

APPLICATION FOR VARIANCE

Ordinance No. 08-136-03

Village of Timberlane
P.O. Box 56
Caledonia, IL 61011

Contact: Village President: Stephen Rapp 815-985-4514 (Cell) 815-231-5635 (fax)
president@villageoftimberlane.org

FOR OFFICE USE ONLY

Case Number _____ Zoning Committee Date _____
Filing Date _____ Village Board Date: _____
Zone District _____

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:

and its Parcel Identification Number is: _____

and the legal description for the subject property is: **Lot** _____,

Block _____,

Tract _____, **Subdivision Name** _____.

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip: _____

3) **Property Owner Name:** _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip: _____

4) **Attorney Name:** _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip: _____

5) **Project Manager:** In order to reduce confusion, the village requests one contact person be designated to discuss issues concerning this petition.

Name: _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip: _____

NOTICE TO APPLICANT

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties have proven hardships. Variances are restrictive and the degree of Variation is limited to the minimum change necessary to overcome the practical difficulty inherent on the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts. Use Variations are specifically prohibited.

A Variation recognizes that the same district requirements do not affect all properties equally; it is intended to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned properties. **You must prove that your land is affected by special circumstances or unusual conditions.** These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a Variation cannot be granted. The remedy for a general hardship is a change to the Zoning Map or to the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation: 1) Proof that a Variation would increase the financial return from the land, 2) Personal hardship, and 3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

A proposed Variation which will adversely affect surrounding property or the general neighborhood cannot be granted. All Variations must comply with the intent and purpose of the Zoning Ordinance.

6) Variance for _____
(what type of Variance)
From _____ ft. to _____ ft.
To Permit: _____
(insert proposed use or construction)

Reasons for Variance Request

Please note that the following questions must be answered completely. Attach additional pages if necessary.

7) Which of the following types of modifications will allow you a reasonable use of your land:

- _____ Change in setback requirement
- _____ Change in lot-coverage requirement
- _____ Change in side yard restriction
- _____ Change in off street parking requirement
- _____ Change in area requirement
- _____ Other (describe) _____

8) Describe how this variation is the minimum variation that will make possible the reasonable use of the land, structure, or buildings in question.

9) What characteristics of your property prevent it from being used in a reasonable manner?

Too narrow _____	Elevation _____	Soil _____
Too small _____	Slope _____	Subsurface _____
Too shallow _____	Shape _____	Other _____

10) Describe the items checked, giving dimensions where appropriate and how the characteristics are different than other properties in the district.

11) In what way do the above site conditions prevent any reasonable use, commonly enjoyed by owners of other properties in the same zoning district?

12) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes ____ No ____ If "No", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

13) Are the conditions on your property the result of other manmade changes, such as the relocation of a road or highway? If so, describe.

14) Will granting the variation requested give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same district? Explain your answer.

17) REQUIRED SUPPORT INFORMATION: Attach a site plan drawn to scale showing lot dimensions, size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the property in question.

Include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be void after sixty-(60) days. Application fees are non-refundable.

Natural Resources Information: Pursuant to state law, a copy of this completed application must be provided to the Boone County Soil and Water Conservation District (SWCD). They are located at 211 N. Appleton Road, P.O. Box 218, Belvidere, IL 61008. Telephone: 1-815-544-2677. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Village. **The SWCD must send a report to the Village for your application to proceed.**

DECLARATION

I, the applicant, of the above legally described property on which the variance is proposed, have provided answers to the questions herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a variance on said property.

By virtue of my application for a variance, I do hereby declare that the appropriate appointed and elected officials who are responsible for the review of my application are given permission to visit and inspect the property proposed for variance in order to determine the suitability of the request.

Applicant Signature: _____ Date Signed: _____

Owner(s) Signature: _____ Date Signed: _____

_____ Date Signed: _____

Village Rep. Signature: _____ Date Signed: _____

Filing Fee - Amount Paid: _____ Check Number: _____

Variance for Corporations, Partnerships, and Joint Venture

1. Is the petitioner or applicant a corporation, partnership or joint venture?

2. State the name for which the business is conducting business under.

3. Are you acting for yourself, or in the capacity of agent, alter ego or representative of a principal?

4. State the name(s) and address(es) of the actual and true principal(s).

5. State the names and address of all officers, directors and all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation (use a separate sheet if necessary).

FILING PROCEDURE

A. **A complete application** includes an Application Filing Fee with check payable to the Village of Timberlane. (See the attached fee schedule)

B. **Public Hearing Required.** Notice of the Public Hearing shall be given not less than 15 calendar days nor more than 30 calendar days prior to the date of the hearing by publication in a newspaper of general circulation in the Village, and by posting on or adjacent to the subject property a notice of same. The Village shall prepare the Notice of Public Hearing for publication. Applicant will be billed for publication costs. The Village will also prepare and post the Public Notice on or adjacent to the subject property.

C. **Selection of newspaper publication.** Applicant selects one of the following newspapers for publication:

Boone County Journal ____ **Rockford Register Star** ____ **Belvidere Daily Republican** ____

The Public Hearing is held by the Timberlane Zoning Committee. The Committee recommendation is forwarded to the Village Board for decision. Applicant must attend both the Committee meeting and Village Board meeting.