



Village of Fox River Grove
305 Illinois Street
Fox River Grove, Illinois 60021

Zoning Board of Appeals Application Packet

Zoning Variations, Special Uses, and Re-zoning Requests

This packet contains the procedure information and application for variations, special uses, and re-zoning requests. State law requires you follow certain procedures and provide specific information before the Village can grant a variation, approve a special use or change a property's zoning classification.

Zoning Application Timeline

The average processing time for this type of request is **60 to 90 days**. The process may take longer if additional information is requested at the public hearing or by Village staff. The following timeline shows the application procedures necessary to receive Village approval for your request.



Please follow the instructions in this packet to ensure your application is complete and ready to file with the Village and avoid delays.

For more information, contact the Building & Zoning Department or Village Clerk Donna Brouder at 847-639-3170.

Zoning Application Procedures

1. Plan Review

You must submit plans that detail the nature and scope of what is being proposed to the Village Building & Zoning Department for review. They will determine the need to apply for a zoning variation, special use, or re-zoning request, and will provide this information to you during the plan review stage.

2. Application

If it is determined by Building & Zoning that you need to submit a request, you must follow the procedures included in this packet.

a. Complete the forms on pages 5 & 6 and attach the following documents:

1. **Exhibit A:** Standards for variations and/or special uses
2. **Exhibit B:** Plat of survey and legal description
3. **Exhibit C:** Plans and specifications

A separate justification sheet (Exhibit A) must be provided for each variation, special use or re-zoning request. Building & Zoning may assist in defining what the standards for granting the request are, but it is your responsibility to justify the zoning request. Contact Building & Zoning to ensure that the application and exhibits are accurate and complete prior to submitting.

b. **Application Fee:** The application fee covers the cost incurred by the Village in conducting the hearing and cost of giving public notice. A hearing will not be conducted until the fee is paid.

Residential Property: \$300

Commercial Property: \$500

There is an additional fee of \$150 if you request to reschedule your hearing after public notice of the hearing has been given.

c. Submit your completed application & fee to the Village Hall.

3. Notifications

a. The Village will work with the Zoning Board of Appeals to set a date for the public hearing and assign a case number.

b. The Village will prepare a *Notice of Public Hearing* for your case. The Village will also provide you with a list of properties that are within 250 ft. of the subject property and require formal notification. You can go to the County Supervisor of Assessments office or www.mchenrycountygis.org/Athena to obtain property ownership information for these addresses.

c. Between 15-30 days before the Public Hearing, you must formally provide all of the property owners with the *Notice of Public Hearing*. This can be done by using the signature form in this packet to individually collect signatures or by mailing property owners the *Notice of Public Hearing* by certified mail return receipt. **You must provide evidence of these required notifications and provide a completed Proof of Service affidavit form at the public hearing.**

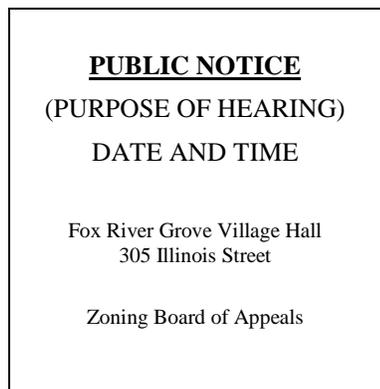
d. The Village will publish the *Notice of Public Hearing* in the local newspaper and post a notice at the Village Hall 15-30 days before the hearing.

- e. 15-30 days before the public hearing, you must display a *Notice of Public Hearing* sign on the subject property. You must take a picture of the posted sign(s) and bring the photograph to the public hearing.

Sign Specifications

- Size: 2 x 3 ft.
- White sign with black letters
- Lettering must be fully visible from the public street
- Sign must not be more than 10 ft. away from the front property line.

Sample



4. **Public Hearing**

- a. The Zoning Board of Appeals (ZBA) will conduct the public hearing. All interested parties are welcome to attend and be heard. The ZBA secretary will take minutes of the hearing. The hearing will be conducted as follows:
1. Chairperson will swear you in and those wishing to speak.
 2. **You submit evidence of required notifications** (signature sheet and/or return receipts from mailings, proof of service affidavit, and a photo of the sign posted on property).
 3. Chairperson notes any special procedures.
 4. Building & Zoning staff outlines how request differs from Zoning Ordinance, any history behind request, and any special issues the ZBA might wish to consider.
 5. You present justification for each standard.
 6. Public comments heard (if applicable).
 7. ZBA reads your responses to each of the criteria, considers each response, discusses key issues, and establishes "Findings of Fact".
 8. ZBA votes to consider its recommendation to the Village Board: its "Findings of Fact", approval with or without conditions/restrictions, or denial. The public hearing may continue at this time if additional information is requested.

5. **Decision**

- a. The ZBA will submit its recommendation and "Findings of Fact" to the Village Board of Trustees as part of the meeting minutes.
- b. The Zoning Case is put on the agenda for the next Village Board of Trustees and Committee of the Whole meeting.
- c. The zoning request will be approved (with or without conditions) or denied. If the request is approved, you may apply for a building permit.

Please Note: If a written protest against your proposed amendment, variation or special use is filed with the Village before the Village Board of Trustees meet, a two-thirds vote of all members of the Village Board is required to approve the request. The written protest must be signed and acknowledged by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.

Fox River Grove Zoning Application

Property Address: _____

Zoning Class: _____

Owner Name*: _____

Owner Address: _____ Owner Phone: _____

Check if same as owner.

Applicant Name*: _____

Applicant Address: _____ Applicant Phone: _____

* If title to the land which is the subject of this application is held by a land trust, then a verified signed statement must be submitted with this application which identifies the name, address and interest held by each beneficiary of the land trust as required by the Illinois Land Trust Beneficial Interest Disclosure Act (765 ILCS 405/0/01). The statement must be verified by either the trustee of the land trust or a beneficiary of the land trust.

1. Description of Proposed Project:

2. Special Use Requests: (state current use and proposed use)

FRG Zoning Article(s) _____

3. Variance and/or Re-zoning Requests: (state current standard and proposed variation)

FRG Zoning Article(s) _____

Signature of Applicant(s) _____ Date

Signature of Owner(s) _____ Date

State of Illinois
County of McHenry

_____ (owner), being first duly sworn on oath, says that he/she is the owner of the property described above, has read the entire application, and that the statements made are true and correct.

Subscribed and Sworn to me this _____ day of _____, _____.

Notary Public SEAL

Exhibit A – Part 1/2

Variation Standards

Provide this information if you are seeking a *Zoning Variation*. You must fill out a separate Exhibit A for each variation request.

Be sure to explain your answers in detail; do not simply reiterate the questions. A Zoning Variation will not be approved unless you meet and justify the standards. An inadequate justification will be cause for rejection or you may be required to pay the cost incurred by the Village for the Village's consultant to write an appropriate "Findings of Fact".

1. The property in question cannot yield a reasonable return (economic value and/or use and enjoyment) if permitted to be used only under the conditions allowed by the regulations in the district in which it is located:

2. The plight of the owner is due to unique circumstances:

3. The variation, if granted, will not alter the essential character of the neighborhood.

For the purpose of implementing the above rules, the Board will also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the petitioner have been established by the evidence.

- a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

- b) The conditions upon which the petition for a variation is based would not be applicable, generally to other property within the same zoning classification.

- c) The purpose of the variation is not based upon a desire to make more money out of the property.

- d) The alleged difficulty or hardship has not been created by the owner of the property, or by a previous owner.

- e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public street or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Exhibit A – Part 2/2

Special Use Standards

Provide this information if you are seeking a *Zoning Special Use*.

Be sure to explain your answers in detail; do not simply reiterate the questions. A Zoning Special Use will not be approved unless you meet and justify the standards. An inadequate justification will be cause for rejection or you may be required to pay the cost incurred by the Village for the Village's consultant to write an appropriate justification.

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, and welfare.

2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall the special use substantially diminish or impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District where the special use is to be located.

4. Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

5. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

6. Such special use shall conform to all other applicable regulations of the district in which it is to be located, except as such regulation may be specifically modified for the special use by the Village's corporate authorities.

Exhibit B

Please Attach
Plat of Survey & Legal Description

Exhibit C

Please Attach
Plans & Specifications

Proof of Service Form

This form must be completed and brought to the scheduled public hearing. Contact the Village at 847-639-3170 if you need your Zoning Case number (required below).

PROOF OF SERVICE

_____ (applicant), being duly sworn, deposes and says that he/she is over 21 years of age and resides at _____, in the City of _____ County of _____, State of _____, that he/she is the petitioner in a proceeding before the Zoning Board of Appeals, Village of Fox River Grove, being an application under the Zoning Ordinance, and which has a Zoning Case No. _____, and which relates to the property situated at _____; that they or their agent gave notice of this proceeding to each and all of the persons named on the list of owners of property affected by the mailing of certified mail and/or hand delivering, to each of said owners a Notice of Public Hearing, a true copy of which is attached to this affidavit.

Signature

Name (print)

Date

Notice of Public Hearing

The Village Clerk will prepare the Notice of Public Hearing by inserting the relevant information. This is an example of the notice.

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given to all persons interested that:

(applicant name and subject property address)

has/have filed with the Zoning Board of Appeals of the Village of Fox River Grove, Illinois for (variance, special use, re-zoning) of the regulations of the Village of Fox River Grove Zoning Ordinance as amended, to allow a (variance, special use, re-zoning) to Article ____ of said ordinance, which would effect a change in the use, height, area, or other dimensional regulations as applied to the subject property. Specifically requested is:

(Variance, special use, re-zoning that is being requested)

The subject property's legal description is as follows:

(Legal description)

The application and legal description may be viewed at the office of the Village Clerk, 305 Illinois Street. Refer to Zoning Board of Appeals Case No. _____ .

A public hearing will be held before the Zoning Board of Appeals, at the Village Hall, 305 Illinois Street, on _____, 20__ at _____ p.m. at which time the Zoning Board of Appeals will hear evidence presented in this matter.

Objections, if any, to said application may be in writing and filed with the Village Clerk before the hearing, or may be offered verbally at the hearing.

Dated this ____ day of _____, _____.

Village Clerk

