



ZONING ORDINANCE VARIATION FILLABLE PDF

Because of special characteristics of particular properties in the City, the literal application of the provisions of the Zoning Ordinance may, in certain circumstances, create hardships or practical difficulties not intended by the zoning regulations. The Zoning Board of Appeals may accordingly recommend, and the City Council may grant, variances from the literal application of the provisions of this Ordinance based on findings of fact as provided below:

A. List specific provisions of the Zoning Ordinance (Chapter and Subsection) from which a Variation is being sought and the precise Variation(s) there from being sought (*Attach separate sheet if additional space is required.*):

1. Zoning Ordinance Chapter and Section: 10.B.2
Description of requested Variation:

A variation is being requested from the required 20-foot rear yard setback for accessory structures, to allow an existing canopy structure to remain at a distance of approximately 3.25 feet (or 39 inches) from the east property line. This results in a reduction of 16.75 feet from the required rear setback standard.

2. Zoning Ordinance Chapter and Section: _____
Description of requested Variation:

3. Zoning Ordinance Chapter and Section: _____
Description of requested Variation:

- B. In recommending or granting approval or conditional approval of a variance, the Zoning Board of Appeals and the City Council shall prepare written findings of fact that all of the conditions below apply to the application. **Please review and provide a written response indicating how each of the six following criteria support the approval of the requested variation(s).** *(Attach separate sheet if additional space is required.):*

1. Special Circumstances

Special Circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.

Applicant Response:

The property has unique spatial constraints that limit the placement of accessory structures. Existing permanent structures and the orientation of the lot create a narrow usable area along the rear yard, particularly along the east side. These conditions are not common to other nearby properties and are not reasonably addressed by a general amendment to the ordinance.

2. Hardship or Practical Difficulties

Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

Applicant Response:

The special circumstances are related to the physical characteristics and layout of property. The location of the canopy was chosen based on existing constraints and not to intentionally violate zoning requirements. The hardship is not a result of a deliberate action taken after the adoption of the zoning ordinance.

3. Not Resulting from Applicant Action

The special circumstances, practical difficulties, or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.

Applicant Response:

The special circumstances are related to the physical characteristics and layout of the property. The location of the canopy was chosen based on existing constraints and not to intentionally violate zoning requirements. The hardship is not a result of any deliberate action taken after the adoption of the zoning ordinance.

4. Reasonable Use and Return

Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.

Applicant Response:

Without the requested variance, the property's usability and enjoyment are diminished. The canopy is essential to the intended function of the rear yard area; removal or relocation would prevent practical use. The purpose of the variance is to increase financial return but to comply with DCFS requirements.

5. Not Alter Local Character

The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.

Applicant Response:

The canopy is a low-profile structure that does not obstruct views, reduce safety, or negatively affect the character or property values in the area. It is visually compatible with the surrounding neighborhood and does not interfere with neighboring properties.

6. Minimum Variance Needed

The variance approved is the minimum required to allow reasonable use and enjoyment of the property.

Applicant Response:

The variance requested (16.75 feet) is the minimum necessary to allow the existing canopy to remain in its current functional location. Any further setback would render the structure unusable or require costly demolition and reconstruction that would not improve the public or private benefit.