

**VILLAGE OF FREEBURG
PETITION FOR AREA/BULK VARIANCE**

General Information

1. The Combined Planning and Zoning Board members are an appointed group of citizens whom reside in the Village of Freeburg.
2. The Board members may make site visits prior to the meeting date.
3. Your street address should be visible on the front of the home.
4. The Board hearings are generally held on the second Tuesday of the month at 6:00 p.m., and at such other times as the Board may determine necessary.
5. All information must be submitted with the application prior to the hearing date being set.
6. All property owners within 250 feet of your property will be notified of your request and it will be advertised in a newspaper with general circulation within the Village of Freeburg.

Variance requests are reviewed and determined at the scheduled hearing date. Applicants are required to present their cases and answer questions from Board members. The Board reserves the right to table applications pending submittal of additional information.

The following documents must be submitted with the completed application:

- Three (3) copies and an electronic copy of a site plan (Sealed Illinois Minimum Standards Boundary Survey Preferred) containing the following:
 1. Name and address of property owner, address of project
 2. Identification of adjacent streets
 3. A North arrow and identification of drawing scale such as 1" = 20' (must be to scale)
 4. Property lines, dimensions and area
 5. Location, size and shape of any structures presently on the site
 6. Location, size and shape of any proposed structures
 7. Dimensions showing front, side and rear yard setbacks
 8. Dimensions showing distance of structures and proposed structures from property lines
 9. Location of parking areas and/or driveways
- Three (3) copies and an electronic copy of photographs that show the property requesting the variance
- Three (3) copies and an electronic copy of the elevation plan for side and rear variances
- Three (3) copies and an electronic copy of additional drawings that clearly present the facts relating to this request
- Three (3) copies and an electronic copy of a hardship letter containing the following:
 1. A description of the intended addition or improvement including location and distance from property lines.
 2. Written description of the practical difficulties or unnecessary hardships that will occur if the strict letter of the Zoning Code is applied.

**VILLAGE OF FREEBURG
PETITION FOR AREA/BULK VARIANCE**

Combined Planning and Zoning Board
Freeburg Municipal Center
14 Southgate Center
Freeburg, IL 62243

Variance Request No. _____

Date: _____

(DO NOT WRITE IN THIS SPACE – OFFICE USE ONLY)

Date set for hearing: _____

Permanent Parcel No. _____

Date hearing held: _____

Fee Paid to Village of Freeburg

Notice published on: _____

\$ _____ Date: _____

Newspaper: _____

Action by Combined Planning and Zoning Board:

Comments: (Indicate other actions, such as
continuances): _____

() Denied

() Approved

() Approved with modifications

Date: _____

Instructions to Applicants: All information required by this application must be completed and submitted herewith. If the application, supporting documents, and fees are not complete, the petition will not be submitted for above mentioned hearing. Applicants are encouraged to visit the office of the Zoning Administrator for any assistance needed in filling out this form.

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1. Address of Subject Property: _____ Parcel No. _____

2. Applicant information:

Name: _____

Address: _____

Phone: _____ Email: _____

Applicant's interest in property: _____

3. Owner information (if different from above)

Name: _____

Address: _____

Phone: _____ Email: _____

4. Describe the nature of the proposed project that is the subject of the petition:

5. With respect to any portion of this property, has a previous appeal or petition for variance been made:

No Yes (If "yes," list all previous appeals and/or petitions, giving dates):

6. Zoning District: _____ Lot Size: _____

7. Current use of property: _____

8. Does the present use of the property conform to all use regulations for the zone district in which it is located? Yes No If "No," specify each non-conforming use:

9. Do the existing structures comply with all area and bulk regulations for the zone district in which the property is located?

Yes No If "No," specify each non-conforming condition.

10. Which existing physical characteristics prevent reasonable use for any of the uses permitted in that zoning district?

Narrow lot Unique topography Soil
 Shallow lot Sub-surface conditions Drainage
 Small lot Lot shape
 Other: _____

11. Is the proposed variance the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property? (Provide supporting documents as needed).

Yes No Please explain below.

12. Will the strict application of the district requirements result in great practical difficulties or hardship to the applicant?

Yes No Please explain below.

13. Is the plight of the applicant due to peculiar circumstances not of their own making?

Yes No Please explain below.

14. Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition?
() Yes () No If "No", how many other properties are similarly affected?

15. If granted, will the variance alter the essential character of the area where the premises in question are located, or materially frustrate implementation of the Village's comprehensive plan?
() Yes () No If "Yes," how?

16. An area/bulk variance is requested for the property described above in conformity with the documents submitted herewith. **Initial, Date, and Sign below.**

_____ I certify that all of the above statements and the statements contained in any papers or supporting documents submitted with this petition are true and correct to the best of my knowledge.

_____ I consent to the entry upon the subject property of this application by any authorized official of the Village for the purpose of a pre-hearing site inspection, or the posting, maintaining, and removing such notices as may be required by law.

Date: _____

Signature of Applicant

Date: _____

Signature of Owner

INFORMATION FOR APPLICANTS FOR AN AREA/BULK VARIANCE

40-21-1 **VARIANCES.** A variance is a relaxation of the requirements of this Chapter that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and may be granted only as provided for in **Section 40-23-1. (65 ILCS 5/11-13-5)**

40-21-2 **APPLICATION.**

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said application, together with any device they might wish to offer, to the Combined Planning and Zoning Board.

(B) The application shall contain sufficient information to allow the Combined Planning and Zoning Board to make an informed decision and shall include, at a minimum, the following:

- (1) Name and address of the applicant;
- (2) Location of the structure/use for which the variance is sought;
- (3) Brief description of adjacent lots, structures, and/or uses;
- (4) Brief description of the problems/circumstances engendering the variance request;
- (5) Brief, but specific, statement, explanation of the desired variance;
- (6) Specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem;
- (7) To scale drawing of said variance propose property;
- (8) Surveyed plat with located property corners;
- (9) Variance request staked out prior to placing structure on said property; and
- (10) Any other pertinent information that the Zoning Administrator may require.

(70 ILCS 405/2202a)

40-21-3 **PUBLIC HEARING; NOTICE.**

(A) The Combined Planning and Zoning Board shall hold a public hearing on each variance request not later than **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney.

(B) Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (1) By certified mail to the applicant and by first class mail to all parties whose property abuts the property affected by the proposed variance; and
- (2) By publication in a newspaper of general circulation within the Village.

(65 ILCS 5/11-13-6)

40-21-4 **STANDARDS FOR VARIANCES.**

(A) The Combined Planning and Zoning Board shall not grant any variance unless, based upon the evidence presented to them, they determine that:

- (1) The proposed variance is consistent with the general purposes of this Chapter (**See Section 40-1-2**);
- (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant and prevent a reasonable return on the property;
- (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
- (4) The plight of the applicant is due to peculiar circumstances not of their own making;
- (5) The peculiar circumstances engendering the variance request are not applicable to another property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Village's comprehensive plan.

(B) The Combined Planning and Zoning Board may impose such conditions and restrictions upon the location, construction, design, and use of the property benefitted by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values. **(65 ILCS 5/11-13-5)**

40-21-5 TERMS OF RELIEF; FINDINGS OF FACT. The Combined Planning and Zoning Board shall decide on every variance request within a reasonable time after the public hearing. In accordance with state law **(65 ILCS 5/11-13-11)**, the Combined Planning and Zoning Board shall specify the terms of relief recommended, if any, in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Combined Planning and Zoning Board's reasons for the granting or denying the requested variance.

40-24-13 FEES. The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Chapter. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

(B) **Combined Planning and Zoning Board Fees:**

Interpretation of Code	\$350, plus mailing and publication costs.
Special-Use Permit	\$350, plus mailing and publication costs.
Variance Permit	\$350, plus mailing and publication costs.
Amendments	\$350, plus mailing and publication costs.