



City of West Chicago

Community Development Department
475 Main Street, West Chicago, IL 60185
Phone: (630) 293-2200 x 131 / Fax: (630) 293-1257

Requirements for a Variance

As set forth in the City of West Chicago Zoning Ordinance Section 5.4:

Standards for a variance. The zoning board of appeals shall not grant a variance unless, based upon the evidence presented to them, they determine that:

- (1) The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or loss of revenue, if the strict letter of the regulations were carried out.
- (2) The condition upon which the requested variance is based would not be applicable, generally, to other property within the same zoning classification.
- (3) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.
- (6) The proposed variance complies with the spirit and intent of the restrictions imposed by this code.

The purpose of a variance is to provide relief to a property owner when the strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, signage, etc. would not impose an undue hardship on the reasonable use of the land or create a negative impact on the surrounding community.

Hardship of the applicant is the crucial test. A variance will be granted only to provide relief in unusual situations that were not intended or foreseen when the Zoning Ordinance was adopted or amended. Economic loss or gain is not considered a unique situation and is generally not considered a valid hardship.

It is strongly suggested that the petitioner schedule an appointment with the city staff at the time of submittal so that the application submittal documents can be reviewed for accuracy and completeness.

Items required with this application

Submit ten (10) copies of each of the following for review.

- ❑ Completed Application
- ❑ Site plan or plat of survey of the property

Submit one (1) copy of each of the following review:

- ❑ Land use opinion report
- ❑ Authorization letter from the property owner (if the applicant is not the property owner)
- ❑ Trust/owner's disclosure certificate (if property is in trust)
- ❑ Legal description of property — preferably in electronic format
- ❑ List of all adjacent property owners within two hundred fifty (250) feet
- ❑ *Variance fee—Residential: \$400*
Non-residential: \$600

In addition to the application fee, a \$500.00 deposit shall be required for all variance applications. In the event that multiple applications requiring a deposit are being requested simultaneously, only one deposit, equal to largest deposit required, shall be paid with the application fees. Upon notification by the City, the deposit shall be replenished if the fees incurred exceed the initial deposit amount, and staff review shall cease until such time as the deposit is replenished. Any remaining balance on a deposit shall be refunded in a timely manner once all fees have been paid.

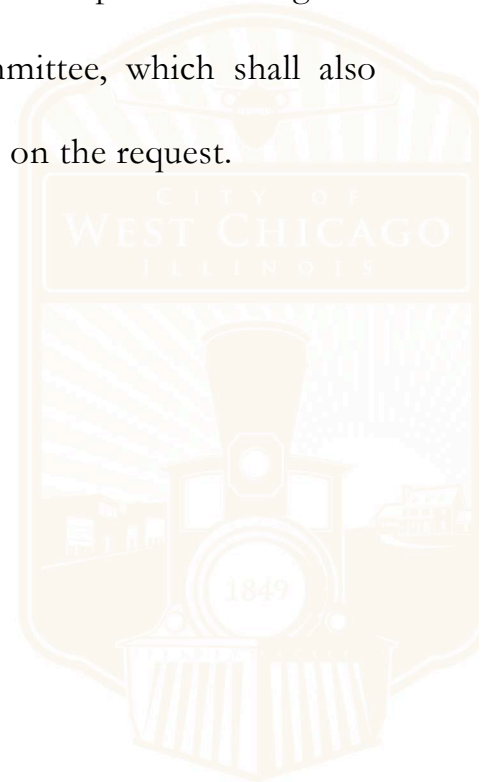
All required items shall be submitted together. Staff review shall not begin until staff has determined that all required items have been submitted and are complete. All documents shall be folded to fit into a legal size folder. Staff may request other documents as deemed necessary.

Public Hearing Notification Procedures

Once city staff has determined the public hearing meeting date, the applicant shall be required to complete the three (3) required public hearing notifications. The notifications shall be completed no sooner than thirty (30) days and no later than fifteen (15) days prior to the public hearing meeting date. The applicant shall have city staff approve the content of the three (3) public hearing notifications prior to the notifications being released. The applicant shall send a notice of public hearing to the Daily Herald according to the attached example. The notice may be sent to the Daily Herald via e-mail at legals@dailyherald.com or contacting them at (847) 427-4671 for alternate options. The applicant shall also post a public hearing sign on the property according to the attached example. Lastly, the applicant shall send by certified mail return receipt a notice of public hearing letter, according to the attached example, to all of the property owners on the list compiled by the Township Assessor's Office. At the public hearing meeting, the applicant shall provide city staff with a copy of the notice of public hearing published in the Daily Herald, a signed copy of the letter sent to the adjacent property owners, all of the certified mail receipts, and the attached sworn affidavit signed and notarized.

Approval Procedure

1. Applicant files all of the required items.
2. Staff reviews the documents. If corrections are required, the applicant shall be asked to revise and resubmit the documents.
3. When the documents are satisfactory, staff shall schedule the public hearing for consideration by the Plan Commission/Zoning Board of Appeals.
4. Staff shall notify the applicant of the Plan Commission/Zoning Board of Appeals public hearing meeting date and the applicant shall complete the three (3) public hearing notifications. Staff shall also request an additional thirty (30) copies of the site plan and other documents as deemed necessary. The applicant shall provide the copies to the Community Development Department ten (10) days prior to the scheduled meeting date. The copies shall be 11" x 17" in size and folded to fit in a legal size folder.
5. The Plan Commission/Zoning Board of Appeals shall conduct the public hearing and provide a recommendation to the City Council.
6. The case shall then be reviewed by the Development Committee, which shall also provide a recommendation to the City Council.
7. The City Council shall review both recommendations and vote on the request.



Application for a Variance

Date Rec'd ___/___/___

Fee Paid? _____

Case # _____

For office use only

Applicant Information

(Name)

(Address)

(Phone #)

(Fax #)

(E-mail Address)

Property Interest of the Applicant:

___ Owner ___ Lessee ___ Contract Purchaser ___ Other: _____

Property Owner Information (if different from the applicant)

(Name)

(Address)

(Phone #)

(Fax #)

(E-mail Address)

Property Information

(Street Address or General Location of the Property)

(Permanent Index Number [P.I.N.]



(Current Zoning)

(Current Use of the Property)

(Type of Existing Structures on the Property)

(Type of Existing Features on the Property Relevant to the Variance Request)

Variance Being Requested

State exactly what is intended to be done with the property that does not conform to existing zoning regulations. Please cite relevant paragraphs of the Zoning Ordinance by section number.

Signature

I certify that all the information provided above and the information contained in any documents submitted herewith is true and accurate. I consent to the entry in or upon the property described in this application by any authorized official of the City of West Chicago for the purposes of inspection or review of the site in order to provide information for the formal determination of the variance.

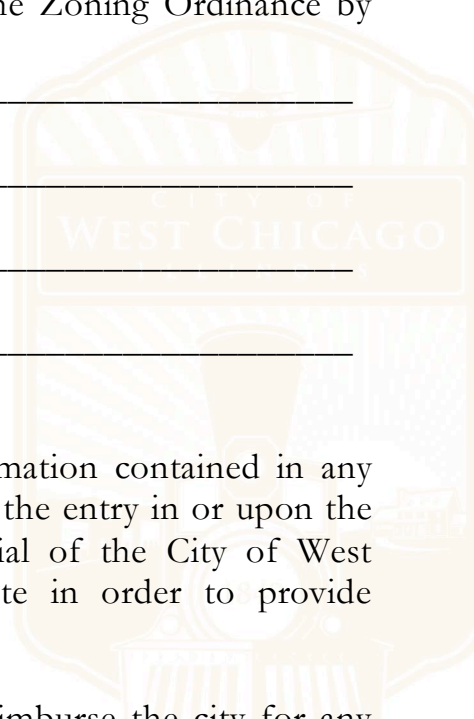
In addition to the application fee specified above, I agree to reimburse the city for any professional services or costs, including, but not limited to, attorneys, engineers, planners, architects, surveyors, or other consultants fees that are incurred by the city, in its sole and exclusive discretion, that would be associated with the City of West Chicago providing a formal recommendation on the variance request.

(Signature of Applicant)

(Date)

(Signature of Owner, if different from the applicant)

(Date)



Site Plan

The site plan shall be on a plat of survey stamped by a licensed professional surveyor and drawn to scale, large enough to clearly show the following information:

- a. Locations and dimensions of the: lot(s), principal and accessory structure(s), driveway(s), and off-street parking spaces.
- b. Distance between: structure(s) and all of the lot lines; other structures on the lot(s); and structures on adjacent lots.
- c. Location of: signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
- d. That portion of the site plan that is affected by the requested variance.
- e. Any additional information as may reasonably be required by the city staff.

Land Use Opinion Report

The land use opinion report application shall be submitted to the Kane-DuPage Soil and Water Conservation District. A copy of the completed application and report generated by the Soil and Water Conservation District shall be submitted to the city.

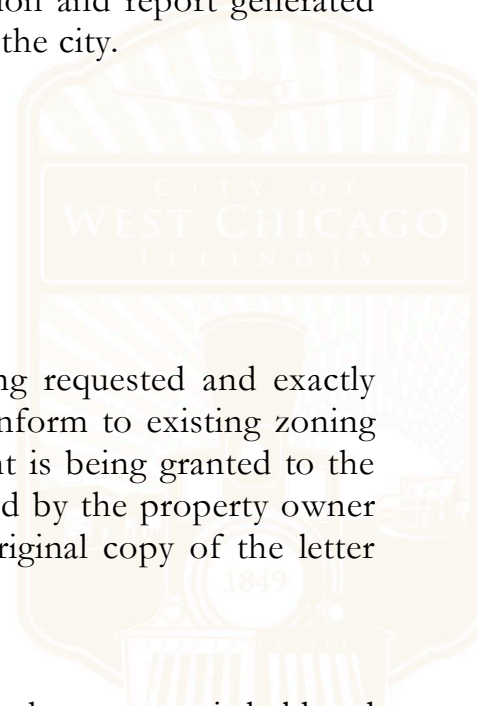
Kane-DuPage Soil and Water Conservation District
545 S. Randall Road
St. Charles, IL 60174-1592
(630) 584-7961 ext. 3

Authorization Letter from the Property Owner

The authorization letter shall specifically state the variance being requested and exactly what is intended to be done with the property that does not conform to existing zoning regulations. The letter shall also specifically indicate that consent is being granted to the applicant to pursue the variance. The letter shall be dated, signed by the property owner and include the mailing address of the property owner. The original copy of the letter shall be submitted with the variance application.

Trust Disclosure Certificate

The trust disclosure certificate shall indicate the trust under which the property is held and who is legally responsible for matters pertaining to the trust. The trust holder shall sign the certificate and the trust holder's name shall also be printed on the certificate. The certificate shall be notarized by a state certified notary public and shall be dated. The original copy of the certificate shall be submitted with the variance application.



List of Adjacent Property Owners

The list shall contain the name and mailing address of the taxpayer of record and Permanent Index Number (P.I.N.) of all properties within two hundred fifty (250) feet of the subject property, including all properties that are separated by a public right-of-way. The required information may be obtained from the Assessor's Office of the township in which the subject property is located.

Wayne Township Assessor's Office
27W031 North Avenue
West Chicago, IL 60185
(630) 231-8900

Winfield Township Assessor's Office
130 Arbor Avenue
West Chicago, IL 60185
(630) 231-3573



Notice of Public Hearing

A public hearing before the City of West Chicago Plan Commission/Zoning Board of Appeals will be held on **(insert the public hearing date)** at 7:00 P.M. at West Chicago City Hall, 475 Main Street, West Chicago, Illinois, to consider the following matter:

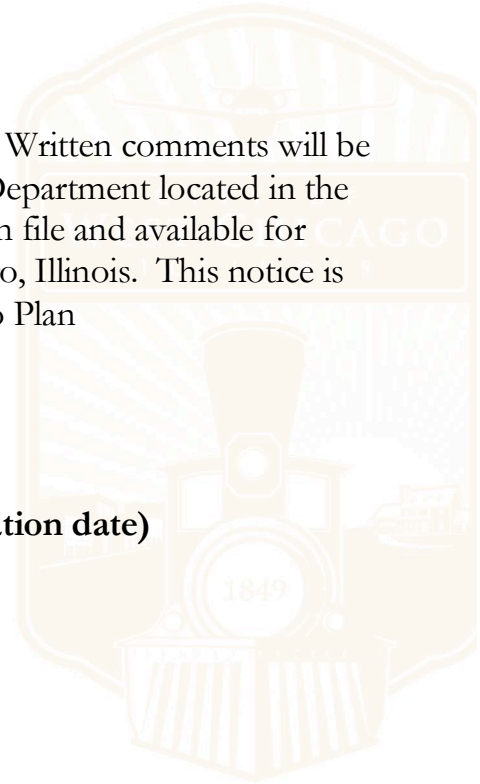
Case **(insert the case number)**

(insert the petitioner and/or business name and address), petitions the City of West Chicago for a **(insert the type of requesting referencing specific sections of the Zoning Code)** of the West Chicago Zoning Ordinance. The subject property is located at **(insert the property address or general location if the property is vacant)**, in West Chicago, Illinois and is legally described as:

(insert the legal description of the property and the P.I.N.)

All interested persons are invited to attend said hearings and be heard. Written comments will be accepted at these hearings and also at the Community Development Department located in the West Chicago City Hall prior to the hearing date. The application is on file and available for inspection at the Community Development Department, West Chicago, Illinois. This notice is being published by order of the Chairman of the City of West Chicago Plan Commission/Zoning Board of Appeals.

Published in the Daily Herald on **(newspaper will insert the publication date)**



Adjacent Property Owner Public Hearing Notice Letter

(insert today's date)

Dear Property Owner:

A public hearing before the City of West Chicago Plan Commission/Zoning Board of Appeals will be held on **(insert the public hearing date)** at 7:00 P.M. at West Chicago City Hall, 475 Main Street, West Chicago, Illinois, to consider the following matter:

Case **(insert the case number)**

(insert the petitioner and/or business name and address), petitions the City of West Chicago for a **(insert the type of request referencing specific sections of the Zoning Code)** of the West Chicago Zoning Ordinance. The **(insert the type of request)**, if granted, would permit the applicant to **(insert the proposed use)**.

The subject property is located at **(insert the property address or general location if the property is vacant)**, in West Chicago, Illinois and is legally described as:

(insert the legal description of the property and the P.I.N.)

This notice is sent to you as an owner of property affected by this application. The Plan Commission will hold a Public Hearing on this application on **(insert the public hearing date)** at 7:00 p.m. in the City of West Chicago Council Chambers, 475 Main Street, West Chicago, Illinois, at which time you may express your views in person or by writing to the Board or Council.

Prior to the Public Hearing, you may send comments to the Community Development Department, 475 Main Street, West Chicago, Illinois 60185, or call (630) 293-2200, ext. 141. You may also visit the Community Development Counter at City Hall to examine a copy of the application. You may also contact me at **(insert the applicant's phone #)**.

This notice is sent to you by the applicant by order of the Chairman of the Plan Commission.

Respectfully,

(insert the applicant's signature)

(insert the applicant's printed name)

Sworn Affidavit

I, _____, of
(Print Your Name)

_____,
(Address)

hereby acknowledge that on ____ / ____ / ____ I have either hand-delivered or sent by certified mail "return receipt" the notice of public hearing letter for the variance on the property. I also acknowledge that on ____ / ____ / ____ I posted a public hearing sign for the variance on the property. Furthermore, I acknowledge that I sent the notice of public hearing for the variance to the Daily Herald to be published on ____ / ____ / ____.

(Signature)

SUBSCRIBED and SWORN TO before me

this _____ day of _____, 20____

(Notary Public)

