

ZONING VARIATION APPLICATION

<u>For Office Use Only</u>		
Project Name: _____	Project Number: _____	Date Received: _____

PART I. REQUIRED DOCUMENTATION

- Completed and signed ZONING VARIATION APPLICATION
- Signed STAFF/CONSULTANT REIMBURSEMENT ACKNOWLEDGEMENT Form
- Signed CONSENT TO ON-SITE INSPECTION Form
- All required documentation for CLASS I SITE PLAN REVIEW
- APPLICATION FEES **\$100** (single lot under 10,000 sq. ft.)
 \$200 (single lot at or over 10,000 sq. ft. or any multi-lots)
- CLASS I SITE PLAN REVIEW FEE **\$150**
- DEVELOPER REIMBURSABLE FEES **TBD during pre-application meeting**
- Proof of Ownership or Option (1 copy)
- Legal Description of Property and the Property's Plat of Survey (2 copies)
- Receipt from Kane-DuPage Soil and Water Conservation District for Land Use Opinion Application

PART II. APPLICANT INFORMATION

NAME OF PROPOSED DEVELOPMENT: _____

APPLICANT (print or type)

Name: _____

Contact Person: _____

Address: _____

Phone: (____) ____ - ____ Fax: (____) ____ - ____ Email: _____

OWNER (If different from Applicant)

Name: _____

Address: _____

Phone: (____) ____ - ____ Fax: (____) ____ - ____

Is the Applicant the owner of the subject property? YES [] NO []

(If not, a letter from the Owner authorizing the Applicant to file the Application must be attached.)

Is the Applicant and/or Owner a Trustee or a Beneficiary of a land trust? YES [] NO []

(If yes, a disclosure statement identifying each Beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto.)

PART III. PROPERTY INFORMATION

ADDRESS OF PROPERTY: _____

PARCEL INDEX NUMBER(PIN): _____

AREA OF PARCEL (ACRES): _____

LEGAL DESCRIPTION: A legal description must be attached to this application.

PART IV. REASONS FOR THE ZONING VARIATION REQUEST

1. Briefly, describe the characteristics of your property, which prevent you from complying with the requirements of the South Elgin Zoning Ordinance. *(Please Print or Type; Attach additional pages if necessary)*

2. Are these characteristics or conditions the result of other man-made changes, such as relocation of a road or highway? Please describe.

3. What specific requirement(s) of the South Elgin Zoning Ordinance prevent you from establishing the proposed use or construction on your property?

4. What is the minimum reduction of the requirements of the South Elgin Zoning Ordinance that would permit the proposed use or construction on your property?

5. What is the practical difficulty or particular hardship, which would result if the requirements of the South Elgin Zoning Ordinance were strictly applied to your property? The cost of any work completed prior to the approval of the variation shall not be considered as a hardship in any After the Fact Variation request (Ord 2002-25).

6. To the best of your knowledge, can you affirm that the hardship you described above was not created by you or anyone having a proprietary interest in the subject property? YES [] NO []

If not, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a zoning variation).

7. Are the conditions of hardship for which you request a zoning variation true only of your property? YES [] NO []

If not, how many other properties in the Village are similarly affected?

PART V. FINDINGS OF FACT

1. Would the Applicant's property yield a reasonable return if the variation were denied?

2. Do special circumstances or unusual conditions exist on the property?

3. Will the proposed variation merely serve as a convenience to the Applicant?

4. Will the proposed variation relieve a demonstrated hardship? The cost of any work completed prior to the approval of the variation shall not be considered as a hardship in any After the Fact Variation request (Ord 2002-25).

5. Is the alleged hardship self-imposed?

6. Has the hardship been created by any person having a proprietary interest in the premises?

7. Will the proposed variation be harmful to the public health, safety, comfort, morals, or welfare of the residents and property owners of South Elgin?

8. Will the proposed variation impair adequate light and air to the Subject Property and/or adjacent properties?

9. Will the proposed variation increase congestion on any public street to the point of being hazardous to the public well being?

10. Will the proposed variation increase the risks of fire not only to the Subject Property, but also to adjacent property?

11. Will the proposed variation alter the essential character of the neighborhood?

12. Will the proposed variation be in harmony with the spirit and intent of the Zoning Ordinance?

13. The Zoning Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect the value of adjacent property in the neighborhood. If there are any conditions or restrictions, specify them below:

I, _____, hereby apply for review and approval of this application and represent that the application, requirements thereof, and supporting information have been completed in accordance with the Village of South Elgin Ordinances.

Signature of Applicant

Date

If you have any questions or comments, please call Community Development at (847) 741-3894. The Community Development Department does not require submittal of social security numbers. Black out social security numbers on any documents prior to submittal.

STAFF USE ONLY:

CURRENT ZONING: _____ **EXISTING LAND USE:** _____

COMPREHENSIVE PLAN'S RECOMMENDED LAND USE: _____

PROPOSED ZONING: _____ **PROPOSED LAND USE:** _____

STAFF/CONSULTANT REVIEW REIMBURSEMENT ACKNOWLEDGEMENT

The undersigned hereby acknowledges their obligation to reimburse the Village of South Elgin for the costs incurred by the Village staff and consultants to review the application attached to this Acknowledgement, including all of the supporting documentation and data, plans, specifications, drawings and other information as required by the applicable sections of the South Elgin Zoning Ordinance and Subdivision Ordinance. The applicant shall deposit into a specified account with the Village at the time of each application an amount not less than \$500 and not more than \$2,500 unless required by the Zoning Administrator.

Further, the undersigned represents themselves as having the authority to incur such obligations on behalf of the owner and/or property.

The undersigned further acknowledges that the Village will deduct from this deposit the costs for reviewing the application by the Village's consultants and Village staff at the rate established for each individual by the Village Board and reimbursable expenses incurred for publication, postage and other actual costs associated with this application.

It is further acknowledged that the Village may demand additional payment(s) if the costs incurred during the review of this application exceed the amount of the deposit accompanying this application and may stay all proceedings thereto until such additional sums are deposited with the Village in accordance with the South Elgin Zoning Ordinance and Subdivision Ordinance.

Signature of Applicant or Authorized Agent Date

Name (Please Print or Type)

Company Name

Address

City State Zip Code

Name of Development

Parcel Index Number(s)

*This form must be executed and accompany all Development Applications.
No Application will be accepted or processed without this completed form.*

CONSENT TO ON-SITE INSPECTION

The undersigned are the owners of record of the real estate which is the subject of this petition and do hereby freely and voluntarily consent to inspection of the site by the Zoning Administrator and/or designated representative, the Village of South Elgin Planning and Zoning Commission members and/or the Village of South Elgin Board for purposes of determining the appropriateness of the pending proposed zoning petition, and hereby release such persons from any liability based in whole or in part on the inspection of the parcel in question.

Signature of Owner of Record Date

Name (Please Print or Type)

Company Name

Address

City State Zip Code

Site Address

Parcel Index Number(s)

No Application will be accepted or processed without this completed form.

SCHEDULE OF FEES

ANNEXATION	\$300
ZONING CERTIFICATE	Included in building permit fee
CLASS I SITE PLAN REVIEW	\$150
CLASS II SITE PLAN REVIEW	\$100
AMENDMENT	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
SPECIAL USE	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
VARIATION	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
VARIATION, AFTER THE FACT	\$1,000
PLANNED DEVELOPMENTS	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
MASTER PLANNED DEV.	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
APPEALS	\$100 (Single lot under 10,000 sq. ft.) \$200 (Single lot at or over 10,000 sq. ft. or any multi-lots)
VACATIONS	\$300
SUBDIVISIONS	\$300
SIGN DESIGN REVIEW	\$30 (Non-illuminated) \$50 (Illuminated)
PARKING LOT AREAS	\$50 (4 or more parking spaces)

Application fees are not refundable. Per §154.274 Fees and §154.275 Reimbursement of Staff Review Time in the Village Ordinance, in addition to paying application fees, every applicant is required to deposit with the Village an amount which shall be used to reimburse the Village for project related expenses. The applicant shall deposit with the Village an amount not less than \$500 and not more than \$2,500 unless required by the Zoning Administrator. Deposits are refundable if not used. All staff/ consultant fees shall be invoiced to the applicant at actual cost. Deposits may be required to be replenished at Village discretion, failure to do so may result in a work stoppage order by the Village.

CLASS I SITE PLAN REVIEW CHECKLIST

Class I Site Plan Review is required prior to or concurrent with granting rezoning to R-3, R-4, M-P, any commercial, office, or industrial district, granting any special use permit, or zoning variation, or granting a planned development. The following signs require a special use permit: advertising, electronic message center and marquee signs.

Date Received

- _____ Completed and signed application with all application and reimbursable fees of \$ _____
- _____ Class I Site Plan Review Fee: **\$150**
- _____ Signed Staff/Consultant Review Reimbursement Acknowledgement Form
- _____ Signed Consent to On-Site Inspection Form
- _____ Plat of Survey (2 copies)

INITIAL PROJECT SUBMISSION FOR PROJECTS INVOLVING BUILDING CONSTRUCTION

- _____ Site Plan (number of copies TBD during pre-application meeting): Owner and contractor information, site location, signature of architect/engineer, Parking Analysis, sign location and elevation of all signage on site.
- _____ Landscape Plan (number of copies TBD during pre-application meeting): If applicable.
- _____ Tree Preservation and Removal Plan (number of copies TBD during pre-application meeting): If applicable.
- _____ Photometric/Lighting Plan (number of copies TBD during pre-application meeting)
- _____ Building Elevations – All Sides of Building (2 FULL -SIZED copies)

INDUSTRIAL DISTRICT PROJECTS MUST ALSO INCLUDE:

- _____ Description of activity.
- _____ Description of type and location of abatement devices.

SIGNS MUST ALSO INCLUDE:

- _____ Site plan showing the location of the sign(s) on the lot and a drawing indicating location of the sign(s) on any building or structure on the lot. Must include landscaping requirement at the base of sign on the site plan, if freestanding sign.
- _____ Elevation showing sign faces, exposed surface areas and the proposed message and design, accurately represented as to size, area, height, proportion, and color, as well as showing the elevation of the building façade and sign, if mounted on the building, drawn to scale
- _____ A copy of plans and specifications showing the method of construction, illumination, if any, and support of such sign.
- _____ The written consent of the owner(s) or agent of the building, structure, or land on which the sign is erected.

FOR THE PLANNING AND ZONING COMMISSION MEETING:

Due by **12 noon** on the date stated for “*Final Submittal Date for all PZC Meeting Attachments*” on the submittal calendar.

This deadline is **NOT FLEXIBLE**. Any material submitted after this deadline will be scheduled on the next available Planning and Zoning Commission meeting.

- _____ 18 Copies of Complete 11” x 17” Site Plans:
 - _____ Black & white Site Plan
 - _____ Black & white Landscape Plan
 - _____ Black & white Tree Preservation and Removal Plan, if applicable
 - _____ Black & white Photometrics / Lighting Plan
 - _____ Color Elevations – ALL sides of building
 - _____ Building Elevations designating the installation location of the sign with façade dimensions and sign clearly illustrated, drawn in color and to scale. SIGNS ONLY.

FOR THE VILLAGE BOARD MEETING:

Due by **12 noon** on the date stated for “*Village Board Presentation for Discussion*” on the submittal calendar

This deadline is **NOT FLEXIBLE**. Any material submitted after this deadline will be scheduled on the next available Village Board meeting.

- _____ 1 .pdf Copy of Complete 11” x 17” Site Plans:
 - _____ Black & white Site Plan
 - _____ Black & white Landscape Plan
 - _____ Black & white Tree Preservation and Removal Plan, if applicable
 - _____ Black & white Photometrics / Lighting Plan
 - _____ Color Elevation – ALL sides of building
 - _____ Building Elevations designating the installation location of the sign with façade dimensions and sign clearly illustrated, drawn in color and to scale, SIGNS ONLY.

You must obtain a Zoning Certificate from the Department of Community Development prior to applying for a Building Permit.

ZONING VARIATION PROCEDURES

The Planning and Zoning Commission is a quasi-judicial board consisting of six (6) members and a Chairman. The members of the Planning and Zoning Commission are citizens of South Elgin appointed to the Planning and Zoning Commission by the Village Board.

It is the Planning and Zoning Commission's function to hear cases concerning variations from the Zoning Ordinance and appeals from the decisions of the Zoning Administrator. The Planning and Zoning Commission hears cases pertaining to the use of land (i.e. rezoning, Special Uses, Planned Developments, etc.) and cases concerning the bulk regulations of the Zoning Ordinance (e.g. setback requirements, lot area, and off-street parking requirements).

The Planning and Zoning Commission, by State Statute, must satisfy certain criteria when granting a variance. The validity of the hardship is the prime criteria the Planning and Zoning Commission uses when deciding to grant or deny a variance. The Planning and Zoning Commission is very thorough in its investigation and analysis of an alleged hardship; it is to the applicant's benefit to focus on the validity of his hardship during the public hearing.

A hardship is a unique circumstance occasioned by unusual topographic or platting conditions, which affect only his land or lot. If you, as the applicant, believe a valid hardship exists in your property as defined by the above definition and no other viable alternatives exist pertaining to the proposed structure, a variation request would be in order.

The zoning variation application involves these procedures:

1. A written application must be filled out and presented to the Community Development Department along with a plat of survey showing the location of existing buildings and the proposed structure and any other supporting documents that may be required by the Community Development Department.
2. Application Fees for a variation are listed, per Village Ordinance and in accordance to the "Village of South Elgin Schedule of Fees" as attached.
3. When your complete application is submitted and has been approved by staff, you will be placed on the next available Planning and Zoning Commission Meeting Agenda. You will be informed of the date of the meeting after a complete application has been submitted.
4. All variation requests require a public hearing. The Community Development staff will prepare the public hearing notice to be published in the local newspaper no less than 15 days, nor more than 30 days prior to the public hearing date and install a notification sign on the property of the proposed project. Your project must be approved by staff prior to the publication of the public hearing.

5. The petitioner must notify all property owners within 250 feet of any lot line of the requested variance and invite them to the public hearing. Notification letters are to be sent by certified, return receipt requested mail. Staff and Commissioners will request proof of these mailings by the returned, signed green cards, or the certified mail receipt. These receipts must be presented prior to the public hearing, or the hearing will be postponed.
6. All Planning and Zoning Commission meetings begin at 7:00 pm., in the Village Board Room in the Village Hall, 10 North Water Street, South Elgin, Illinois on the second floor.
7. **It is necessary that either the applicant or a representative of the applicant attend this meeting and the public hearing in order to present the case and answer questions. If no representative attends the hearing, the hearing will be postponed.**
8. The public hearing will proceed as follows:

The public hearing is opened and the applicant presents his case. During the public hearing, the applicant, or his representative, must make an oral presentation consisting of the following:

- a. In what respect do you want the Zoning Ordinance varied or the decision of the Zoning Administrator changed?
- b. What, in your opinion, is the undue hardship or difficulty in complying with the Zoning Ordinance or the decision of the Zoning Administrator?
- c. What hardship would result if the strict compliance with the Zoning Ordinance or decision of the Zoning Administrator were enforced?

All persons attending the hearing will be invited to speak

The public hearing is closed and the Planning and Zoning Commission conducts a "Findings of Fact". This is a summary of the testimony given during the hearing, which focuses on the validity of the alleged hardship and the affect; the proposed variation will have on the subject property as well as adjoining properties.

After conducting the findings of fact, the Planning and Zoning Commission will consider granting or denying the proposed variation request. The Planning and Zoning Commission may impose conditions and restrictions on the variation to protect adjacent property owners and property values.

9. A recommendation is drawn up which summarizes why the Planning and Zoning Commission denied or granted the proposed variation. The recommendation is forwarded to the Village Board for their decision. The decision of the Village Board is final.

If you have any questions concerning the zoning variation process or procedures, please do not hesitate to call the Community Development Department at (847) 741-3894.

VILLAGE OF SOUTH ELGIN

Every applicant is required to notify adjoining property owners of his/her intent to develop property in the Village of South Elgin. Applicants are encouraged to provide the adjoining property owners with a brief description of the proposed development and a copy of the development plan to help adjoining property owners better understand what is being proposed in their neighborhood.

SAMPLE OF NOTIFICATION LETTER

Dear Neighbor:

(Applicant Name) has submitted an application to the Village of South of Elgin for (type of application) to allow (describe project, use of land, number of units, etc.) on the property located at (address or legal description).

A copy of the site plan is enclosed for your information. The Community Development staff at the Village of South Elgin is currently reviewing our application material, including the site plan. If you have any concerns or questions regarding the proposed property and/or development, you are encouraged to call (contact for the applicant) at (contact's telephone number) or the Community Development Department at (847) 741-3894. You will also have the opportunity to comment about the proposed development at the South Elgin Planning and Zoning Commission meeting scheduled for (date) at 7:00 pm.

Sincerely,

(APPLICANT)