

Findings of Fact
720 Geneva Avenue
Zoning Code Variance

The Zoning Board of Appeals finds there are unique circumstances related to the property that limit the options for garage space on the property. Because of the existing one car attached garage there is not enough room to fit a driveway on the side of the property to reach a detached garage in the rear of the property. In addition, many of the Hampton Park homes have already converted garage space to living space so this should not be a common request. As such, this condition does not apply generally to properties in the district, and, therefore, does not create a precedent for the neighborhood. Detached garages are common in the neighborhood and the proposed detached garage will not alter the character of the neighborhood.

- (1) Standards. The Zoning Board of Appeals shall not recommend a variance to the regulations of this chapter to the Village Board of Trustees unless it shall make findings of fact based upon the evidence presented to it in each specific case that:
 - (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located;
 - (b) The plight of the property owner is due to unique circumstances; and,
 - (c) The variance, if granted, will not alter the essential character of the locality.
- (2) Supplemental Standards. For the purposes of implementing the provisions of this section, the Zoning Board of Appeals shall also, in making its determination/recommendation as to whether or not there are practical difficulties or particular hardships. They shall take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence submitted:
 - (a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were not carried out;
 - (b) The conditions on which a petition/application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification;
 - (c) The alleged difficulty or hardship is caused by this Chapter and has not been created by any person presently having an interest in the property.
 - (d) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and,
 - (e) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.