

**CITY OF O'FALLON ZONING HEARING OFFICER**

IN RE THE MATTER OF: )  
 )  
**Request for Use Variance for auto repair (auto body)** ) ZHO2013-10  
**Located in a "B-1(P)" Planned Community Business** )  
**District; located at 1290 Central Park Drive; Petitioner** )  
**Is Lechner Realty Group, Inc., agent for the owner,** )  
**Peoples National Bank.** )

**RECOMMENDATION OF ZONING HEARING OFFICER**

The Petitioner has requested a use variance for the property located at 1290 Central Park Drive, O'Fallon, Illinois ("Property"). Pursuant to Section 158.296.C of the O'Fallon Zoning Code, use variances are not favored and shall be granted only when failure to authorize the use denies all economically viable uses of the property or similar extreme hardship is demonstrated by the evidence presented.

A use variance is an extreme measure taken only when the property will have no economic value if required to be used under the permitted or special uses for the subject zoning classification. This is evidenced by the fact that the City of O'Fallon has not issued a use variance in over 15 years.

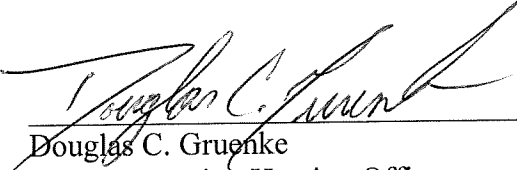
The Property in question has only been marketed as a new vehicle dealership and at a price of \$1,600,000. I concur with Petitioner that the most suitable use of the Property is automotive. However, there is no evidence that suggests the Property will not be economically viable if it is used for any other allowed use in the B-1 zoning classification, particularly as a used car dealership.

In addition, even assuming that the \$1,600,000 asking price is the fair market value for the Property, being a viable economic use does not mean that the Property will sell for the fair market value. There was no evidence presented to demonstrate that the Property would not sell for an economically viable use for \$500,000, \$800,000, \$1,000,00, etc.

As such, I cannot find that the failure to allow the Property to be used as an auto body shop will deny all economically viable use of the Property.

For the reasons stated above, I recommend that the City Council **DENY** the use variance for the Petitioner.

Dated: January 31, 2014

  
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 O'Fallon Zoning Hearing Officer  
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