

STAFF REPORT

DATE: April 9, 2026
TO: Zoning Board of Appeals
FROM: Helen Miller, Planner
RE: Petition Number: 2026-10 and 2026-11
Applicant: Dive Right In Scuba, Inc.
Status of Applicant: Contract purchaser
Owner: Greater Joliet Area YMCA
Location: 749 Houbolt Road (Council District #5)
Request: 2026-10: Variation of Use to allow an indoor and outdoor commercial recreation facility, a B-3 (general business) use, in the R-B (restricted business) district
2026-11: Variation to allow unlighted outdoor recreational facilities within 200 feet of a single-family residential zoning district

Purpose

The applicant is requesting a Variation of Use to allow an indoor and outdoor commercial recreation facility within the R-B (restricted business) district. Commercial recreation facilities are permitted uses in the B-2 (central business) and B-3 (general business) districts, while unlighted outdoor recreational uses and facilities are permitted in the B-3 (general business) district. The site was developed for and is currently occupied by a branch of the Greater Joliet Area YMCA. Because the YMCA is a non-profit organization, the facility was categorized as a “public and semi-public building,” which is a permitted use in the R-B district. The petitioner’s proposal is for a commercial facility and therefore needs a Variation of Use to be located within the R-B district. The Variation of Use request must be considered by the City Council following the recommendation of the Zoning Board of Appeals.

The Zoning Ordinance states that “unlighted baseball fields” or similar open air recreational uses and facilities shall not be located within 200 feet of any single-family or two-family residential zoning district. The existing baseball fields, as well as the open fields and outdoor track on the western portion of the property, are within 200 feet of the property to the south, which has R-1 (single-family residential) zoning. Therefore, the petitioner is also requesting a variation from this spacing requirement to allow the existing outdoor facilities to remain as is. The Zoning Board of Appeals makes the final decision on this variation request.

Site Specific Information

The 16-acre subject property was annexed and zoned R-B (restricted business) in 1969. The existing recreational facility was constructed around 1982 and has operated as the Galowich Family branch of the Greater Joliet Area YMCA since that time. This YMCA branch will be permanently closing at the end of April. The petitioner is currently under contract to purchase the property.

The site currently contains an approximately 25,000-square-foot building, surface parking, two baseball fields, an outdoor walking track, and open grass fields. The building contains an indoor swimming pool, indoor basketball courts, and fitness center. Parking is located on all sides of the building, and the site has 104 parking stalls.

In 2008, the Zoning Board of Appeals approved a variation to allow a reduced setback for the existing monument sign.

Surrounding Zoning, Land Use and Character

- North: R-4 (multi-family residential), residential (Springwood subdivision); and B-3 (general business) and R-B (restricted business), forest preserve
- South: R-1 (single-family residential), agricultural (Joliet Junior College property)
- East: R-1A (single-family residential), residential (Silver Leaf subdivision)
- West: R-B (restricted business) and R-5 (multi-family residential), forest preserve

Applicable Regulations

- Section 47-13.1(A) & (H) B-3 (General Business) District Permitted Uses
- Section 47-12.1(1)(C) B-2 Central Business District Permitted Uses
- Section 47-17.28 Variation of Use
- Section 47-19.8 Findings of Fact Supporting a Variation
(refer to attachment)

Section 47-17.28: Variation of Use: *A "variation of use" shall be defined to mean relief from strict compliance with the use limitations of this Ordinance regarding the classification, regulation, and restriction of the location where trades, industries, businesses, and residences may exist.*

Discussion

The petitioner, Dive Right In Scuba, Inc., is requesting a Variation of Use to allow an indoor and outdoor commercial recreation facility within the R-B (restricted business) district at 749 Houbolt Road. The proposal, called The Flex, will include several primary uses that are similar to the existing operations at the facility. These uses consist of: aquatics programming, including swimming instruction, using the existing indoor

swimming pool; indoor basketball for a local youth organization (No Mercy Basketball) on the existing indoor courts; retail and training areas related to scuba instruction and aquatics programming; outdoor youth sports programming on the existing outdoor athletic fields; and a leased snack bar space. The petitioner intends to partner with local youth organizations to promote youth athletics and to fully use all amenities of the existing facility. A full business narrative is included in the staff report packet.

The petitioner states that the facility will support around 30 to 35 employees at full operation. Proposed hours of operation are 8:00 AM to 8:00 PM, seven days per week. The site contains existing surface parking surrounding the main building. There are approximately 104 off-street parking spaces, which meets the requirement for the proposed use. There are no exterior modifications proposed to the building or to the site at this time.

The facility will be owned and managed by Dive Right In Scuba. Dive Right In Scuba has two existing locations in Plainfield and Orland Park. They offer a variety of retail, repair, and training services related to diving, as well as a swim program (The Swim Advantage) at the Orland Park location.

In addition to the Variation of Use, the petitioner is requesting a Variation from the spacing requirement for unlighted outdoor recreational facilities. The Zoning Ordinance states that “open air recreational uses and facilities” shall not be located within 200 feet of a single-family or two-family residential zoning district. The property to the south, which is owned by Joliet Junior College and currently used for agricultural purposes, has R-1 (single-family residential) zoning. The existing baseball fields and track are within 200 feet of the shared lot line with this property. There are no proposed additions to the outdoor facilities nor does the petitioner have plans to install outdoor lighting at this time. Approval of the variation would allow the existing outdoor fields to remain in their current condition. It should be noted that per the Zoning Ordinance, pedestrian lighting and security lighting do not constitute “lighting” as it pertains to unlighted versus lighted outdoor fields.

Recommended Action

Staff finds that the request meets the following criteria for a variation and variation of use:

- strict enforcement of the Zoning Ordinance would involve practical difficulties for the appropriate reuse of the site due to the site’s existing design;
- the property would not be able to yield a reasonable return if used only under conditions allowed within the R-B zoning district;
- the hardship is due to the site’s unique setup as an indoor and outdoor recreational facility; and
- the granting of the variation and variation of use would not alter the character of the local area.

The property is set up to be used as an indoor and outdoor recreational facility and would not be practically used for other permitted uses in the R-B district, such as professional offices or medical facilities. The location of the existing outdoor fields in relation to the adjacent R-1-zoned property to the south is an existing condition of the site that will remain unchanged as part of this request. The petitioner's proposal for a multi-use indoor and outdoor sports, aquatics, and recreation facility is very similar to the historical and current use of the property.

Conditions

If the Zoning Board desires to approve this Variation of Use to allow an indoor and outdoor commercial recreation facility, a B-3 (general business) use, in the R-B (restricted business) district, and a Variation to allow unlighted outdoor recreational facilities within 200 feet of a residential zoning district at 749 Houbolt Road, staff recommends that the following conditions would be included:

1. Should the property be declared a public nuisance, the property may be subject to a rehearing and a possible revocation of the Variation of Use.

Figure 1: Aerial view of subject site at 749 Houbolt Road (2025)



Figure 2: Existing building at 749 Houbolt Road, view northwest from Houbolt Road (April 2026)



Figure 3: Subject site, view southwest from Houbolt Road (May 2025)



Figure 4: Subject site, view northwest from Houbolt Road (May 2025)



Figure 5: Rear outdoor facilities: baseball fields, walking track, open field area; view west from rear parking area (April 2026)

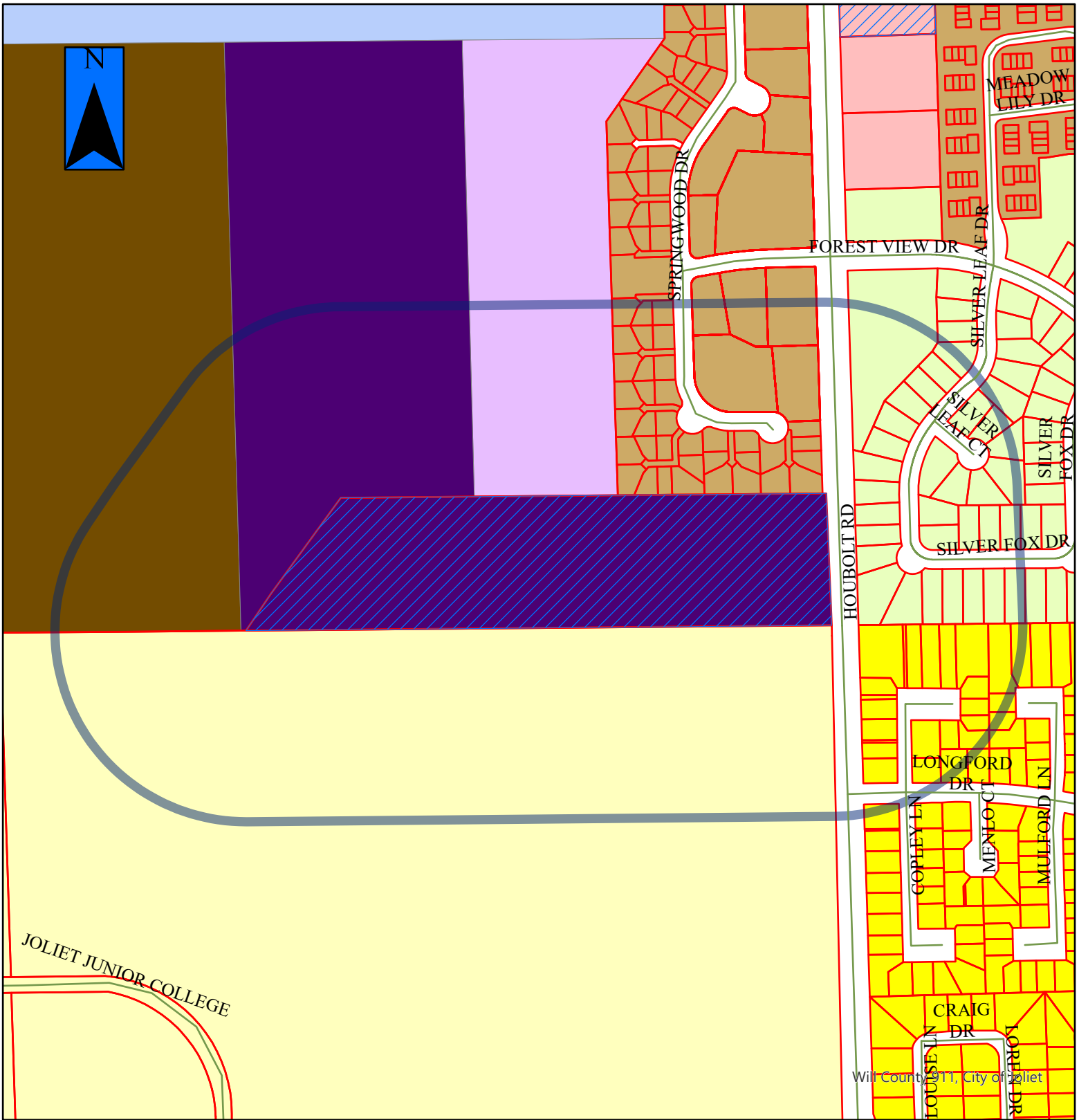




2026-10a, 2026-11a





- = Property in Question / Propiedad en cuestión
- = 600' Public Notification Boundary /
Límite de notificación pública de 600 ft (180 m)



2026-10, 2026-11



 = Property in Question
 = 600' Public Notification Boundary

Legend					
	B-1		I-TA		R-2
	B-2		I-TB		R-2A
	B-3		I-TC		R-3
	I-1		R-1		R-4
	I-2		R-1A		R-5
	I-T		R-1B		R-B

Will County 911, City of Joliet



PRIMARY USE LEGEND

- Aquatics Programming (operated by Dive Right In Scuba/The Swim Advantage)
- Indoor Basketball Courts (utilized by No Mercy Joliet Basketball)
- Accessory Retail and Training Area (related to Scuba Instruction and Aquatic Programming)
- Leased Juice/Snack Bar Space (independent tenant)



FIRST FLOOR PLAN





1/8" = 1'-0"
0 2 4 8 16 24



REVISED	
DATE	0-00-00
BY	
DATE	01-21-2006
SHEET NO.	A-1
PROJECT	FIRST FLOOR PLAN

PRELIMINARY
JANUARY 21, 2006
DO NOT USE FOR CONSTRUCTION PURPOSES

PRIMARY USE LEGEND

-  Aquatics Programming (operated by Dive Right In Scuba/The Swim Advantage)
-  Indoor Basketball Courts (utilized by No Mercy Joliet Basketball)
-  Accessory Retail and Training Area (related to Scuba Instruction and Aquatic Programming)
-  Leased Juice/Snack Bar Space (independent tenant)



LOWER LEVEL FLOOR PLAN
 1/4" = 1'-0"
 0 2 4 8 16 24
 TRUE NORTH



SECOND FLOOR PLAN
 1/4" = 1'-0"
 TRUE NORTH



**HEALY
BENDER
PATTON
& BEEN**
 ARCHITECTS
 4040 Illinois Avenue
 Naperville, IL 60564
 1.630.656.4333
 www.healybender.com

THE FLEY FACILITY FOR
 DIVE RIGHT IN SCUBA
 JOLIET, ILLINOIS
 ONE REYNOLDS DRIVE
 JOLIET, ILLINOIS 61731

REVISIONS	
NO.	DATE
1	04.00.00
2	01.21.2018

UNBLENDED AND SECOND FLOOR PLAN
 SHEET NO
A-2
 OF 2

PRELIMINARY
 JANUARY 21, 2018
 DO NOT USE FOR CONSTRUCTION PURPOSES

THE FLEX 749 HOUBOLT ROAD, JOLIET

1. Business Narrative - Proposed Use

The Flex is a professionally managed, multi-use indoor and outdoor sports, aquatics, and recreation facility intended to serve youth, families, schools, and organized athletic programs in the Joliet area. The facility consolidates several complementary uses into a single coordinated location.

Primary uses within the facility include:

- **Aquatics Programming** operated by Dive Right In Scuba and its DBA, The Swim Advantage, including swim instruction, aquatic safety education, and related programming.
- **Indoor Basketball Courts** utilized by No Mercy Joliet Basketball, a local not-for-profit youth basketball organization, for practices, training, and games.
- **Accessory Retail and Training Areas** related to scuba instruction and aquatic programming.
- **Outdoor Athletic Field Space** intended for organized youth sports programming (no lighting proposed at this time).
- **A Leased Juice/Snack Bar Space**, operated by an independent tenant who will obtain all required permits and licenses directly from the City.

2. Hours of Operation

The anticipated hours of operation for the facility are:

8:00 AM to 8:00 PM, seven (7) days per week

These hours represent the initial planned operating schedule. Hours may be adjusted modestly in the future as programming demand evolves, subject to City requirements.

3. Staffing

Staffing levels will vary based on programming and scheduled activities. At full operation, the facility will support approximately **30–35 total staff members** across all uses, including administrative personnel, instructors, coaches, and operational staff. Staffing includes a combination of employees and contracted instructors/coaches, depending on program needs.

4. Operations & Safety

- No alcohol will be sold or served anywhere within the facility.
- Aquatic activities will be supervised by trained and certified staff, with lifeguards present whenever the pool is in use.
- All programming is structured, scheduled, and supervised.

- The facility will maintain staffed front desk operations and controlled access during operating hours.

5. Community Benefit

The Flex is designed to provide organized youth sports, aquatic education, and fitness programming in a safe, professionally managed environment. Partnerships with local Joliet-based organizations and school districts will promote youth development, physical fitness, and water safety while maximizing efficient use of the facility throughout the day.

FOR OFFICE USE ONLY

***Verified by Planner (please initial): _____ ***

Payment received from:

Petition #: _____

Common Address: _____

Date filed: _____

Meeting date assigned: _____

ZONING BOARD OF APPEALS
JOLIET, ILLINOIS

PETITION FOR VARIATION OF USE

City of Joliet Planning Division, 150 W. Jefferson St., Joliet, IL 60432
Ph (815)724-4050 Fax (815)724-4056

ADDRESS FOR WHICH VARIATION IS REQUESTED: 749 Houbolt Road

PETITIONER'S NAME: Dive Right in Scuba, Inc.

HOME ADDRESS: - ZIP CODE: -

BUSINESS ADDRESS: 24222 West Lockport St., Plainfield, IL ZIP CODE: 60544

PHONE: (Primary) [REDACTED] (Secondary) -

EMAIL ADDRESS: [REDACTED] FAX: -

PROPERTY INTEREST OF PETITIONER: contract purchaser

OWNER OF PROPERTY: Greater Joliet Area YMCA

HOME ADDRESS: - ZIP CODE: -

BUSINESS ADDRESS: 749 Houbolt Road, Joliet, IL ZIP CODE: 60431

EMAIL ADDRESS: [REDACTED] FAX: -

Any use requiring a business license shall concurrently apply for a business license and submit a copy with this petition. Additionally, if this request is for operation of a business, please provide the following information:

BUSINESS REFERENCES (name, address, phone or email):

City of Joliet Fire Department, Craig Sayles - [REDACTED]

US Head, Marco Maestri - [REDACTED]

Huish Outdoors, David Burroughs - [REDACTED]

OTHER PROJECTS AND/OR DEVELOPMENTS:

Dive Right In Scuba, 24222 West Lockport Street, Plainfield, Illinois

Dive Right In Scuba, 16336 South 104th Avenue, Orland Park, Illinois

PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 06-14-300-012 ;
_____ ; _____ ; _____

Property Index Number/P.I.N. can be found on tax bill or Will County Supervisor of Assessments website

LEGAL DESCRIPTION OF PROPERTY (an attached copy preferred):
Attached.

LOT SIZE: WIDTH: 405 ft DEPTH: 482 ft AREA: 16.1 acres

PRESENT USE(S) OF PROPERTY: YMCA facility with outdoor fields

PRESENT ZONING OF PROPERTY: R-B Restricted Business District

VARIATION OF USE REQUESTED: to allow B-3 District uses, ie. general business, retail, and recreation uses,
in the R-B Restricted Business District.

RESPONSE TO VARIATION OF USE CRITERIA

The Zoning Board of Appeals is authorized to grant or recommend relief only when it has received adequate evidence to establish a practical difficulty or hardship. The evidence must support each of the following three conditions:

- (a) The property in question cannot yield a reasonable return by use permitted and subject to the conditions allowed by the regulations in the particular district or zone.
- (b) The plight of the owner is due to unique circumstances.
- (c) The variation, if granted, will not alter the essential character of the locality.

Please describe how this request meets the criteria by responding to the following questions in your own words.

1. How do the applicable zoning regulations prevent the property in question from yielding a reasonable return?
The Subject Property is owned by the Greater Joliet Area YMCA, which has constructed a YMCA facility with a swimming pool, basketball courts, training areas, and unlighted outdoor athletic fields. The YMCA is relocating to a new facility and has entered into a Purchase and Sale Contract with the Petitioner. The Petitioner proposes to repurpose the facility into a professionally managed multi-use indoor and outdoor sports, aquatics, and recreation facility intended to serve youth, families, schools, and organized athletic programs in the Joliet area. The Subject Property is zoned R-B Restricted Business District and the YMCA is a permitted use. However, the Petitioner's proposal is considered a commercial use which is not permitted in the R-B District. The existing facility is a specialized facility, which cannot be easily repurposed, If the Variation of Use is not granted, the Subject Property cannot be repurposed, thereby eliminating it from yielding a reasonable return.

2. *What unique circumstances exist which mandate a variance?*

The unique circumstance of the Subject Property is that it is developed with a specialized building. The YMCA facility cannot be easily repurposed for a use permitted in the R-B District. No public or not for profit entity has expressed an interest in acquiring the Subject Property. For the Subject Property to be used by the Petitioner as a commercial facility requires the requested Variation of Use.

3. *What impact would the granting of this variance have upon the essential character of the general area? Please include both positive and negative impacts.*

The granting of the Variation of the Use should not have any impact upon the essential character of the general area in that the use of the Subject Property is not changing; only the ownership of the Subject Property is changing from a not-for-profit entity to a commercial operator.

REQUIRED SUPPORTING ATTACHMENTS

- Site plan / concept plan / floor plan / building elevation plan
- Joliet Ownership Disclosure form
- Business license application (if applicable)

NOTARIZATION OF PETITION

STATE OF ILLINOIS) ss
COUNTY OF WILL)

I, Michael Pedersen, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

Michael Pedersen by his attorney
Petitioner's Signature

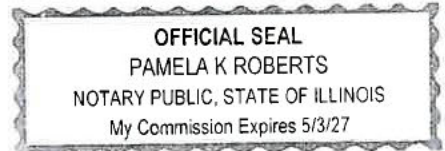
Subscribed and sworn to before me
this 26th day of February, 2026

[Redacted Signature]

Owner's Signature
(If other than petitioner)

Subscribed and sworn to before me
this 26 day of February, 2026

[Redacted Signature]



FOR OFFICE USE ONLY

***Verified by Planner (please initial): _____ ***

Payment received from:

Petition #: _____

Common Address: _____

Date filed: _____

Meeting date assigned: _____

ZONING BOARD OF APPEALS
JOLIET, ILLINOIS

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PERMANENT INDEX NUMBER (TAX NO. OR P. I. N.): 06-14-300-012 ;
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PRESENT USE(S) OF PROPERTY: YMCA facility with outdoor fields

PRESENT ZONING OF PROPERTY: R-B Restricted Business District

VARIATION/APPEAL REQUESTED: to allow unlighted open air recreation uses and facilities to be located less than 200 feet, ie. .45 feet, from a single-family residential zoning district.

RESPONSE TO VARIATION CRITERIA

The Zoning Board of Appeals is authorized to grant or recommend relief only when it has received adequate evidence to establish a practical difficulty or hardship. The evidence must support each of the following three conditions:

- (a) The property in question cannot yield a reasonable return by use permitted and subject to the conditions allowed by the regulations in the particular district or zone.
- (b) The plight of the owner is due to unique circumstances.
- (c) The variation, if granted, will not alter the essential character of the locality.

Please describe how this request meets the criteria by responding to the following questions in your own words.

1. How do the applicable zoning regulations prevent the property in question from yielding a reasonable return?

The Subject Property is owned by the Greater Joliet Area YMCA, which has constructed a YMCA facility with a swimming pool, basketball courts, training areas, and unlighted outdoor athletic fields. The YMCA is relocating to a new facility and has entered into a Purchase and Sale Contract with the Petitioner. The Petitioner proposes to repurpose the facility into a professionally managed multi-use indoor and outdoor sports, aquatics, and recreation facility intended to serve youth, families, schools, and organized

athletic programs in the Joliet area. The Subject Property is zoned R-B Restricted Business District, and the YMCA is a permitted use. However, the Petitioner's proposal is considered a commercial use which is not permitted in the R-B District. The Petitioner is requesting a Variation of Use to allow B-3 District uses, ie. general business, retail, and recreation uses on the Subject Property. The B-3 regulations require 200 foot setback between an unlighted open air recreational use or facility and a single-family residential zoning district. The property to the South of the Subject Property is zoned single-family and the setback is 45 feet. The outdoor fields are an existing element of the YMCA facility. If the Variation is not granted, then the fields would need to be redesigned, including the elimination of a significant portion of the existing fields. This reduction in the amount of sports fields will negatively impact the ability to yield a reasonable return.

2. *What unique circumstances exist which mandate a variance?*

The unique circumstance of the Subject Property is that it is developed with a specialized building and use. The YMCA facility cannot be easily repurposed for a use permitted in the R-B District. The sport fields are existing. A redesign of the sports fields would involve the elimination of a significant portion of the fields.

3. *What impact would the granting of this variance have upon the essential character of the general area? Please include both positive and negative impacts.*

The granting of the Variation should not have any impact upon the essential character of the general area in that the location of the sports fields is not changing.

REQUIRED SUPPORTING ATTACHMENTS

- Site plan / concept plan / floor plan / building elevation plan
- Joliet Ownership Disclosure form
- Business license application (if applicable)

NOTARIZATION OF PETITION

STATE OF ILLINOIS) ss
COUNTY OF WILL)

I, Michael Pedersen, depose and say that the above statements are true and correct to the best of my knowledge and belief. I agree to be present in person or by representation when this petition is heard before the Zoning Board of Appeals.

*Michael Pedersen
by his attorney*

Petitioner's Signature

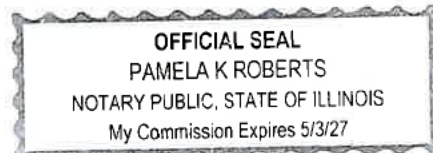
Owner's Signature
(If other than petitioner)

Subscribed and sworn to ~~me~~ before me
this 28th day of February, 2026

Notary Signature

Subscribed and sworn to before me
this 26 day of February, 2026

Notary Signature



CITY OF JOLIET OWNERSHIP DISCLOSURE FORM

The City of Joliet requires that applicants for zoning relief, subdivision approval, building permits and business licenses disclose the identity of all persons having an ownership interest in the business and the real property associated with the application. A copy of this form must be completed and submitted with other application materials. Failure to properly complete and submit this form may result in the denial of the application.

I. INFORMATION ABOUT THE APPLICATION

This form is submitted as part of an application for the following (check all that apply):

- Rezoning, Special Use Permit, Variation, or Other Zoning Relief (Complete Sections II and III)
- Preliminary Plat, Final Plat, or Record Plat of Subdivision (Complete Sections II and III)
- Building Permit (Complete Sections II and III)
- Business License (Complete All Sections)

II. INFORMATION ABOUT THE PROPERTY

The address and PIN(s) of the real property associated with this application are:

749 Houbolt Road, Joliet

PIN(s): 06-14-300-012

III. PROPERTY OWNERSHIP

Select the type of owner of the real property associated with this application and fill in the appropriate contact information below:

- Individual:** State the names, addresses, and phone #'s of the individual owner(s)
- Corporation:** State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company:** State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Land Trust:** State the names, addresses, and phone #'s of the trustee(s) and all beneficiaries
- Partnership:** State the names, addresses, and phone #'s of all partners
- Other type of organization:** State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization or the right to direct the affairs of the organization

Greater Joliet Area YMCA

E-MAIL: [REDACTED] FAX: _____

IV. BUSINESS OWNERSHIP

If the owner of the business is different than the owner of the real property associated with the application, then the following information must be provided:

Select the type of business owner associated with this application and fill in the contact information below:

- Individual:** State the names, addresses, and phone #'s of the individual owner(s)
- Corporation:** State the names, addresses, and phone #'s of all persons holding 3% or more of the stock of the corporation and the percentage of shares held by such stockholders
- Limited Liability Company:** State the names, addresses, and phone #'s of all members of the company along with the percentage of ownership held by each member
- Partnership:** State the names, addresses, and phone #'s of all partners
- Other type of organization:** State the names, addresses, and phone #'s of all persons having a legal or equitable ownership interest in the organization

Michael Pedersen

24222 West Lockport Street, Plainfield, Illinois 60544

E-MAIL: [REDACTED] FAX: _____

NOTE:

If a stockholder, member, beneficiary or partner disclosed in Section III or Section IV is not an individual, then the individuals holding the legal or equitable title to the real property or business associated with the application must also be disclosed. For example, if the real property associated with an application is owned by a land trust, and the beneficiary of the land trust is a limited liability company, then the members of the limited liability company must be disclosed. If one of the members of the limited liability company is a partnership, then the identity of the partners must be disclosed. If one of the partners is a corporation, then all persons owning 3% or more of the issued stock must be disclosed.

SIGNED: [REDACTED]

DATE: February 26, 2026

Name, Title, and Telephone Numbers of Person Completing and Submitting This Form:

Kathleen C. West, Attorney at Law, Dommermuth, Cobine, West, Gensler, Philipchuck and Corrigan, Ltd

111 East Jefferson Ave Suite 200, Naperville, IL 60540, Telephone: [REDACTED] Email: [REDACTED]

PRINT

ZONING BOARD OF APPEALS
CRITERIA FOR VARIATIONS

Section 47-19.8 of the Zoning Ordinance states:

A variation shall not be granted in any case unless the Board shall find and clearly state in its record of the case that:

	Does the evidence presented sustain this criteria?	Comments
<p>(1) Reasons sustaining the contention that strict enforcement of the Ordinance would involve practical difficulties or impose exceptional hardship were found as follows:</p> <p>(a) _____</p> <p>(b) _____</p> <p>(c) _____</p> <p>(list of reasons)</p>		
<p>(2) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the Board, a variation is permitted because the evidence sustained the existence of each of the three following conditions:</p> <p>(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone.</p> <p>(b) The plight of the owner is due to unique circumstances.</p> <p>(c) The variation, if granted, will not alter the essential character of the locality.</p>		
<p>(3) A public hearing was held on such variation of which at least 15 days and not more than 30 days notice was published in the _____ (name of newspaper) on _____ (date).</p>		