



ZONING ORDINANCE VARIATION APPLICATION - FORM A

Water Tower - Thorntons Site

Name of Development/Project

Project Number (for office use only)

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: Chapter 4, Table 4C
Description of requested Variation:
Reduce front yard setback from required 40 feet to 16 feet.

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:

~~Often, the shorter dimension of a rectangular lot is the front lot line. In this case, the lot will be landlocked and the Zoning Ordinance specifies the lot line that faces the access to the lot as the front lot line. That results in the shorter dimension for the side lot lines, and a shallow lot. The spheroid portion of the water tower will not fit in the area left between the required 40 foot front yard and the required 30 foot rear yard. The actual distance between the water tower and the front lot line is 16.17 feet. The actual distance between the base of the tower and the front lot line is 29.58 feet.~~

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 spheroid portion of the water tower cannot physically fit in the remaining space left between the required 40 foot front yard and the required 30 foot rear yard. The water tower is required to be 500,000 gallons, which dictates the size of the spheroid. Meeting the setback requirements would not be an issue if the narrower dimension of the rectangular lot faced the access. The spheroid portion of the water tower will be set back 338.11 feet from the south edge of the Duke Parkway right-of-way, since the Thorntons property lies between the City parcel and the street.~~

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 hardship is not the result of any action by the City of Warrentville. If the narrower dimension faced the access, the water tower could meet all of the required setback lines. The location of the access is the cause of the hardship.~~

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:

The requested variance will allow the construction of a 55.83 foot diameter water tower that supports the neighborhood and this area of the City by enhancing and reinforcing the City's water system. The parcel is 113.74 feet deep. Subtracting the 40 foot front yard setback and the 30 foot rear yard setback leaves only 43.74 feet for development, which is not sufficient to be used in a manner reasonably consistent with the intent of the Zoning District.

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 variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area. In fact, the water tower will enhance public health and safety by providing water storage which will help provide adequate fire flows and water pressure to fight fires.

6. Minimum Variance Needed

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

Applicant Response:

Reducing the front yard setback is the minimum variance required to place the water tower at a location within the lot to allow adequate room around it to construct it and maintain it in the future.

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS AND ALL ACCOMPANYING STATEMENTS AND APPLICATION INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Signature of Applicant/Agent

Philip M. Kuchler

(Print Name)

10/19/2022

Date