

Zoning Variance Information and Application



*Ogle County Planning & Zoning Department
911 W. Pines Rd.
Oregon, IL 61061
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Michael Reibel, Planning & Zoning Administrator

Introduction

A variation is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use variations are specifically prohibited. "Variation" means the modification of the requirement of a zoning district and does not include the substitution of uses to other districts.

- A variation recognizes that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances of 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 general hardship is a change of the map or the text of the Zoning Ordinance.
- You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents 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; (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.
- No variation may be granted which would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purposes of the Zoning Ordinance.

The information contained in this package is to help you become familiar with the various requirements that must be met before your variation application can be accepted. This information will also prepare you to provide testimony and address any questions that might be raised at the public hearing.

Illinois Compiled Statutes, Chapter 55, Section 5/5-12001 et. seq. contains statutory provisions relating to zoning. The *Ogle County Amendatory Zoning Ordinance* (Zoning Ordinance) has been adopted pursuant to these provisions.

Once your application is accepted, the entire variation process generally takes approximately 2 to 3 months to complete. Careful and proper preparation of your application is essential to obtaining a variation and, in the long run, you will save considerable time and expense for both yourself and the County.

If you should have any questions, please feel free to call the Ogle County Planning & Zoning Department at (815) 732-1190. If you wish to visit the office to discuss your application, please call ahead for an appointment.

Before Filing the Application

You are strongly urged to meet with the staff of the Planning & Zoning Department before preparing any variation application. The Staff will advise you on the correct form to use, how to complete the application, explain the procedures involved and attempt to identify potential problems which might be encountered. You may wish to obtain a copy of the Zoning Ordinance, available from the Planning & Zoning Department, and become familiar with the standards and requirements applicable to the requested variation.

If you have any questions concerning any standards or requirements of the Zoning Ordinance or require an interpretation of any provision of the Zoning Ordinance, you may wish to consult with the staff of the Planning & Zoning Department. It is also advisable to consult with the staff of various County Departments and agencies such as the Health Department or Highway Department before filing your application. The staff of the Planning & Zoning Department will notify these and other affected agencies to seek their comments prior to the Zoning Board of Appeals (ZBA) public hearing.

Before filing your application, you should also discuss the proposal with all adjacent property owners. The staff of the Planning & Zoning Department will officially notify all of these neighbors of the public hearing.

Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before your application will be accepted for processing.

- **The Application:** The attached application must be completed in its entirety. The application must address how each requested variation meets the applicable standards contained in the Zoning Ordinance.
- **The Applicants:** All the fee owners of the subject property must be the applicants. If the property is subject to a contract to purchase, the contract purchaser shall also join as an applicant. Likewise, if the property is owned or to be purchased by a land trust, the trustee shall be an applicant.
- **Disclosure:** Whenever applicable, the following disclosures must be made:
 - When the applicant is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All Applications shall be verified by the applicant in his or her capacity as trustee.
 - When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
 - When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

- **Deed and Purchase Contract:** A copy of the deed to the subject property (available from the office of the Ogle County Recorder located on the first floor of the Ogle County Courthouse) is required in all cases. If the property is subject to a purchase contract, a copy of the contract must also be submitted (however, the purchase price may be deleted).

- **Maps:** Certain information must be graphically shown on maps which accompany your application. **Twenty-five (25) copies** of all maps must be submitted. The map(s) may be any scale so long as the scale is an increment of ten feet (10') or one hundred feet (100'), shall be on a not larger than 30" x 36", folded to approximately nine inches by twelve inches (9" x 12"). The following information is required to be shown on these maps:
 - ✓ The parcel for which the variation is requested (a plat of survey is preferred, if one is available).
 - ✓ The dimensions and acreage (or square footage) of the subject parcel.
 - ✓ The location of all improvements, if any, on the subject property and the distances from these improvements to all property lines.
 - ✓ The location of any existing well(s) and septic system(s) on the subject property.
 - ✓ The location of any proposed improvements, if any, on the subject property and the distances from these improvements to all property lines.
 - ✓ If the variation requested is for building height, a building elevation view.
 - ✓ All existing roads/streets (including correct name[s]) adjacent to the subject property.
 - ✓ Any unique natural/physical features on or adjacent to the subject property (flood plain, wetlands, steep slopes, drainage features, geologic features, etc.) which affect the use of the property and are related to the application for a variation.

- **Application Fee:** The application fee is to be paid at the time of filing the application.

Checks must be payable to the "Ogle County Treasurer." See the attached Zoning Fee Schedule for the proper amount. This fee is not refundable.

Note: It is solely the responsibility of the applicants to make sure that all information submitted, including the legal and general description of the property, is accurate as the information will be used for publication of the legal notice required by statute and ordinance. The County of Ogle disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.

PETITION FOR VARIATION

TO: ZONING BOARD OF APPEALS
c/o Ogle County Planning & Zoning Department
911 W. Pines Rd.
Oregon, IL 61061

NOW COME _____ and represent that he/she/they are the (record owner[s]/reecord owner[s] and contract purchasers --choose one) of the following described real estate, to-wit:

PIN: _____

Address of Subject Property: _____

That the above property is currently zoned: _____

That under the current zoning classification, the petitioners are prohibited from utilizing the property in the following manner: _____

That the following variation is hereby requested and is the minimum adjustment to the standards and requirements of said zoning district necessary to permit the applicant's desired use:

That the petitioner(s) have read and are familiar with each of the standards for variations contained in the *Ogle County Amendatory Zoning Ordinance* and believe this request meets each and all of these standards, and have answered all of the questions to the best of his/her/their knowledge and belief:

Note: The following questions must be answered completely. If additional space is needed, attach extra pages.

1. What characteristics of your property prevents its being used for any of the uses permitted in your zoning district?

Too narrow

Elevation

Soil

Too small

Slope

Subsurface (geology)

Too shallow

Shape

Other

If other, please explain: _____

2. Describe the item(s) checked above, giving dimension(s) where appropriate: _____

3. How do the above site conditions prevent any reasonable use of your property under the terms of the Zoning Ordinance?

4. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof was adopted by the Ogle County Board (Board of Supervisors)? Yes No

If "No", explain why the hardship should not be regarded as self-imposed: _____

5. Are the conditions on your property the result of other man-made changes (such as relocation/widening of a road or highway)? Yes No

If "Yes", please describe: _____

6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirement? _____

Change in yard area requirement (side or rear)? _____

Change in lot area requirement? _____

Change in building height requirement? _____

Change in off-street parking requirement(s)? _____

7. State the variation requested, giving distances where appropriate: _____

8. Are the conditions of hardship for which you request a variation generally true only of your property? Yes No

If not, how many other properties are similarly affected? _____

9. Will the granting of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Yes No

Elaborate: _____

WHEREAS, your petitioners pray that your Honorable Body, pursuant to the applicable rules and regulations, will hold a public hearing as provided for by Statute and County Ordinance, and as a result of said hearing, recommend to the County Board of Ogle County, Illinois that the above request be granted.

Signature(s)

Address(es)

City, State, ZIP

Phone

Dated at _____, Illinois this ____ Day of _____, 20____.

State of Illinois)
)
County of Ogle)

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, personally known to me is/are the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ Day of _____, 20____.

(Seal)

My Commission expires _____

**CONSENT TO ON-SITE INSPECTION AND
ACCEPTANCE OF FEES FOR COURT REPORTING SERVICES**

Your Petitioner(s), _____, hereby represent to the County of Ogle, Illinois as follows:

That I/we are the owners of record of the real estate described in the foregoing zoning application; and,

That the Petitioners of the described real estate subject to said zoning application do hereby freely and voluntarily consent to 1) the erection of a sign by the County of Ogle in a conspicuous location on the property subject to this petition or in adjacent public right-of-way, stating that a zoning hearing has been requested on said property; and 2) inspection of the site for purposes of determining the appropriateness of the pending proposed zoning petition by the Ogle County Planning & Zoning Department staff, Ogle County Regional Planning Commission and the Ogle County Zoning Board of Appeals, and hereby release such persons from any liability based in whole or in part on the inspection of the site in question; and,

That in exchange for such actions by the Petitioner(s), Ogle County agree that Ogle County Planning & Zoning Department staff and at least one (1) member of the Regional Planning Commission and Zoning Board of Appeals will inspect the site in question prior to considering the evidence presented upon the above petition.

Furthermore and in addition to the above, the petitioner(s) hereby: 1) agree to pay, upon receipt of notice of amount owed, the actual postage costs incurred by County of Ogle for adjoining owner notification via Certified Mail, and the actual cost of publication of legal notice(s) in newspaper(s) as required by law; and, 2) verify that I/we are aware of the written agreement between the County of Ogle and *In Totidem Verbis, LLC* court reporting service. Petitioner(s) agree to utilize the court reporting services as provided for by Ogle County and agree to reimburse said reporting service, through the Ogle County Planning & Zoning Department, for the costs of transcripts of hearings and other related costs before the Ogle County Zoning Board of Appeals unless determined otherwise by the County of Ogle. The petitioner(s) further recognize(s) that failure to fully reimburse said court reporting service by providing payment to the Planning & Zoning Department prior to the scheduled County Board date will grant Ogle County the unconditional right to withhold the petition from Ogle County Board action. Petitioner(s) further understand(s) that transcripts shall be retained by Ogle County as part of the permanent zoning application file.

(Signature)

(Signature)

SUBSCRIBED and SWORN to before me
this ____ Day of _____, 20 ____.

NOTARY PUBLIC