5% OF THE LOT SIZE FOR CERTAIN REAL PROPERTY LOCATED  
IN THE A-2 RURAL RESIDENTIAL DISTRICT AT 18127 S. PARKER RD,  
MOKENA, ILLINOIS (WITHIN HOMER GLEN CORPORATE LIMITS)  
[HG-2401-V]**

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

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

AN ORDINANCE GRANTING A VARIANCE TO INCREASE THE MAXIMUM AGGREGATE SQUARE FOOTAGE OF ACCESSORY STRUCTURES FROM THE ALLOWED SEVEN THOUSAND SIX HUNDRED AND TWENTY-THREE (7,623) TO TEN THOUSAND EIGHT HUNDRED AND TWENTY-ONE (10,821) SQUARE FEET, WHERE IN NO EVENT SHALL THE TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURES EXCEED THE LESSER OF 10,000 SQUARE FEET OR 3.5% OF THE LOT SIZE FOR CERTAIN REAL PROPERTY LOCATED IN THE A-2 RURAL RESIDENTIAL DISTRICT AT 18127 S. PARKER RD, MOKENA, ILLINOIS (WITHIN HOMER GLEN CORPORATE LIMITS) [HG-2401-V]

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

**WHEREAS**, an application has been filed by Walter Gorczowski for a Variance to increase the maximum aggregate square footage of accessory structures from the allowed seven thousand six hundred and twenty-three (7,623) to ten thousand eight hundred and twenty-one (10,821) square feet, where in no event shall the total square footage of accessory structures exceed the lesser of 10,000 square feet or 3.5% of the lot size for certain real property located in the A-2 Rural Residential District at 18127 S. Parker Rd, Mokena, Illinois (within Homer Glen Corporate limits) (Subject Property); and,

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

**WHEREAS**, pursuant to a public notice published in a newspaper of general circulation within the Village as required by the Code of the Village of Homer Glen, the Plan Commission of the Village held a public hearing with regard to said application on February 1, 2024 and rendered its findings of fact and recommendations to the Board of Trustees of the Village; and,

**WHEREAS**, the Plan Commission after due consideration of the issues, exhibits, and testimony, made findings of fact and recommended approval to the Village Board which are incorporated into the record of its proceedings, are attached hereto as Exhibit “B,” and,

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

**WHEREAS**, the Village President and Board of Trustees, after due consideration have determined that granting of a Variance to increase the maximum aggregate square footage of accessory structures from the allowed seven thousand six hundred and twenty-three (7,623) to ten thousand eight hundred and twenty-one (10,821) square feet, where in no event shall the total square footage of accessory structures exceed the lesser of 10,000 square feet or 3.5% of the lot size for certain real property located in the A-2 Rural Residential District at 18127 S. Parker Rd,

Mokena, 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.

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

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

**Section 2. Variances.** The Village hereby grants a Variance to increase the maximum aggregate square footage of accessory structures from the allowed seven thousand six hundred and twenty-three (7,623) to ten thousand eight hundred and twenty-one (10,821) square feet, where in no event shall the total square footage of accessory structures exceed the lesser of 10,000 square feet or 3.5% of the lot size for certain real property located in the A-2 Rural Residential District at 18127 S. Parker Rd, Mokena, Illinois (within Homer Glen Corporate limits) [Case No. HG-2401-V].

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

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

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

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

Adopted this 15<sup>th</sup> day of February, 2024 pursuant to a roll call vote as follows:

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

APPROVED by the Village President on February 15, 2024

  
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Christina Neitzke-Troiike  
Village President

ATTEST:  
  
\_\_\_\_\_  
Candice Bielski  
Village Clerk



**Legal Description – “Exhibit A”**

COMMON ADDRESS: 18127 S. Parker Rd, Mokena, Illinois  
(within Homer Glen Corporate limits)

THE NORTH 201.13 FEET OF THE SOUTH 406.13 FEET OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE  
SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, EXCEPTING THEREFROM THE EAST 250 FEET THEREOF, IN WILL COUNTY, ILLINOIS.

**Findings of Fact-“Exhibit B”**

**Standards for Variances**

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

1. The Plan Commission shall not vary the provisions of this Ordinance as authorized unless it has made findings based upon the evidence presented to it in the following cases:

(a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

*The property could indeed yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the A-2 Rural Residence District, but the property owner desires the extra storage space.*

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

*The previous owners of the subject property had already been granted a variance to increase the maximum aggregate total for accessory structures up to 9,416 square feet for a riding area. The riding area was built larger than what was included in the plans for the 2009 variance so the property already exceeds the varied allowance. The other accessory structures on the property were also not built by the applicant. While the subject property is over sized for the district, it also does not meet the lot sizing seen in our A-1 Agriculture district where there is no maximum square footage. This standard is typically what Village Staff is able to compare for oversize square footage requests and what has set precedent for approvals in the past.*

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

*The variances, if granted, will not alter the essential character of the locality. There are many properties in the southern portion of the Village that have large accessory structures.*

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.

*As mentioned above, the previous owners of the subject property had already been granted a variance to increase the maximum aggregate total for accessory structures up to 9,416 square feet for a riding area. The riding area was built larger than what was included in the plans for the 2009 variance so the property already exceeds the varied allowance. The other accessory structures on the property were also not built by the applicant. While the subject property is oversized for the district, it also does not meet the lot sizing seen in our A-1 Agriculture district where there is no maximum square footage. This standard is typically what Village Staff is able to compare for oversize square footage requests and what has set precedent for approvals in the past.*

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

*The conditions for this variance may not be generally applicable to all other properties in the A-2 District but could be applicable to any other lots that are oversized for their zoning district and that have existing large square footages for structures.*

- (c) That the purpose of the variance is not exclusively based upon a desire to make more money out of the property.

*The purpose of this Variance is not exclusively based on the desire to make a profit out of the property, but for reasonable use of property and storage needs.*

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

*The applicant did not build the existing riding arena on the property which already required a variance for accessory structure square footage.*

- (e) That the granting of the variance will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located.

*Village staff does not foresee the approval of this variance as being detrimental to the public or other property.*

- (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 because the primary structure is not constructed with 100% masonry around the first floor exterior.*

- (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, substantially increase the danger or fire, or substantially diminish or impair property values in this area of the Village.*

#### **Plan Commission Recommendation**

*Chairman Hand asked for a motion. Commissioner Bradarich made a motion to recommend approval of a Variance to increase the maximum aggregate square footage of accessory structures from the allowed seven thousand six hundred and twenty-three (7,623) to ten thousand eight hundred and twenty-one (10,821) square feet, where in no event shall the total square footage of accessory structures exceed the lesser of 10,000 square feet or 3.5% of the lot size for certain real property located in the A-2 Rural Residential District at 18127 S. Parker Rd, Mokena, Illinois (within Homer Glen Corporate limits) [HG-2401-V]? The motion was seconded by Vice-Chair McGary. A roll call vote was taken with Commissioners Foley, Bradarich, Stanly, Vice-Chair McGary and Chairman Hand voting in favor **five (5) to zero (0)**. The motion passed and will go before the Village Board tentatively on February 14, 2024.*

*Chairman Hand asked for a motion. Commissioner Bradarich made a motion to adopt staff's findings as the findings of the Plan Commission. The motion was seconded by Commissioner Stanly. A roll call vote was taken with Commissioners Bradarich, Stanly, Foley, Vice-Chair McGary and Chairman Hand voting in favor **five (5) to zero (0)**. The motion passed*