

STANDARDS WORKSHEET - VARIANCE

For all petitions involving a request for a Variance, the petitioner must provide detailed written responses to each of standards posed as a question below.

This form can be requested as a Word document from Development Services.

Code Section: 6-204.5.E.2 & 6-308-F.5

Requirement:

Side yard setback requirement is 8'. All residential dwellings shall contain at least 50% face brick or stone and shall have 90% of brick or stone on each first floor elevation.

Requested Variance/

Modification: Reduce the minimum required side yard setback from 8' to 6.2'. Eliminate the requirement to have face brick or stone on not less than 50% of exterior walls and 90% of each first-floor

Incremental Improvements: elevation for a residential dwelling unit.

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?

Petitioner Response: Yes the property can still be used for residential purposes. However, the conditions imposed do not consider that almost every house in this subdivision that was annexed is non-conforming in the same manner as the property in question. Bringing the property into compliance with current requirements creates a hardship on the property owners.

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

Petitioner Response: Yes. The homeowners lost their home of over 28 years due to a fire on February 20, 2024, around 3:00 AM. The home was demolished following the fire as it was unable to be salvaged. The existing foundation remains and was deemed structurally sound by an engineer.

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

Petitioner Response: No, the variation, if granted, will not alter the essential character of the locality. The variation will allow the home to be rebuilt exactly as it was situated prior to the hardship. If required to follow the regulations for brick, the property would alter the essential character of the locality as no other property in this locality would conform with the regulations. Additionally, a majority of the homes in this area are similarly situated with nonconformity of side yard setbacks due to the regulations imposed after annexation.

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?

Petitioner Response: Yes, the homeowners would face several hardships due to the physical surroundings, shape, or topographical conditions of the specific property if the strict regulations were carried out. The homeowner would be tasked with relocating the property's driveway and egress/ingress, curb cuts, removal of a heritage tree, and extraordinary efforts to remove the existing foundation and repour a new foundation.

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?

Petitioner Response: The variance would not create a unique situation for this neighbor, but would rather allow the property to conform with the surrounding properties in this neighborhood. The variance would allow the property to seamlessly fit into the existing appearance and character of the locality.



6. **Has the alleged difficulty or hardship caused by these regulations and not resulted 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?**

Petitioner Response: The difficulty and hardship in conforming with regulations is directly related to the age of the neighborhood and property and the recently imposed regulations after annexation. The property, prior to the hardship of the fire, was built in 1968 and sat in its original unaltered state until 2024 when the fire destroyed the home. It is now deemed non-conforming after the annexation.

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?**

Petitioner Response: No. If granted, the variance will return the property to its original condition which would seamlessly integrate with the surrounding neighborhood character.

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?**

Petitioner Response: No the variance will not impair any of these factors.

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

Petitioner Response: Yes. The variances are the minimum adjustment necessary for the reasonable use of the land.

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.**

Petitioner Response: If the variance for side yard setbacks is not approved, owner would be required to have building plans amended in order to strictly comply with the Village's requirements. Additionally, the existing foundation would need to be demolished. A new foundation would need to be dug and repoured. All water and sewer would need to be relocated, a tree would need to be removed under the heritage tree, new curb cuts would be required, as well as removing the existing driveway and pouring a new driveway. While this is cost-prohibitive, cost is not the only hardship. The home size and location would need to be reduced in order to accommodate the setbacks. Additional crews would be needed in order to accomplish the additional work and this would also cause serious delays in completion. The owners have been and will continue to be deprived of the reasonable use of their land because they have been unable to rebuild their home exactly as it was prior to the hardship of the fire that destroyed their home. They are also attempting to work within the timeline of their insurance company as their relocation funds are almost exhausted.