

EXHIBIT H: City of Crest Hill Standards for Variations

12.6-2 STANDARDS FOR VARIATIONS, CREST HILL ZONING ORDINANCE

The Plan Commission shall recommend, and the City Council shall grant a variation only when it shall have been determined, and recorded in writing, that all of the following standards are complied with:

- 1. 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 in question cannot yield a reasonable return if limited to compliance with the front yard setback regulations for parking and drive aisles in the B-3 Zoning District as currently applied to a Contractor-Based Business. The operational needs of a Contractor-Based Business for maneuvering and accessing the existing commercial building will require a site layout that is often constrained by strict setback requirements. Under the current regulations, the developable area will be significantly reduced, limiting the ability to develop the site in a manner that can support efficient operations.

As a result, the property will be restricted to a layout that is impractical and economically unfeasible for a Contractor-Based Business, thereby diminishing its utility and marketability. The inability to reasonably accommodate necessary improvements and operational features will prevent the property from achieving a viable return under the existing zoning constraints. Accordingly, relief from the front yard setback regulations for a drive aisle is necessary to enable a reasonable and functional use of the property for a Contractor-Based Business, consistent with its physical characteristics and intended purpose.

- 2. That the plight of the owner is due to unique circumstances;**

The plight of the owner is due to unique circumstances related to the physical characteristics of the property and the operational requirements of a Contractor-Based Business, rather than any conditions created by the owner. The Subject Property will be constrained by factors such as the location of the existing building, limited lot depth, and the location of the existing and proposed utility infrastructure, all of which can significantly restrict the developable area under the standard setback requirements for parking and drive aisle in the B-3 Zoning District. These constraints will make it difficult to configure the site in a manner that accommodates the functional needs of a Contractor-Based Business, including vehicle maneuvering and internal circulation.

In addition, Contractor-Based Businesses often require more flexible site layouts than conventional commercial uses due to the need for outdoor operational space and access for larger vehicles and equipment. When combined with strict setback limitations, these requirements can create conditions that are not reasonably adaptable to the standard development patterns. Accordingly, the hardship experienced by the property owner arises from these unique physical and regulatory circumstances, which limit the practical use of the Subject Property for an otherwise appropriate and permitted type of business, rather than from any self-created conditions.

- 3. That the Variation, if granted, will not alter the essential character of the locality.**

The requested Variation, if granted, will not alter the essential character of the locality. The relief sought is limited to adjustment in front yard setback requirements for a drive aisle to accommodate a Contractor-Based Business, a use that is generally low- to moderate-intensity in

nature. The primary functions of such a business—office operations, vehicle parking, and equipment storage—will be designed and operated in a manner that is consistent with the surrounding development patterns. The Variation requested will not introduce a new or more intensive use to the area than already exists, nor is the development inconsistent with the existing character of the Broadway Street Commercial Corridor and the nearby properties. Any potential visual or operational impacts associated with the proposed Contractor-Based Business will be effectively mitigated through site design measures such as improved landscaping, fencing, screening, and organized outdoor storage.

Furthermore, the surrounding locality typically includes a mix of residential, commercial, service-oriented and light industrial uses, where similar flexibility in site design is often necessary to accommodate practical development needs. The proposed Variation will allow the property to function efficiently while maintaining compatibility with the adjacent properties. Accordingly, the approval of the Variation from front yard setback requirements for a drive aisle will not change the essential character of the locality, but will instead allow the property to be developed in a manner that is both functional and consistent with the surrounding area.

For the purpose of supplementing the above standards, the Plan Commission, in making the determination, whenever there are particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- 1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

The particular physical surroundings, shape, and site conditions of the Subject Property will result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict application of the zoning regulations governing front yard setbacks were enforced for the proposed Contractor-Based Business. The Subject Property will be constrained by the unique physical characteristics such as strict location of the existing buildings, and nonconforming lot configuration that reduce the amount of developable area. These conditions, when combined with the functional requirements of a Contractor-Based Business—such as building area, employee and fleet parking, equipment storage, and safe vehicle maneuvering—significantly limit the ability to utilize the Subject Property in a practical and efficient manner under the strict zoning requirements in the B-3 Zoning District.

Strict adherence to the current front yard setback requirements in the B-3 Zoning District will result in an inefficient site layout that restricts the usable portion of the property to an extent that impairs reasonable development. This condition is not generally experienced by other properties within the same zoning district that may have more conventional dimensions or fewer physical constraints. Accordingly, the hardship arises from the unique physical characteristics of the property itself, rather than any action by the owner, and creates a limitation on the reasonable use and development of the Subject Property for a Contractor-Based Business under the strict application of the Zoning Ordinance.

- 2. The conditions upon which the petition for a variation is based are unique to the property owner for which the variation is sought and are not applicable, generally, to the other property within the same zoning classification.**

The conditions upon which the Variation request is based are unique to the Subject Property and the specific operational requirements of the proposed Contractor-Based Business, and are not

generally applicable to other properties within the B-3 Zoning District. The Subject Property is distinguished by physical limitations such as strict location of the existing buildings, lot coverage limits, and nonconforming lot configuration that reduce flexibility in meeting strict front yard setback requirements. These conditions are inherent to the property itself and are not typically present across other similarly zoned parcels, which may have more conventional shapes, sizes, and development opportunities.

In addition, the nature of the proposed Contractor-Based Business requires functional site planning for vehicle parking, equipment storage, and operational circulation. When combined with the site's unique physical constraints, these requirements create a need for flexibility that is specific to this property and its intended use, rather than a condition experienced broadly by other properties in the B-3 Zoning District. Accordingly, the basis for the requested variation arises from unique, site-specific circumstances affecting the Subject Property and is not a general condition applicable to other properties within the same zoning classification.

3. That the alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property

The alleged difficulty or hardship is caused by the strict application of the Zoning Ordinance requirements governing front yard setbacks for parking and drive aisles, and is not self-created by any person presently having an interest in the property. The existing ordinance standards, when applied to the subject property, limit the amount of developable area available for a contractor-based business and restrict the placement and configuration of necessary site improvements such as existing buildings, parking areas, vehicle maneuvering space, and outdoor storage. These requirements, while generally applicable across the B-3 zoning district, create practical limitations when applied to a property with site-specific constraints.

The condition prompting the request for relief is not the result of any action by the current property owner, including subdivision, construction, or use decisions. Rather, the hardship arises from the interaction between the Zoning Ordinance requirements and the existing physical characteristics of the site, which together restrict reasonable development of the property for its intended use. Accordingly, the difficulty experienced is attributable to the regulatory framework as applied to the property, rather than any self-imposed condition, and justifies consideration of the requested Variation for the proposed Contractor-Based Business.

4. That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

The proposed Variation from front yard setback requirements will not impair an adequate supply of light and air to adjacent properties, nor will it substantially increase street congestion, create fire hazards, endanger public safety, or diminish surrounding property values. The requested Variation is intended solely to allow a more functional site layout for the proposed Contractor-Based Business, including appropriately configured parking and site circulation, and limited outdoor storage of vehicles, equipment and material.

Any potential impacts to adjacent properties will be mitigated through site design measures such as buffering and screening which will help preserve light, air, and visual compatibility with the adjacent properties. The scale and nature of the proposed Contractor-Based Business typically do

not generate high levels of pedestrian or customer traffic, and vehicular activity can be accommodated on-site, thereby minimizing any effect on the surrounding streets. Furthermore, with proper ingress and egress design, traffic circulation will not be significantly impacted, and emergency access will be maintained in accordance with all applicable regulations. The proposed Contractor-Based Business is not expected to introduce conditions that would increase fire risk or otherwise compromise public safety. Accordingly, the Variation will allow reasonable use of the property for The proposed Contractor-Based Business without adversely affecting adjacent properties or the surrounding neighborhood.

5. That the variation does not permit a use otherwise excluded from the particular zone except for uses authorized by the Plan Commission, subject to the approval of the City Council, as “similar and compatible uses.”

The requested Variation does not permit a use otherwise excluded from the B-3 Zoning District, except as may be authorized through the established review and approval process for “similar and compatible uses” by the Plan Commission, subject to approval by the City Council. The relief sought is limited to adjustments in front yard setback requirements for a drive aisle to accommodate the proposed Contractor-Based Business, which is consistent with the type of low-to moderate-intensity service and light industrial uses in the Broadway Street Commercial Corridor. The Variation does not introduce a fundamentally new or unrelated use, nor does it expand permitted uses beyond those that are reviewed and approved through the City’s existing zoning procedures.

6. That the variation granted is the minimum adjustment necessary for the reasonable use of the land.

The requested Variation represents the minimum adjustment necessary to permit the reasonable use of the Subject Property for the proposed Contractor-Based Business. The relief sought is narrowly tailored to address specific constraints related to front yard setback requirements for a drive aisle that limits the ability to utilize the site in a functional and efficient manner. This adjustment is intended solely to accommodate essential components of the Contractor-Based operation, including required parking, vehicle circulation, and limited outdoor storage.

The Variation request does not seek broad or unnecessary deviations from the Crest Hill Zoning Ordinance, but rather only one modification required to allow the property to be used in a practical and viable manner consistent with its intended purpose. All other applicable zoning standards, including those related to safety, access, buffering, and screening will remain in full effect. Accordingly, the Variation request is the minimum relief necessary to enable reasonable development and use of the property for the proposed Contractor-Based Business while maintaining compliance with the intent and purpose of the Crest Hill Zoning Ordinance.

7. **That the granting of any variation is in harmony with the general purposes and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, be detrimental to the public welfare, alter the essential character of the locality, or be in conflict with the Comprehensive Plan for development of the City.**

The granting of the requested Variation is in harmony with the general purposes and intent of the Crest Hill Zoning Ordinance and supports its objective of promoting reasonable and appropriate land use while protecting the public health, safety, and welfare. The relief sought from front yard setback requirements for a drive aisle is limited in scope and is intended solely to allow the efficient and practical development of the proposed Contractor-Based Business. The proposed use is generally low- to moderate-intensity in nature and will be operated in a manner that is compatible with surrounding properties through appropriate site planning, buffering, and compliance with applicable development standards.

The Variation request will not be injurious to the neighborhood or detrimental to the public welfare. Any potential impacts related to traffic, noise, or outdoor activity will be effectively mitigated through standard regulatory controls and site design measures. The essential character of the locality will remain unchanged, as the proposed use is consistent with the existing transitional land use patterns on the Broadway Street Commercial Corridor. Furthermore, the Variation request is not in conflict with the City's Comprehensive Plan for development. Rather, it supports the Comprehensive Plan's broader goals of encouraging compatible land use transitions, promoting economic development, and allowing for the efficient use of the land within appropriate areas. Accordingly, the granting of the Variation request for front yard setback requirements for a drive aisle is consistent with the Crest Hill Zoning Ordinance and Comprehensive Plan and will not adversely affect the surrounding area or the overall community welfare.

8. **That, for reasons fully set forth in the recommendations of the Plan Commission, and the report of the City Council, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.**

The circumstances and conditions affecting the Subject Property are such that strict application of the Zoning Ordinance provisions governing front yard setbacks requirements will substantially limit the ability of the property owner to make a reasonable and beneficial use of the Subject Property for the proposed Contractor-Based Business. The combined effect of these requirements, when applied to the site's physical constraints and the operational needs of the proposed Contractor-Based Business, significantly reduces the developable area available for existing buildings, parking, vehicle maneuvering, and equipment storage. This results in a site configuration that will not be practical or functional for the intended use, thereby limiting the property's ability to be reasonably utilized in a manner consistent with similar properties and permitted development expectations. While mere loss in value is not, by itself, sufficient to justify the Variation request, the conditions here go beyond a simple reduction in value. The strict application of the Zoning Ordinance will effectively deprive the property owner of a reasonable and viable use of the Subject Property for the proposed Contractor-Based Business, given the functional requirements of the use and the constraints imposed by the existing regulations. Accordingly, the requested Variation is necessary to allow a reasonable and beneficial use of the Subject Property consistent with the intent of the Zoning Ordinance and the operational requirements of the proposed Contractor-Based Business.