

EXHIBIT H - Response to the 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;** The subject property cannot yield a reasonable economic return if limited solely to the uses permitted under the R-1 Single-Family Residence District. Due to its size, shape, and location, the site is not well-suited for residential development. The limited lot area and potential constraints related to access and setbacks make the construction of other uses economically infeasible. In contrast, the existing public park/ playground represents a viable and beneficial adaptive use that provides substantial community value while respecting surrounding residential character. The existing public park/ playground utilizes the parcel efficiently, eliminates a potential vacant or underutilized lot, and enhances the livability of the neighborhood. Therefore, allowing the property to be used as a public park/ playground rather than for single-family residential purposes is justified, as it enables productive use of the land that is consistent with community objectives and provides a reasonable return in the form of public benefit rather than private economic gain.
2. **That the plight of the owner is due to unique circumstances;** The existing park/ playground represents a unique circumstance within the R-1 Single-Family Residence District due to the property's specific physical characteristics, community context, and public benefit. The parcel's size, shape, and location limit its suitability for residential construction while making it ideally suited for low-intensity public park/ playground use. This distinct condition differentiates the site from typical residential lots within the district. Additionally, the surrounding neighborhood benefits from the presence of a small, accessible public park/ playground that enhances the quality of life for nearby residents without introducing incompatible land uses or adverse impacts. These factors together create a unique and practical justification for permitting Stanley Gustafson Park to be permitted on its own lot; as it balances community needs with land-use compatibility and upholds the intent of the Crest Hill Zoning Ordinance to promote public health, safety, and welfare.
3. **That the variation, if granted, will not alter the essential character of the locality.** Stanley Gustafson Park enhances and strengthens the essential character of the locality by preserving and promoting the neighborhood's sense of community, livability, and visual appeal. The park's landscaped open space and playground complement the surrounding single-family residential environment by providing a peaceful, attractive setting that encourages outdoor activity and neighbor interaction. Rather than altering the existing residential character, the park reinforces it—serving as a natural extension of the neighborhood's identity. Its design and scale are compatible with nearby homes and land uses, and consistent with the area's quiet, family-oriented atmosphere. By introducing green space that improves aesthetics, fosters social connection, and enhances environmental quality, the existing park/ playground contributes positively to the locality's charm, cohesion, and overall sense of place—thereby advancing the community's long-term vision and strengthening its essential character.

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 physical characteristics of the subject property create a practical hardship that makes strict application of R-1 Single-Family Residence District regulations unreasonable. The parcel's limited size and restricted access make it difficult or infeasible to develop a conforming single-family residence that meets all setback, lot coverage, and parking requirements. Because of these physical constraints, the property cannot be reasonably or economically developed under the existing R-1 Single-Family Residence District standards. Attempting to do so would require substantial alterations or variances that could negatively affect adjoining properties or the character of the neighborhood. In contrast, use of the property as a public park/ playground is uniquely suited to the site's physical conditions. The existing park/ playground requires minimal structural development, preserves existing natural features, and integrates harmoniously with adjacent residential uses. Allowing the park/ playground use alleviates the hardship imposed by the site's limitations while providing a beneficial public amenity consistent with the goals of the Crest Hill Zoning Ordinance and the Crest Hill comprehensive plan.
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 subject property possesses unique conditions that distinguish it from other properties within the R-1 Single-Family Residence District. These conditions include existing site physical constraints such as lot size, setbacks, and lot coverage, which make it unsuitable for conventional residential development but highly appropriate for a small public park or open-space use. Unlike typical residential lots that are designed for single-family homes with standard setbacks and utilities, this parcel is smaller and adjacent to public right-of-way that limit buildable area. These characteristics prevent the property from being reasonably developed in the same manner as surrounding residential parcels. At the same time, these unique conditions make the property particularly well-suited for low-intensity community use as a public park/ playground. The public park/ playground function preserves the land's natural features, enhances the neighborhood environment, and provides public benefit while remaining compatible with nearby homes. Accordingly, the property's unique physical and locational characteristics justify its consideration for park use and distinguish it from other properties within the same zoning classification, thereby supporting the requested zoning variations.
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 hardship affecting the Subject Property arises directly from the limitations imposed by the R-1 Single-Family Residence District zoning regulations. Under the current zoning, the subject property may only be developed with a single-family dwelling and related accessory structures. However, due to the size and locational characteristics of the parcel, conforming single-family residential development is not feasible or economically reasonable. The Crest Hill Zoning Ordinance, while appropriate for standard residential lots, does not adequately account for smaller or irregular parcels such as the Subject Property. The required setbacks and lot coverage restrict the buildable area to a point where

residential construction cannot occur without significant variance relief. As a result, the Crest Hill Zoning Ordinance unintentionally creates practical difficulty and undue hardship that prevents the reasonable use of the Subject Property. Permitting the Subject Property to be used as a public park/ playground provides a reasonable and beneficial alternative use that aligns with the intent of the Crest Hill Zoning Ordinance—to promote public health, safety, and welfare—while eliminating the hardship created by strict residential limitations. The public park/ playground use would make productive use of an otherwise undevelopable parcel, preserve open space, and enhance the quality of life within the surrounding single-family neighborhood.

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 existing public park/ playground within the R-1 Single-Family Residence District single-family will not impair an adequate supply of light and air to adjacent properties, nor will it create adverse impacts on public safety, traffic circulation, or neighborhood property values. Because the existing public park/ playground involves open space and minimal structural development, it will preserve—rather than obstruct—the flow of natural light and air to neighboring homes. The existing public park/ playground enhances the visual openness of the area, maintaining a pleasant and unobtrusive environment consistent with the residential character of the neighborhood. The existing public park/ playground will not substantially increase congestion in public streets, as it primarily serves local residents who are expected to arrive on foot or by bicycle. Additionally, the existing park will not increase the danger of fire or endanger public safety, since the site will be maintained in accordance with City codes, including fire safety and accessibility standards. The absence of large buildings or intensive activities further minimizes any potential hazards. Finally, the presence of the existing public park/ playground will not diminish or impair property values; rather, it is likely to enhance them by improving the aesthetic and recreational appeal of the neighborhood. Parks have been shown to contribute positively to the overall livability and desirability of residential areas. Accordingly, the existing public park/ playground will operate harmoniously with adjacent properties, support neighborhood well-being, and uphold the purposes of the Crest Hill Zoning Ordinance.
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.** Per Table 3 Index of Permitted & Special Uses in Residential Districts of the Crest Hill Zoning Ordinance, parks and playgrounds are classified as special use in the R-1 Single-Family Residence District.
6. **That the variation granted is the minimum adjustment necessary for the reasonable use of the land.** The requested variations for the existing public park/ playground within the R-1 Single-Family Residence District represent the minimum adjustment necessary to enable the reasonable and beneficial use of the Subject Property. The parcel’s size and physical characteristics make it impractical to develop for a conforming single-family dwelling under current R-1 Single-Family Residence District zoning regulations. Without relief, the property would likely remain vacant or underutilized, contributing little to the community or surrounding neighborhood. The existing public park/ playground requires only minor deviation from the applicable regulations of the Crest Hill Zoning Ordinance and Code of Ordinances and does not alter the essential residential character of the area. No large structures, increased density, or intensive uses are proposed. Instead, the existing public park/ playground consists primarily of open green space, landscaping,

and small-scale amenities such as benches, walking paths, and play areas—features that are compatible with adjacent homes and neighborhood conditions. By granting the requested variations, the City Council allows the property to be used productively in a manner that aligns with community goals, supports public welfare, and preserves neighborhood aesthetics. This limited relief provides the least intrusive and most appropriate solution for making reasonable use of the land while maintaining the intent and integrity of the Crest Hill Zoning Ordinance and Code of Ordinances.

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 existing public park/ playground is fully in harmony with the general purposes and intent of the Crest Hill Zoning Ordinance and the Crest Hill Comprehensive Plan. The Crest Hill Zoning Ordinance seeks to promote the public health, safety, comfort, and general welfare of the community by encouraging the proper use of land, the preservation of open space, and the protection of residential character. The existing public park/ playground directly advances these goals by providing accessible green space, enhancing neighborhood livability, and fostering community interaction. The existing public park's design and operation will be low impact, consisting primarily of landscaped open areas, benches, walkways, and playground equipment that are compatible with the surrounding single-family homes. The park will be maintained to the City standards for safety, cleanliness, and appearance, ensuring that it remains a positive and attractive community feature. Furthermore, the existing public park/ playground complements and enhances the essential character of the locality by preserving open space, promoting pedestrian activity, and improving the aesthetic quality of the area. The park's presence reinforces the residential nature of the neighborhood and provides a shared community benefit consistent with neighborhood values. Finally, the existing public park/ playground is consistent with the City's Comprehensive Plan, which typically encourages accessible recreational areas, environmental stewardship, and the creation of vibrant, healthy neighborhoods.
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.** Strict application of the provisions of the Crest Hill Zoning Ordinance would deprive the Subject Property of reasonable use of the land. Under the existing R-1 Single-Family Residence District zoning classification, the property may only be developed with a single-family dwelling and customary accessory structures. However, due to the size, location, and physical characteristics of the parcel, development for residential use in compliance with all zoning standards—such as minimum lot area, lot coverage, setbacks, parking, access, etc.—would be impractical or economically unfeasible. The Crest Hill Zoning Ordinance, while appropriate for typical residential lots, does not account for parcels with unique constraints or community-serving potential such as the Subject Property. As a result, strict enforcement would effectively render the land unusable for its zoned purpose, leading to vacancy or underutilization and providing no meaningful benefit to the neighborhood or the City. Allowing the property to be used as a public park offers a reasonable, beneficial, and compatible alternative use that serves the public interest without undermining the intent of the Crest Hill Zoning Ordinance. The existing public park/ playground would enhance community well-being, preserve open space, and harmonize with adjacent residential properties while mitigating the hardship caused by rigid application of the zoning

regulations. Therefore, relief from the strict application of the Crest Hill Zoning Ordinance and Code of Ordinances is justified to permit a reasonable and productive use of the land consistent with both the spirit and intent of the Crest Hill Zoning Ordinance and Crests Hill Comprehensive Plan.