

ZONING CODE

*156 Attachment 27*

**Village of Coal City**

**Table 25: Approval Criteria for Variances**  
**[Amended 3-9-2009 by Ord. No. 09-09; 10-25-2023 by Ord. No. 23-29]**

**Generally**

No variance shall be recommended or granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. In making the determination whether there are practical difficulties or peculiar hardships, the Zoning Board of Appeals may take into consideration the extent to which the following facts to the owner have been established by the evidence:

**(1) Special Circumstances Not Found Elsewhere**

Special or unique circumstances exist that are peculiar to the property for which the variance is sought and that do not apply generally to other properties in the same zoning district. These special circumstances might include, for example, the physical character of the land or building(s), dimensions, topography, or soil conditions.

**(2) Unnecessary Hardship**

The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or monetary hardship.

**(3) Consistent with the Rights Conferred by the District**

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

**(4) Necessary for Use of the Property**

Failure to pass the variance will deprive the applicant the use of his or her property in a manner equivalent to the use permitted by other owners of property in a manner equivalent to the use permitted by other owners of property in the immediate area or may prohibit a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

**(5) Minimum Variance Recommended**

The variance is the minimum variance that will make possible the reasonable use of the property, building, or structure.