

# VARIATION CHECKLIST



Notwithstanding the required information and data listed on the **Development Application & Fees** form, the Director of Economic and Community Development, in his/her sole and absolute discretion, may waive one or more of these submittal requirements if deemed not applicable or if a written request for a waiver is granted. Otherwise all materials must be submitted as required by Paragraph 11-201(E)(5) of the Oak Forest Zoning Ordinance.

✓ **SUBMITTAL MATERIALS | as determined by staff**

## ILLUSTRATIONS

If the petitioner is requesting a variation for a specific structure, provide a picture or illustration of the proposed structure.

## WRITTEN MATERIALS

1. The specific feature(s) of the proposed use, construction or development that require a variation.
2. The specific provision of this code from which a variation is sought and the precise variation therefrom being sought.
3. A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.
4. A statement concerning the conformity or lack of conformity of the approval being requested to the City Official Comprehensive Plan (Plan) and Official Map. Where the approval being requested does not conform to the Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated. The Plan's Future Land Use Map can be found at the link below on page 22: <http://www.oak-forest.org/DocumentCenter/Home/View/495>
5. A statement of how the variation sought meets the **STANDARDS** (below) as set forth in Subsection 11-403(F) of the Zoning Ordinance.

**STANDARDS.** The staff, Planning and Zoning Commission and City Council will use these standards to determine whether or not the proposed variation is appropriate. Please submit your responses via email in addition to a hard copy at the time of application submittal. The standards for review of variation applications are listed below:

1. **General Standard.** No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth.
2. **Unique Physical Condition.** The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. **Not Self-Created.** The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
4. **Denied Substantial Rights.** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. **Not Merely Special Privilege.** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

6. **Code and Plan Purposes.** The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
7. **Essential Character of the Area.** The variation would not result in a use or development on the subject property that:
  - a. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
  - b. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
  - c. Would substantially increase congestion in the public streets due to traffic or parking;
  - d. Would unduly increase the danger of flood or fire;
  - e. Would unduly tax public utilities and facilities in the area; or
  - f. Would endanger the public health and safety.
8. **No Other Remedy.** There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.