



Village of Westmont COMMUNITY DEVELOPMENT

31 West Quincy Street, Westmont, Illinois 60559

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PZC Case Number (office use only):	
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Application for Variance

In some cases, properties may not be able to meet the strict standards of the zoning ordinance due to unique conditions. In these cases, an exception to the rule, called a variance, can be requested and granted when particular conditions are met. The petitioner has the responsibility of justifying the request to both the Planning and Zoning Commission and the Village Board. There is a set of standards for variances and the applicant must demonstrate a hardship that they did not create.

Proposed Project and Variance Details

State the scope of the work and indicate the specific variation you are requesting. Attach such diagrams, drawings or other information as may be useful to the Planning and Zoning Commission and Village Board in understanding your variation. You must indicate the specific sections of the Village's Zoning Ordinance for which the variation is sought. Please consult Village staff for confirmation.

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Findings of Fact

The Village of Westmont is obligated to make specific findings of fact for all variance applications according to the Village Zoning Ordinance and Illinois State Statutes. The Planning and Zoning Commission must find evidence that the request meets the eight standards of variance defined in the Village's Zoning Ordinance. **Applicants are REQUIRED to submit written evidence and/or analysis of the standards for EACH variance below.** Additionally, **applicants are strongly encouraged to review the standards of variance in preparation of a defense for their variance request** during the Planning and Zoning Commission public hearing.¹ If multiple variances are being requested, respond to **each standard separately**. Attach as many sheets as necessary.

¹ Standards for Variations pursuant to Chapter 95 - Zoning, Sec. 14.06(H) Standards and Review Criteria

1. **Practical Hardship or Practical Difficulty:** The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would create a particular hardship or particular difficulty.

2. **Unique Physical Condition:** The applicant must demonstrate that 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; 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 subject lot rather than the personal situation of the current owner of the lot.

3. **Not Self-Created:** The applicant must demonstrate that the unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner before acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action for which no compensation was paid.

4. **Denied Substantial Rights:** The applicant must demonstrate that requiring strict compliance with the regulation for which a variance is sought would deprive the subject property owner of substantial rights commonly enjoyed by owners of other lots subject to the same regulation.

5. **Not Merely Special Privilege:** The applicant must demonstrate that the alleged particular hardship or practical 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 use of the subject property.

6. **Zoning Ordinance & Comprehensive Plan:** The applicant must demonstrate that the variance would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of the zoning ordinance and the comprehensive plan.

7. **Essential Character of the Area:** The applicant must demonstrate that the variance would not result in a use or development of the subject property that (1) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity, (2) would materially impair an adequate supply of the light and air to the properties and improvements in the vicinity, (3) would unduly increase the danger of flooding or fire, (4) would unduly tax public utilities, facilities, or services in the area, or (5) would endanger the public health or safety.

8. **No Other Remedy:** The applicant must demonstrate that there is no means other than the requested variance by which the alleged hardship or practical difficulty can be avoided or remedies to a degree sufficient to permit a reasonable use of the subject property.

Minimum Submittal Requirements - Checklist

The below documents are required for all variances, unless otherwise stated by Village staff. Documents may be waived or added based on the context of the requested variance.

- ☐ Original signed application with all original signatures and required responses
- ☐ Cover letter explaining the request, entitlements sought, and list of application materials
- ☐ Plat of Survey (prepared by an Illinois Registered Land Surveyor) showing all existing conditions
- ☐ Proposed site plan to scale with dimensions
- ☐ Copy of deed, lease, or similar document to provide proof of parcel ownership or site control
- ☐ Any additional documents submitted as part of the application in PDF form (or as requested by Village staff)
- ☐ A check payable to "Village of Westmont" with proper application fees per Appendix C for **each** variance
- ☐ Escrow deposit and additional payment if requested by staff.