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 Subject Property is a single-family house located on a corner lot. There is approximately 10-foot steep grade from the west to east property lines, especially along the western edge of the Property. The existing steep grade; irregular configuration of the home on its lot—being situated very near to the south and east property lines (such configuration results in the only useful green space being near Cora St. and Ludwig Ave.); and the lack of a true backyard create unique site conditions that make compliance with the current fence height regulation in front and corner side yards challenging.

   Due to the property's unique physical characteristics, a 4-foot fence permitted by the Zoning Ordinance will not provide adequate privacy, security, and screening from Cora St., Ludwig Ave. and neighboring properties. The requested Variation for a 5-foot fence will allow the property to be used and enjoyed in a manner consistent with its residential purpose while addressing the practical difficulties associated with the property's unique physical conditions. The Variation request is limited to only request what is required under these conditions. The proposed fence will be 50% open design, and will maintain a 5-foot setback from the west and north property lines, as required by the Zoning Ordinance. The requested Variation will not change the property's permitted use but will provide a reasonable accommodation for its unique physical characteristics.

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

   The plight of the property owner is due to unique circumstances associated with the Subject Property's existing steep grade; irregular lot configuration of the home on its lot—being situated very near to the south and east property lines (such configuration results in the only useful green space being near Cora St. and Ludwig Ave.); and the lack of a true backyard. The significant changes in elevation, combined with the property's irregular configuration and exposure to two street frontages, create challenges in providing adequate privacy, security, and screening with a 4-foot fence that complies with the current Zoning Ordinance. These conditions are specific to the property's physical characteristics and are not generally applicable to other properties in the R-1 Zoning District. The requested Variation for a 5-foot fence will address these unique site conditions while maintaining the property's single-family residential use and compatibility with the surrounding residential neighborhood.

3. **That the Variation, if granted, will not alter the essential character of the locality.**
   The requested Variation for a 5-foot fence on a single-family residential corner lot with a steep grade and irregular lot configuration will not alter the essential character of the locality. The proposed 5-foot fence is intended to address the property's unique topographical conditions and corner-lot configuration while providing adequate privacy, security, and screening. The proposed fence will remain accessory to the existing single-family residence and, provided it is appropriately designed and maintained, will be compatible with the surrounding residential properties. The

Variation request will not change the permitted use of the property or negatively affect the established character of the neighborhood.

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 Subject Property's existing steep grade; irregular lot configuration of the home on its lot—being situated very near to the south and east property lines (such configuration results in the only useful green space being near Cora St. and Ludwig Ave.); and the lack of a true backyard create practical difficulties that distinguish the Subject Property from other properties in the R-1 Zoning District. The significant elevation changes, irregular lot configuration, and exposure to two street frontages make it difficult to provide adequate privacy, security, and screening with a 4-foot fence that complies with the current Zoning Ordinance. Strict enforcement of the regulations will prevent the owner from reasonably addressing these site-specific conditions and will result in a particular hardship beyond mere inconvenience. The requested Variation for a 5-foot fence will accommodate the property's unique topographical characteristics while maintaining its single-family residential use and preserving the essential character of the surrounding neighborhood.

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 supporting the requested Variation are unique to the Subject Property due to its irregular lot configuration, corner-lot location and steep grade. The property's topography and exposure to two street frontages create specific challenges in providing adequate privacy, security, and screening with a 4-foot fence that complies with the current Zoning Ordinance. These circumstances are related to the physical characteristics and configuration of the property and are not generally applicable to other properties within the R-1 Zoning District. The requested Variation will address these unique conditions while maintaining the property's single-family residential use and remaining compatible with the character of the surrounding neighborhood.

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 arises from the current Zoning Ordinance's fence height restrictions as applied to the Subject Property's unique steep grade and corner-lot configuration. The property's topographical conditions, irregular lot configuration, and exposure to two street frontages create challenges in providing adequate privacy, security, and screening within the permitted 4-foot fence. These conditions are inherent to the property's physical characteristics and are not the result of actions taken by the current property owner to create a hardship. The requested Variation will provide reasonable relief from the existing restrictions while accommodating the property's unique conditions and maintaining the character of the surrounding residential 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 requested Variation for a 5-foot fence on a single-family residential corner lot with irregular lot configuration and steep grade is not expected to impair the adequate supply of light and air to adjacent properties, increase congestion on public streets, increase fire hazards, or endanger public safety. The proposed fence will serve as an accessory improvement to the existing residence and is intended to address the property's unique topographical conditions and corner-lot configuration. Provided the proposed fence is properly located, constructed, and maintained in accordance with applicable safety and visibility requirements, it is not anticipated to substantially diminish or impair property values within the surrounding neighborhood. The requested Variation will allow the property owner to address site-specific needs while maintaining the residential character of the area.

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 for a 5-foot fence on a single-family residential corner lot with irregular lot configuration and a steep grade does not permit a use that is otherwise prohibited within the R-1 Zoning District. The property will continue to be used for its permitted single-family residential purpose, and the proposed fence is an accessory structure to the existing residence. The Variation seeks only relief from the applicable fence height restrictions to accommodate the property's unique topographical conditions and corner-lot configuration. The proposed fence will be 50% open design, and will maintain 5 feet setback from the west and north property lines, as required by the Zoning Ordinance. Therefore, the requested Variation does not introduce a new or incompatible land use and remains consistent with the intent of the R-1 Zoning District and the established residential character of the neighborhood.

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

   The requested Variation for a 5-foot fence on a single-family residential corner lot with irregular lot configuration and steep grade represents the minimum adjustment necessary to allow the reasonable use and enjoyment of the property. Due to the significant changes in elevation and the property's exposure to two street frontages, a 4-foot fence permitted under the current Zoning Ordinance, cannot provide adequate privacy, security, and screening. The proposed 5-foot fence is intended to address these specific site conditions while avoiding unnecessary deviations from the zoning requirements. The Variation request, if granted, will provide reasonable relief while preserving the residential character of the neighborhood and maintaining compliance with all other applicable zoning and safety requirements.

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 for a 5-foot fence on a single-family residential corner lot with irregular lot configuration and steep grade will be in harmony with the general purposes and intent of the current Zoning Ordinance. The proposed 5-foot fence is intended to accommodate the property's unique topographical conditions and corner-lot configuration while providing

reasonable privacy, security, and screening for the residential use of the property. Provided the proposed fence is properly located, constructed, and maintained in accordance with applicable safety and visibility requirements, the Variation request is not expected to be injurious to the surrounding neighborhood, detrimental to the public welfare, or alter the essential character of the locality. The proposed improvement would not change the property's permitted residential use and is not anticipated to conflict with the City's Zoning Ordinance and Comprehensive Plan.

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 Subject Property is a single-family residential corner lot with irregular lot configuration and steep grade, creating unique topographical challenges that affect the reasonable use and enjoyment of the property. The strict application of the Zoning Ordinance's fence height restrictions will prevent the property owner from adequately addressing privacy, security, and screening needs due to the property's elevation changes and exposure to two street frontages. The requested Variation is intended to provide a practical solution to these site-specific conditions while allowing the property to continue to be used for its permitted residential purpose. The hardship is based on the property's physical characteristics and the limitations imposed by the current Zoning Ordinance, rather than a mere loss in property value. If supported by the Plan Commission's recommendations and the City Council's findings, the requested Variation will allow reasonable beneficial use of the property while remaining consistent with the intent of the Zoning Ordinance and the character of the surrounding neighborhood.