

**CITY OF DARIEN**

**PLANNING AND ZONING COMMISSION**

Wednesday, August 1, 2018

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting:
  - A. Workshop  
**Procedures**
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes:
8. Next Meeting: August 15, 2018
9. Public Comments [On any topic related to planning and zoning]
10. Adjournment

## DECISION CRITERIA FOR VARIATIONS

PROPOSED

1. **ELIGIBILITY:** The City may grant variations to any provision of this Zoning Code, except for variations to the 'Non-Conforming Buildings, Structures, and Uses' provisions, which are in Chapter 4 of this Zoning Code, and the 'Permitted Uses' and 'Special Uses' provisions of each zoning district, which are in Chapters 7,8, and 9 of this Zoning Code.
2. **STATE DECISION CRITERIA:** The City may grant variations only if the finding-of-fact supports each of the following, as required by the Illinois Municipal Code, Sections 11-13-4 and 5.
  - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.
  - b. The plight of the owner is due to unique circumstances.
  - c. The variation if granted will not alter the essential character of the locality.
3. **CITY DECISION CRITERIA:** The City may grant variations only if the finding-of-fact supports one or more of the following criteria that are determined by the City to be the most relevant to the subject property situation.
  - a. **ESSENTIAL NEED?** The owner would suffer substantial difficulty or hardship and not mere inconvenience or lesser profit if the variation is not granted.
  - b. **PROBLEM WITH PROPERTY?** There is some feature of the property such as slope or shape or some change made to the property that other nearby properties does not have that makes it unreasonable for the owner to make the proposed improvement and still conform to code. Such feature or change was not created by the current owner and was not knowable when the current owner decided to purchase the property.
  - c. **SMALLEST SOLUTION?** There is no reasonable way to redesign the property or the desired improvements to avoid the substantial difficulty or hardship or reduce the amount of variation needed.
  - d. **CREATE NEIGHBOR PROBLEM?** The variation if granted would not cause a substantial difficulty or hardship, unreasonable burden, or loss of value for neighboring property.
  - e. **CREATE COMMUNITY PROBLEM?** The variation if granted and repeated for similar properties throughout the community would not cause a problem, unreasonable burden, or undesirable result throughout the community.
  - f. **NET BENEFIT?** The positive impacts to the community outweigh the negative impacts.
  - g. **SACRIFICE BASIC PROTECTIONS?** The variation if granted would still uphold the purposes and intent of this Zoning Code, which are presented in Section 5A-1-2(A) and are summarized as follows; to lessen congestion, avoid overcrowding, prevent blight, facilitate public services, conserve land values, protect from incompatible uses, avoid nuisances, enhance aesthetic values, ensure an adequate supply of light and air, and protect public health, safety, and welfare.