VILLAGE OF HOMEWOOD

MEMORANDUM **DATE OF MEETING: November 12, 2026**

To: Planning and Zoning Commission

From: Danielle Stewart, Assistant Director of Economic and Community Development

Topic: Case 26-75: Variance for Accessory Use Standards for a Deck in the Side Yard at 1514 Ridge Road

APPLICATION INFORMATION

APPLICANT	Kelly Welsh
ACTION REQUESTED	Residential variance approval to allow for a deck that was constructed in the side yard of a property in the R-2 Single-Family Residence district at 1514 Ridge Road.
ADDRESS	1514 Ridge Road Homewood, IL 60430
PIN	29-32-304-041-0000

ZONING & LAND USE

SUBJECT PROPERTY		ZONING	LAND USE
CURRENT		R-2 Single-Family Residence	Single-family residence
SURROUNDING	N:	R-2 Single-Family Residence	Single-family residence
	E:	R-2 Single-Family Residence	Single-family residence
	S:	R-2 Single-Family Residence	Single-family residence
	W:	R-2 Single-Family Residence	Single-family residence

LEGAL NOTICE

Legal notice was published in the *Daily Southtown* on October 28, 2026; Letters were sent to property owners and residents within 250'.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Kelly Welsh, Applicant	11/3/2026
Narrative	1	Kelly Welsh, Applicant	11/3/2026
Photo of Existing Deck	1	Village Staff	10/20/2026
Permit Drawings of Side Deck	1	Roney Ward	10/7/2025

BACKGROUND

Kelly Welsh ("Applicant") is requesting a variance from Subsection 44-04-14(b)(4)c of the Village Zoning Ordinance to permit an existing deck to remain in the side yard of the property located at 1514 Ridge Road, within the R-2 Single-Family Residence zoning district.

The side-yard deck was constructed following the approval of Building Permit No. 0758-26. The drawing submitted by the contractor and approved by staff indicated a 7-foot setback from the side property line. However, zoning staff was not included in the formal permit review process, and the drawings submitted with the permit were not to scale or verified for dimensional accuracy. Additionally, a plat of survey, which is typically required as part of the permit application, was not provided.

Staff became aware of the zoning discrepancy following the Village Building Department's issuance of a stop-work order on October 15, 2026, related to separate work being performed without an approved permit. Following discussions with the Applicant, the Applicant expressed a preference to pursue a variance through the Village's public review process to request authorization for the existing side-yard deck to remain in its current location.

DISCUSSION AND VARIANCE STANDARDS

The Village of Homewood Zoning Code Section 44-04-14(b)(4) establishes dimensional and locational standards for decks. Specifically, Subsection 44-04-14(b)(4)c requires decks to be located within the rear yard and set back a minimum of three feet from all property lines. The requested variance would permit the existing deck to remain in its current location as an exception to the rear-yard location requirement.

All variance applications are reviewed against the two sets of Variance Standards found in Section 44-07-12 of the Village Zoning Ordinance – one set of required minimum standards for a variance, and an additional set of standards evaluating the degree of hardship and impacts on neighboring property.

Village staff have reviewed the proposed variance with these standards and provided staff findings below.

(1) No variance shall be granted unless findings of fact for each specific application demonstrate a true hardship and the least deviation from this chapter necessary, as provided in the applicant's response to each of the following standards:

a. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?

The Applicant indicates that the property's existing layout and elevation create constraints when undertaking improvements. The deck provides functional access to the residence through a newly installed sliding glass door. Requiring the deck's removal or relocation to comply with the Zoning Code would diminish the functionality of this entrance and result in additional costs to the property owner. The Applicant maintains that allowing the deck to remain in its current location would preserve the functionality of the residence while avoiding unnecessary modifications to the existing improvements.

b. Is the plight of the owner due to unique circumstances?

The property has a relatively narrow side yard, an elevated main living level, and drainage and flooding concerns. These conditions are specific to the property's existing layout and create challenges when providing safe and practical access to the residence. The Applicant notes that

the deck provides an accessible transition from the newly installed sliding glass door to the yard while accommodating the property's existing elevation and site conditions.

Additionally, the deck was constructed following the issuance of a building permit based on construction drawings reviewed and approved by Village staff. Although the approved drawings depicted a 7-foot setback from the side property line, the discrepancy with the Zoning Code was not identified during the permit review process. The Applicant proceeded with construction in reliance on the approved permit documents.

While the circumstances are partially attributable to an administrative oversight during the permit review process, the Applicant proceeded with construction based on the approved permit documents. The request therefore arises from a combination of the property's existing conditions and the circumstances under which the improvements were permitted and constructed, rather than an intentional deviation from the Village's requirements.

c. If granted, will the variance alter the essential character of the locality?

Granting the requested variance is not anticipated to alter the essential character of the locality. The deck has already been constructed and is located on the subject property, where it serves as an outdoor living space and provides access to the residence. Allowing the deck to remain in its existing location would not introduce a new or substantially different use of the property, nor would it be expected to adversely affect the surrounding properties or established residential character of the neighborhood.

(2) Supplemental to the above standards, the decision-making authority shall also consider and make findings of fact on the character of the alleged hardship and the potential impacts to neighboring properties of granting the variance, as provided in the applicant's response to each of the following standards. Not one of the standards is controlling.

d. Do the particular physical surroundings, shape, or topographical conditions of the subject property pose a particular hardship upon the owner, as distinguished from a mere inconvenience, under the strict application of these regulations?

The subject property has a narrow side yard, an elevated main living level, and recurring drainage and flooding concerns, as attested by the Applicant. These physical conditions create challenges in providing safe and practical exterior access to the residence. The deck accommodates the elevation of the home and provides access through a newly installed sliding glass door. Strict application of the Zoning Code would require the removal or relocation of the deck, potentially limiting the functionality of the existing entrance and requiring significant modification to accommodate the property's existing site conditions.

e. Would the conditions upon which the petition for variance is based be generally applicable to other property within the same zoning classification?

The circumstances surrounding this request are specific to the subject property and its existing physical conditions, including the narrow side yard, elevated living level, and reported drainage concerns. While other properties within the R-2 Single-Family Residence district may have similar characteristics, the particular combination of conditions and the resulting placement of the deck are unique to this property. Accordingly, the circumstances are not necessarily representative of properties generally within the same zoning classification.

f. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property?

The deck was constructed in 2025 as part of a residential improvement that included the installation of a sliding glass door. The Applicant indicates that the work was completed by a contractor and that they were unaware the deck's location did not comply with the applicable

zoning requirements at the time of construction. The construction proceeded following the issuance of a building permit based on drawings reviewed and approved by Village staff. However, the discrepancy with the Zoning Code was not identified during the permit review process. The property's existing physical characteristics predate the construction of the deck and were not created by the Applicant. The Applicant is now seeking a variance to bring the existing improvement into compliance through the Village's variance process.

g. If granted, will the variance be detrimental to the public welfare or injurious to other neighboring property?

Allowing the existing deck to remain in its current location is not anticipated to be detrimental to the public welfare or injurious to neighboring properties. The deck is intended for accessory residential use and does not introduce a new land use or additional commercial activity. Based on the information provided, the existing improvement is not anticipated to create adverse impacts on surrounding properties.

h. If granted, will the variance: impair an adequate supply of light and air to adjacent property; or substantially increase the danger of fire or otherwise endanger the public safety; or substantially diminish or impair values of neighboring property?

Granting the requested variance is not anticipated to impair access to light or air on adjacent properties, or otherwise adversely affect public safety. The existing deck is an accessory residential improvement, and allowing it to remain in its current location is not expected to substantially diminish the value of neighboring properties. No adverse impacts related to these considerations have been identified based on the information currently available to staff.

STAFF COMMENTS

The Planning and Zoning Commission is a recommending body for most variance applications. The Planning and Zoning Commission is responsible for making a recommendation to the Village Board of Trustees for approval or denial of this application.

The Commission should consider whether the Applicant has demonstrated that the property's existing physical conditions create a practical difficulty or particular hardship under strict application of the Village Zoning Code. The Commission should also consider the circumstances surrounding the construction of the deck, including that the improvements proceeded following the issuance of a building permit based on construction drawings reviewed and approved by Village staff. The discrepancy between the approved drawings and the applicable zoning requirements was not identified during the permit review process. While these circumstances provide context for the Applicant's request, the Commission should independently evaluate whether the applicable variance criteria have been satisfied.

Additionally, the Commission should consider whether allowing the existing deck to remain in its current location would adversely affect neighboring properties, public safety, drainage, or the established residential character of the surrounding area.

Following its review, the Commission should determine whether the evidence supports the required findings of fact and make a recommendation to the Village Board of Trustees for consideration and final action on the application.

FINDINGS OF FACT

Staff has prepared the draft findings of fact following the standards outlined in Section 44-07-12 of the Village Zoning Ordinance for variance applications. The findings of fact, as proposed or as amended, may be entered into the record upon a recommendation of approval:

1. The subject property is located at 1514 Ridge Road, within the R-2 Single-Family Residence zoning district, and is legally identified by Cook County Parcel Identification Number (PIN) 29-32-304-041-0000;
2. Kelly Welsh ("Applicant") is the owner of the subject property and the petitioner for the requested variance;
3. The Applicant is requesting a variance from the applicable requirements of Subsection 44-04-14(b)(4) of the Village Zoning Ordinance to permit an existing deck located within the side yard to remain in its current location and configuration;
4. Subsection 44-04-14(b)(4) establishes dimensional and locational requirements for decks, including provisions governing their permitted location within a residential property and required setbacks from property lines;
5. The deck was constructed following the issuance of Building Permit No. 0758-26 in 2025;
6. The construction drawings submitted with the permit application depicted the deck with a 7-foot setback from the side property line;
7. The construction drawings submitted with the building permit application were not to scale, and a plat of survey was not provided as part of the permit application;
8. The discrepancy between the approved construction drawings and the applicable zoning requirements was not identified during the Village's permit review process;
9. The subject property has a relatively narrow side yard, an elevated main living level, and reported recurring drainage and flooding concerns, as described by the Applicant;
10. The existing deck provides exterior access to the residence through a sliding glass door and accommodates the existing elevation and layout of the property; and
11. The requested variance has been evaluated against the applicable standards for variance approval established in Section 44-07-12 of the Village Zoning Ordinance.

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

Staff recommends the following motion by the Planning and Zoning Commission, based on the findings outlined in this memo:

Recommend Village Board Approval of Case 26-75: Variance for Accessory Use Standards (44-04-14(b)(4)) at 1514 Ridge Road to allow for a deck that was constructed in the side yard of a property in the R-2 Single-Family Residence district;

AND

Incorporate the Findings of Fact into the record.