

City of Crest Hill Standards for Variations

12.6-2 STANDARDS FOR VARIATIONS (ZONING ORDINANCE, p-131)

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;
RESPONSE: The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the General Business District.
2. That the plight of the owner is due to unique circumstances; and
RESPONSE: The plight of the owner is due to unique circumstances.
3. That the variation, if granted, will not alter the essential character of the locality.
RESPONSE: The variation, if granted, will not alter the essential character of the locality.

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:

4. 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.
RESPONSE: The physical surroundings, shape, or topographical condition of the 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.
5. 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.
RESPONSE: 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.
6. 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
RESPONSE: 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.
7. 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.
RESPONSE: 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.

8. 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.

RESPONSE: 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.

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

RESPONSE: The variation granted is the minimum adjustment necessary for the reasonable use of the land.

10. 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.

RESPONSE: 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.

11. 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.

RESPONSE: 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.