



25 East State Street, North Aurora, IL 60542
P: 630.897.1457 F: 630.897.0269
Website: www.northaurora.org/forms/
Email: cdinfo@northaurora.org

APPLICATION FOR VARIANCE

Subject Property: _____
PIN(s): _____
Current Zoning District: _____ Present Use: _____
Ordinance Section Pertaining to Variation : _____

CONTACT INFORMATION:

Applicant Name: _____ Phone: _____

Street Address: _____

Applicant Email: _____

Property Owner(s): _____ Phone: _____

Owner Email: _____

Title of Record to the Real Estate was Acquired by Owner on: _____

Signature of Applicant: _____ Signature Date: _____

Signature of Owner*: _____ Signature Date: _____

*A signed letter by the owner authorizing the applicant to apply for a variance may be submitted in lieu of signing this form. If Applicant is other than owner, please attach letter of authorization from Owner.

Instructions:

- Please see the submittal checklist regarding required submittals for variances.
- Provide all submitted documents electronically in PDF format.
- Provide a written narrative describing the proposed variance and reason for the request.
- Application shall include the submittal fee as required by Title 17, Appendix B of the Municipal Code (\$200.00). See submittal checklist for additional details.
- Please see Sections 4.2.G, 4.2.H, and 4.2.I of the Village's Zoning Ordinance for additional information on variation scenarios, including conditions on variations and limitations on variations.
- Applicant is required to follow public hearing and notice requirements outlined in Title 17, Chapter 3.4 of the Municipal Code. Please see public hearing and notice requirements on page 5.
- Staff may request the applicant provide additional materials in order to process and complete application review.

<u>FOR OFFICE USE</u>	
Petition Number: _____	File Name: _____
Filing Date: _____	Fee Received: _____



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REQUIRED SUBMITTAL CHECKLIST

- Proof of ownership of the zoning lot in question. If applicant is not the owner, a statement signed by the owner must be submitted certifying that the owner is jointly filing the application for a variation.
- A plat of survey of the parcel or parcels of land comprising the zoning lot, drawn to scale showing the actual dimensions of said zoning lot, including all parcels or lots contained therein, and drawn in accordance with the recorded plat of such land. Plat must include a legal description and show any existing structures on the lot. This includes any setbacks to the principal building, accessory buildings and all other relevant dimensions.
- A site plan drawn to an appropriate scale showing the zoning lot in question and adequately illustrating in a graphic manner the nature of the requested variation.
- A site location map drawn to an appropriate scale indicating existing land use and zoning of all property within two hundred (200) feet of the subject property.
- A statement identifying the characteristics of the subject property which prevent compliance with said requirements of this Ordinance.
- A statement explaining the minimum modification of the requirements of this Ordinance that would be necessary to permit the proposed use or construction.
- Filing fee in the amount of \$200.00; if paid by check make payable to the 'Village of North Aurora'. Please note, an escrow deposit may be required per Village Code.
- A copy of owner's title insurance policy commitment or deed for the subject property.
- Disclosure of beneficiaries of land trust, if applicable.
- A written certified list containing the names of registered owners, their mailing addresses and tax parcel numbers, of all properties within 250 feet of the property for which the variation is requested. See full public hearing and notice requirements on page 5.
- A written statement indicating the manner in which the variation requested is in accordance with the standards contained in Section 4.2.F (Findings of Fact for Variations) of the Zoning Ordinance and the requested variation supports each of the following conclusions. Please see Variance Standards section below.



VARIANCE STANDARDS

Attach a written statement indicating the manner in which the requested variance supports each of the following standards:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
2. That the plight of the owner is due to unique circumstances.
3. That the variation, if granted, will not alter the essential character of the neighborhood.
4. The standards contained in Section 4.2.F (Findings of Fact for Variations) of the Zoning Ordinance. 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. **Provide a written response for each Findings of Fact below.**
 - 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.
 - 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:
 - Irregular or substandard size, shape, or configuration; or
 - Exceptional topographical features; or
 - Presence of an existing use, structure, or sign, whether conforming or nonconforming; or
 - 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.*
 - 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.



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- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.



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PUBLIC HEARING AND NOTICE REQUIREMENTS

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 sending mail notices to properties within 250 feet of the property line of the subject property, excluding street rights-of-way, and posting a sign(s) on the property advertising the public hearing. The Village will publish a legal notice in the newspaper, which the applicant shall reimburse the Village for any fees associated with it. Please see Chapter 3.3 and 3.4 of the Village Zoning Ordinance, Title 17, for all public hearing and notice requirements.

The undersigned hereby also agrees to reimburse the Village for all costs of court reporter fees for attendance at and transcript of hearing(s) and other professional service fees for services rendered in connection with this application as defined in Appendix B of the North Aurora Zoning Ordinance. Such reimbursement shall be made promptly upon receipt of invoices from the Village, whether or not this application for variance is approved.

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**

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 are all of the beneficiaries of the _____

TRUST OFFICER

SUBSCRIBED AND SWORN TO
 Before me this _____ day of _____, 20_____.

A Notary Public in and for such County



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Below is a template for PINs, names and mailing addresses of all property owners within 250 feet of the property in questions for which the Variance being is being requested. An attached spreadsheet or list matching the template below also is permitted.

TAX PARCEL NO.	PROPERTY OWNER	MAILING ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I, _____, being first duly sworn on oath certifies that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct.

Applicant Signature _____
Date