
8-5-6. VARIANCE.

- A. Purpose. The purpose of this section is to provide regulations which enable the Village to hear and decide requests for permitted variations from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.
- B. Authorized Variations. Variations are authorized for bulk regulations of structures, lots, setbacks, and signage. A variation from the allowed principal land uses, allowable accessory uses, and/or permitted special uses shall not be permitted.
- C. Required Information. A completed application for a variance, the required fee and any supporting documentation shall be submitted to the Village Clerk for referral to the Commission. If the application is deemed incomplete then the Commission shall postpone any public hearing until all adequate information is submitted.
- D. Public Hearing Notice. Refer to Section 8-5-3.
- E. Planning and Zoning Commission Hearing and Determination. The Commission shall hold a public hearing on the proposed variation, after which a decision will be made to grant or deny the variance based on the findings of fact made by the Commission (a lesser variance than requested may be granted but in no instance shall a variance be approved that is greater than the one originally requested). The Commission may make the determination at the same meeting, or choose to continue the proceedings at a later date. The Commission may request additional information as needed. Once a decision is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact. In order to make a determination and adoption of findings of fact, the Commission shall consider the following facts (65 ILS 5/11-13-4):
 - 1. The particular physical surroundings, shape, topographical, or other on-site 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.
 - 2. Special circumstances exist that are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district.
 - 3. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - 4. The variation is the minimum variation that will make possible the reasonable use of the land, structure or building, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - 5. The owner of the property has not created the alleged difficulty or hardship.
 - 6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the 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 neighborhood or adversely affect the health, morals or general welfare of the public.
 - 7. The proposed variation complies with the spirit and intent of the restrictions imposed by this title.
- F. Effect of Denial. If an application for a variance is denied by the Commission (either wholly or in part), no application may be filed with the Village for the same variance within one year of denial unless new evidence or proof of change of factors is found to be valid by the Commission.

G. Limited Effect of a Variance. Where the Commission has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as result of the variance. Granting of a variance shall be considered as unique to the variance granted and shall not be construed as precedent for any other proposed variance.

H. Fee. A fee is required for this procedure. Refer to Section 8-5-12.

(Ord. 2012-012, 3-13-2012)