

Standards for a Variance or Modification

Respond to the Standards for a Variance, posed as questions below.

Code Section:	6-207.F.4 – Uses Not Permitted in Building Setbacks Along Streets
Requirement:	Parking lots or structures, drive-thru facilities, loading facilities, or trash enclosures are not allowed within the setback area between the building façade and the street.
Requested Variance/ Modification:	The parking lot will be located between the building and Wolf Road.
Incremental Improvements:	Landscape screening will be provided between the parking lot and the adjacent roadways.

Justification:

1. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?

No. The building cannot be located within the ComEd easement and rearranging the site so that the parking lot is on the west side of the building is not possible without limiting the return yield. The rearrangement would encroach into the detention pond area and the undeveloped 0.5-acre portion of the parcel, limiting the potential for future development. Additionally, the proposed full access driveway is aligned with the Jewel-Osco driveway, which would not be the case with a site rearrangement.

2. Is the plight of the owner due to unique circumstances?

Yes. There are three existing utility easements located on the eastern side of the property, Wolverine Pipeline, Enbridge, and ComEd. The ComEd easement is for high voltage (345 kV) transmission lines.

3. Will the variation, if granted, alter the essential character of the locality?

No. Nearby commercial developments also include parking between the building and the roadway.

4. Due to the particular physical surroundings, shape or topographical conditions of the specific property involved, is there a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?

Yes. The presence of the easements limits the arrangement of the site, particularly the ComEd easement which is the largest and most restrictive of the utility easements. The hardship caused by this physical restriction is the limited development that can occur in this area. Rearranging the site to put the parking lot on the west of the building would encroach into the detention pond area and the undeveloped 0.5-acre portion of the parcel, limiting the potential for future development. Additionally, the proposed full access driveway is aligned with the Jewel-Osco driveway, which would not be the case with a site rearrangement.

5. How are the conditions upon which the petition for a variation is based unique to the property for which the variance is sought and are not applicable, generally, to other property?

The easement causing the biggest issue is a ComEd easement for high voltage (345 kV) transmission lines. The vertical clearance limitations for this type of easement prohibit trees and structures from being located within the easement.

6. Has the alleged difficulty or hardship been caused by these regulations, and not as a result from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof?

Yes. The regulations require the building to be located between the parking lot and the roadway. The presence of the utility easements on the eastern side of the property and the existing Jewel-Osco driveway limits the arrangement of the site.

7. Will the granting of the variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations?

No.

8. Will the proposed variation 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?

No.

9. Is the variance granted the minimum adjustment necessary for the reasonable use of the land?

Yes. For the proper operation and pedestrian movement throughout the site, the entire parking lot needs to be located on one side of the building; therefore, the minimum adjustment has been made. If an alternative would be considered such as leaving a single row of parking between the building and the utility easement, while moving the remainder of the spaces to the west of the building, pedestrian store access and safety would be jeopardized.

10. Are aforesaid circumstances or conditions such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land? Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land.

Yes. A rearrangement of the site would encroach into the detention pond area and the 0.5-acre undeveloped portion of the parcel, limiting the potential for future development. If the parking lot were to be split so that spaces were provided on both the east and west of the building, pedestrian store access and safety would be jeopardized. Additionally, the driveway alignment with the Jewel-Osco driveway would be lost.