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**ZONING VARIANCE**

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**Planning and Zoning Commission  
City of McHenry**

333 South Green Street □ McHenry, IL 60050 □ Tel: (815) 363-2170 □ Fax: (815) 363-2173

Table 32 of the City of McHenry Zoning Ordinance provides that in recommending approval or conditional approval of a variance, the Planning and Zoning Commission shall transmit to the City Council written findings that all of the conditions listed below apply to the requested action.

Please respond to each of these conditions as it relates to your request.

1. Special Circumstances Not Found Elsewhere

Special circumstances exist that are particular to the property for which the variance is sought 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 reasonably practical to provide a general regulation to cover them.

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2. Circumstances Relate to Property Only

Since a variance will affect the character of its surroundings long after a property changes hands, the special circumstances referenced herein relate only to the physical character of the land or building(s) for which a variance is sought, such as dimensions, topography, or soil conditions; and they do not concern any business or activity the present or prospective owner or tenant carries on or seeks to carry on therein, or to the personal, business or financial circumstances of such owner or tenant or any other party with interest in the property.

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3. Not Resulting from Applicant Action

The special circumstances that are the basis for a variance have not resulted from any act of the applicant or of any other party with interest in the property.

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4. Unnecessary Hardship

The strict application of the provisions of the Zoning Ordinance would result in unnecessary and undue hardship upon the applicant, as distinguished from a mere inconvenience.

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5. Preserves Rights Conferred by District

A variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties in the same zoning district, and does not confer a special privilege ordinarily denied to other properties in the district.

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6. Necessary for Use of Property

The granting of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of any reasonable use or enjoyment of the property.

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7. Not Alter Local Character

The granting of a variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

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8. Consistent with Zoning Ordinance and Comprehensive Plan

The granting of the variance will be in harmony with the general purpose and intent of the Zoning Ordinance and Comprehensive Plan of the City, as viewed in light of any changes conditions since their adoption.

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9. Minimum Variance Required

The variance requested is the minimum required to provide the applicant with reasonable use and enjoyment of the property.

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