

**APPLICATION FOR VARIATION**

VILLAGE OF NORTH AURORA  
25 E. State Street  
North Aurora, IL 60542

PETITION NO. \_\_\_\_\_

FILE NAME \_\_\_\_\_

DATE STAMP

**I. APPLICANT AND OWNER DATA**

Name of Applicant\* \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name of Owner (s) \* \_\_\_\_\_

Address of Owner (s) \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email Address \_\_\_\_\_

If applicant is other than owner, attach letter of authorization from Owner

Title of Record to the real estate was acquired by Owner on \_\_\_\_\_

**II. ADDRESS, USE AND ZONING OF PROPERTY**

Address of Property \_\_\_\_\_

(indicate location of common address)

Legal Description: \_\_\_\_\_

\_\_\_\_\_

Parcel Size \_\_\_\_\_

Present Use \_\_\_\_\_

(business, manufacturing, residential, etc.)

Present Zoning District \_\_\_\_\_

(Zoning Ordinance Classification)

**III. PROPOSED VARIATION(S)**

Variation requested (state specific measurements) \_\_\_\_\_

Code Section that pertains to Variation \_\_\_\_\_

Reason for request \_\_\_\_\_  
\_\_\_\_\_

Explanation of purpose to which property will be put \_\_\_\_\_  
\_\_\_\_\_

**IV. Findings of Fact for Variations. A variation from the provisions of the Zoning Ordinance shall not be granted unless the Plan Commission in its recommendation, and Village Board in its decision, makes specific findings of fact directly based on each and every standard and condition imposed by this section. Please provide a written response to each of the following standards for variations:**

1. Hardship. No variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a practical difficulty or particular hardship.

2. Unique Physical Conditions. The subject property is exceptional, as compared to other properties subject to the same provisions, by means of a unique physical condition, including:

- a. Irregular or substandard size, shape, or configuration; or
- b. Exceptional topographical features; or
- c. Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
- d. Other extraordinary physical conditions peculiar to, and inherent in, the subject property.

*These unique physical conditions shall amount to more than a mere inconvenience to the property owner and shall relate to or arise out of the characteristics of the property rather than the personal situation or preference of the current property owner.*

3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the property owner, or his/her predecessors in title, and it existed at the time of enactment of the provisions from which a variation is sought, was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision(s) from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provisions.

5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupants to enjoy some special privilege or additional right not available to owners or occupants of other lots or properties subject to the same provisions, nor merely the inability of the owner to gain a greater financial return from the use of the subject property.

6. Conformance with Ordinance and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of this Ordinance, including the provision from which a variation is sought, or the general purpose and intent of the Comprehensive Plan.

7. No Other Remedy. There is no means, other than granting the requested variation, by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a legal and reasonable use of the subject property.

8. Minimum Relief Required. The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Ordinance.

9. Public Welfare. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.

10. Public Safety, Light and Air. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety within the neighborhood in any way.

11. Noise and Odor. The proposed variation will not produce excessive noise or odor as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public.

#### **IV. CHECKLIST FOR ATTACHMENTS**

The following items are attached hereto and made a part hereof:

\_\_\_\_\_ 25 copies of an 8 ½ x 11” or 8 ½ x 14” plot plan of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements, and adjoining streets or uses. (large sized copies may be requested by Staff)

\_\_\_\_\_ A list containing the names of registered owners, their addresses and tax parcel number of all properties within 250 feet of the location for which the variation is requested.

\_\_\_\_\_ Legal description.

\_\_\_\_\_ Proof of ownership by deed or title or insurance policy.

\_\_\_\_\_ Filing fee in the amount of \$200.00 - If payment is made by check, it should be made payable to the Village of North Aurora.

\_\_\_\_\_ Letter of authorization from owner, if applicable.

\_\_\_\_\_ Disclosure of beneficiaries of Land Trust, if applicable.

The Applicant authorizes the Village of North Aurora representatives to enter on to the property to make inspection during the hearing process.

The Applicant is responsible for publishing a legal notice in the newspaper, sending mail notices to properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

\_\_\_\_\_  
Applicant or Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF KANE    )

I, \_\_\_\_\_ being first duly sworn on  
oath depose and say that I am trust officer of \_\_\_\_\_ and that the following  
persons are all of the beneficiaries of the trust

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Trust Officer

**SUBSCRIBED AND SWORN TO**

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
A Notary Public in and for such County.