



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.

1. 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.
2. The applicant shall also post a public hearing sign on the property according to the attached example.
3. 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)

Variations from the regulations shall be heard and recommended by the Zoning Board of Appeals and shall be decided by the City Council in the following instances only and in no others. Please check the variance(s) below that apply to your application:

- To permit the extension of a district to include an entire lot where the boundary line of the district divides a lot.
- To permit any yard of less dimension than required by the applicable regulations.
- To permit any building or structure to exceed the floor area ratio, height and bulk limitations imposed by the applicable regulations.
- To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety (90) percent of the required lot area in the R-5, R-6, Commercial and Manufacturing Zoning Districts and in no event shall the area of the lot be less than eighty (80) percent of the required lot area in the ER-1, ER-2, R-2, R-3 and R-4 Zoning Districts.
- To reduce the applicable off-street parking or loading facilities required by not more than twenty (20) percent of the required number.
- To increase the maximum distance that required parking spaces are permitted to be located from the use served.
- To permit the same off-street parking facilities to qualify as a required facility for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- To permit any fence, wall or hedge of less or greater dimension than required by the applicable regulations.
- To permit the location, construction and continued maintenance of fences within the front yard not to exceed six (6) feet in height.
- To permit any signage to exceed the maximum number, height and area limitations.
- To permit variations for flood-prone areas.
- To permit the following variations, in addition to those otherwise authorized by this section, with respect to structures located in a designated historic district, provided that no such variation shall be granted until the applicant has obtained a certificate of appropriateness from the historic preservation commission with respect thereto:
 - To permit the continued maintenance, enlargement, alteration, repair and/or replacement of a nonconforming building or structure.
 - To permit the construction, maintenance and use of signage that would otherwise be prohibited by the applicable regulations, with exception of the following: roof-mounted signs, neon signs located outside of the principal building, billboards, flashing signs (that portion of the sign displaying time and temperature shall be exempt from this provision), animated signs, beacons and moving signs.
- To permit the construction, continued maintenance, alteration or expansion of driveways and parking areas in residential zoned districts.
- To permit the reduction of the minimum area that may constitute a separate or detached part of a zoning district, by not more than twenty (20) percent of the required size.
- To permit the reduction of the minimum width of a driveway, by no more than twenty (20) percent of the required width.

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
2315 Dean Street, Suite 100
St. Charles, IL 60175
(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.

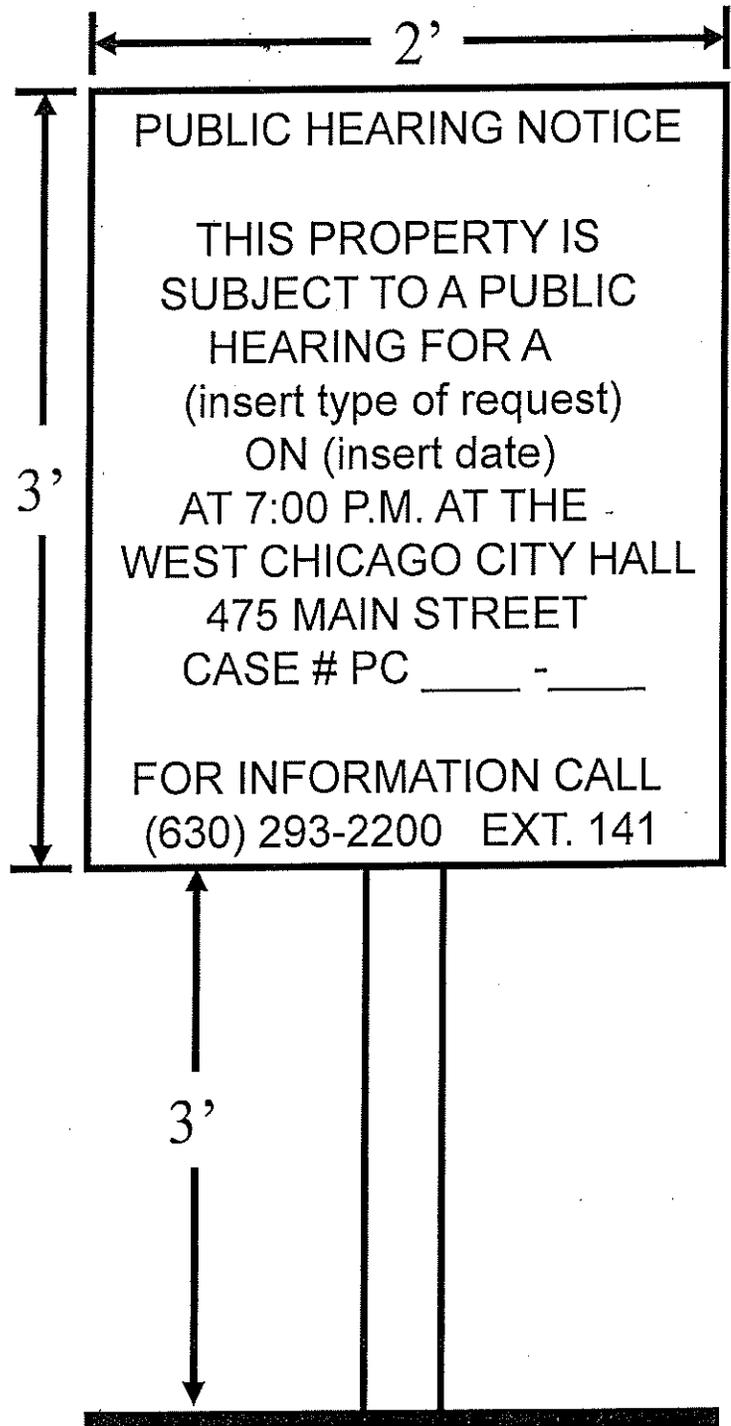
Respectfully,

(insert the applicant's signature)

(insert the applicant's printed name)

PUBLIC HEARING SIGN GUIDELINES

- The petitioner shall be responsible for the posting of all public hearing signs.
- The minimum dimensions of the sign shall be two feet wide by three feet tall and the sign shall be posted a minimum of three feet above ground level.
- The sign shall be weather resistant and shall have a white background with black lettering a minimum of two inches tall. No additional lettering shall be permitted unless approved by the Zoning Administrator.
- The sign shall be posted on private property in clear view of the public right-of-way. The sign shall not be posted in the public right-of-way. The sign posting location shall be approved by the Zoning Administrator prior to posting. Additional signs may be required by the Zoning Administrator if the Property has multiple frontages or is larger than three acres.
- The sign shall be posted not less than fifteen days or not more than thirty days prior to the scheduled public hearing date and shall remain posted until the public hearing has been completed. The sign shall be removed as soon as practical after the public hearing has concluded.



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)

LAND USE OPINION APPLICATION
 Kane-DuPage Soil and Water Conservation District
 2315 Dean Street, Suite 100, St. Charles, IL 60175-4823
 (630) 584-7961 Ext. 3

Send report to:
PETITIONER: _____
ADDRESS: _____

EMAIL: _____
CONTACT PERSON: _____
TELEPHONE: _____
 Please allow 30 days for inspection and processing.

FOR OFFICE USE ONLY	
LUO# _____	Date Due _____
Date initially rec'd _____	
Date all rec'd _____	Date completed _____
Fee Paid _____	Refund Due _____
By _____	Overpayment _____
	No Report Nec _____
	Gov't Agency _____

Location:
 Township _____
 Section(s) _____
 Township(s) _____ N Range(s) _____ E

TYPE OF PROPOSAL: Change in Zoning from _____ to _____ Project or Subdivision Name _____
 Subdivision or Planned Unit Development (PUD)
 Variance-Please describe fully on separate sheet
 Special Use Permit-Please describe fully on separate sheet

Unit of Government Responsible for Permits _____ Date of Public Hearing _____
 Current Use of Site _____ Proposed Use _____
 Surrounding Land Use _____ Number of Acres _____
 Location address (or nearest intersection) _____

PROPOSED IMPROVEMENTS: (check all applicable items)

Planned Structures:

- Dwellings w/o Basements
 Dwellings with Basements
 Commercial Buildings
 Other _____

Open Space:

- Park/Playground Areas
 Common Open Space Areas
 Other _____

Water Supply:

- Individual Wells
 Community Water

Wastewater Treatment:

- Septic System
 Sanitary Sewers
 Other _____

Stormwater Treatment:

- Drainage Ditches or Swales
 Storm Sewers
 Dry Detention Basin
 Wet Retention Basin
 No Detention Facilities Proposed
 Other _____

EXISTING SITE CHARACTERISTICS: (check all applicable items)

- Ponds or Lakes Floodplain Woodland Drainage Tiles Stream(s)
 Wetland(s) Floodway Cropland Disturbed Land Other _____

REQUIRED: INCLUDE ONE COPY EACH OF THE FOLLOWING-Processing will not begin without the following:

- APPLICATION completed and signed
 FEE according to schedule below
 PLAT OF SURVEY/SITE PLAN showing legal description, legal measurements
 SITE /CONCEPT PLAN showing lots, streets, storm water detention areas, open areas, etc.
 LOCATION MAP (if not on maps above)-include distances from major roadways or tax parcel number

IF AVAILABLE - NOT REQUIRED:

- ZONING or LAND USE PETITION filed with unit of government (if relevant)
 TOPOGRAPHY MAP OR WETLANDS DELINEATIONS

FEE AMOUNTS: last updated November 1, 2013

\$423.00 for 1 - 3 acres or fraction thereof

\$459.00 for 4 - 5 acres or fraction thereof

For 5 - 200 acres see chart

> 200 acres: ADD \$14.00 for each additional acre or fraction thereof over the 200 acre amount.

\$65.00 processing fee if no report is required

***If there is more than one parcel in question and they are non-contiguous please contact KDSWCD for fee amount. ***

MAKE CHECKS PAYABLE TO: Kane-DuPage Soil and Water Conservation District

I (we) understand the filing of this application allows the authorized representative of the Kane-DuPage Soil and Water Conservation District to visit and conduct an evaluation of the site.

Petitioner or Authorized Agent _____ Date _____
 This opinion will be issued on a nondiscriminatory basis without regard to race, color, religion, sex, age, marital status, handicap, or national origin.

For the convenience of those who must comply with the provisions of the Illinois Soil and Water Conservation District Act, Section 22.02a (Illinois Compiled Statutes, Chapter 70, Paragraph 405, Section 22.02a), enacted December 3, 1971, effective July 1, 1972, we quote this section:

"The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from that municipality's or county's zoning ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action."
 Added by Act approved December 3, 1971.

The amendment is designed to assist the unit of government considering the proposal. The natural resources and the environment are the main concerns in the development of the Land Use Opinion.

To facilitate compliance with the Act by land developers and others, Kane-DuPage Soil and Water Conservation District has formulated a set of guidelines and a standardized set of fees, as provided for in section 22.09 of this Act:

"The District may charge fees to any person who makes a request for services or receives benefits rendered by the District, or who causes or undertakes to cause the District to perform a function prescribed by this Act, including but not limited to any function prescribed by Section 22.02a of this Act, provided that such charges are uniform. The Directors shall maintain a uniform schedule for such fees and may from time to time revise such schedule. The charging of any such fees is uniformly charged and in accordance with a uniform schedule by any District to any person for such service or benefits or performance of any such functions prior to the effective date of this amendatory Act of 1975 is ratified."

**LAND USE OPINION FEE SCHEDULE
 EFFECTIVE NOVEMBER 1, 2013**

\$423.00 for 1-3 acres or fraction thereof

\$459.00 for 4-5 acres or fraction thereof

For 5 - 200 acres see chart

For over 200 acres: ADD \$14.00 for each additional acre or fraction there of over the 200 acre amount.

\$65.00 processing fee if no report is required

Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee
1	423	21	769	41	1160	61	1558	81	1942	101	2333	121	2738	141	3128	161	3519	181	3911
2	423	22	788	42	1187	62	1577	82	1962	102	2360	122	2757	142	3148	162	3539	182	3930
3	423	23	809	43	1206	63	1597	83	1982	103	2379	123	2776	143	3167	163	3558	183	3949
4	459	24	828	44	1225	64	1616	84	2001	104	2398	124	2796	144	3188	164	3579	184	3969
5	459	25	847	45	1244	65	1636	85	2020	105	2418	125	2815	145	3207	165	3598	185	3989
6	483	26	866	46	1264	66	1656	86	2039	106	2438	126	2835	146	3226	166	3617	186	4008
7	495	27	885	47	1284	67	1675	87	2059	107	2458	127	2855	147	3245	167	3637	187	4028
8	513	28	907	48	1304	68	1694	88	2080	108	2477	128	2874	148	3264	168	3655	188	4047
9	537	29	926	49	1323	69	1713	89	2099	109	2496	129	2894	149	3286	169	3676	189	4068
10	555	30	945	50	1342	70	1734	90	2118	110	2515	130	2914	150	3305	170	3695	190	4087
11	573	31	964	51	1363	71	1754	91	2138	111	2536	131	2933	151	3324	171	3715	191	4106
12	592	32	984	52	1382	72	1773	92	2157	112	2555	132	2952	152	3343	172	3735	192	4125
13	614	33	1004	53	1401	73	1792	93	2177	113	2574	133	2971	153	3363	173	3754	193	4144
14	633	34	1023	54	1420	74	1812	94	2196	114	2593	134	2993	154	3383	174	3784	194	4166
15	638	35	1042	55	1440	75	1831	95	2216	115	2620	135	3012	155	3402	175	3793	195	4185
16	671	36	1063	56	1461	76	1851	96	2236	116	2640	136	3031	156	3421	176	3813	196	4204
17	690	37	1082	57	1480	77	1863	97	2255	117	2659	137	3050	157	3442	177	3832	197	4223
18	711	38	1102	58	1499	78	1884	98	2275	118	2678	138	3069	158	3461	178	3851	198	4242
19	730	39	1121	59	1522	79	1903	99	2294	119	2699	139	3090	159	3481	179	3872	199	4263
20	749	40	1140	60	1537	80	1923	100	2313	120	2718	140	3109	160	3500	180	3895	200	4282