



Village of Montgomery

ZONING BOARD OF APPEALS PETITIONER PACKET

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VILLAGE CONTACTS

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630-896-8080 ext.9022

Village of Montgomery

Submittal Checklist

These items must be submitted with the application on or before the application submittal deadline.

- | | |
|--|---|
| 1. Application | — |
| 2. Application Fee see below: | — |
| 3. Application Deposit of \$500 | — |
| 4. Plat of Survey showing location | — |
| of proposed construction or use 25 11x17 copies & PDF | — |
| 5. Legal Description-Digital Copy in Microsoft Word Format | — |
| 6. Letter Explaining Variation Request | — |
| 7. Letter of Ownership | — |
| 8. Affidavit of Notification | — |
| 9. Certified Mailing Receipts | — |
| 10. Signed Deposit Agreement | — |

Appendix B

Zoning Board of Appeals Fees

Variances	\$400
Administrative Variances	\$250
Zoning Appeals	\$200

NOTE: As required by Ordinance 1503, it is the responsibility of the Petitioner to pay all administrative, professional consulting and public hearing expenses, incurred by the Village in processing and acting upon petitions or requests (of any of the above actions)

Village of Montgomery

SUMMARY OF THE VARIATION / APPEAL APPLICATION REVIEW PROCESS

NOTICE TO APPLICANTS

A variation is a zoning adjustment, which permits minor changes of the requirements of the zoning district in which the property in question is located 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. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other zoning districts.

You must prove that the combination of the Zoning Ordinance requirements 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 zoning variation: (1) proof that a variation would increase the financial return from the land; (2) personal hardship; and, (3) self-imposed hardship.

No variation may be granted which would adversely affect surrounding property in the general neighborhood. All variations must be in harmony with the purpose and intent of the Montgomery Zoning Ordinance.

PROCEDURES

The application for zoning variation involves these steps:

1. A completed Application For Zoning Variation must be filled out and submitted to the Community Development Department, along with a plat of survey showing the location and dimensions of the property lines, easements and buildings on the property; a legal description; the location and dimensions of the proposed use or construction; any other supporting documentation that may be required by the Community Development Department; the non-refundable application fee; Certified Mailing Receipts that indicate you mailed property owners within 250' of your property; a letter explaining your variation request; and the deposit for review and publication costs with signed Developer's Agreement.
2. When your application is completed and accepted, you will be placed on the agenda for the next available Zoning Board of Appeals meeting. You will be informed of the date and time of the meeting.

3. All variations require a public hearing. Your variation request will be published in a local newspaper no less than fifteen (15) days before the scheduled public hearing date. All of the property owners adjacent to your property must receive notification summarizing the requested zoning variation and an invitation to attend the public hearing (See example letter).

**STANDARDS FOR GRANTING A VARIATION
FINDINGS OF FACT WORKSHEET
Section 14.08.3 of the Zoning Ordinance
*Village of Montgomery***

Recommendations of the Zoning Board of Appeals: The Zoning Board of Appeals shall recommend the approval of a variation from the provisions of this ordinance as authorized in this section only if the evidence, in the judgment of the Zoning Board of Appeals, sustains each of the following conditions:

- a. 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;
- b. That the plight of the owner is due to unique circumstances;
- c. That the variation if granted will not alter the essential character of locality;
- d. That the particular physical surroundings, shape or topographical conditions of the specified property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- e. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification;
- f. That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property;
- g. That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; and
- h. That the proposed variation not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals, by Illinois statute, must determine that certain criteria are satisfied in order to grant a zoning variation. The validity of the alleged hardship is the primary criteria the ZBA must use to decide whether to grant or deny a variation request.

It is to the Applicant's benefit to focus on the validity of his/her hardship during the public hearing.

The Zoning Board of Appeals may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

Village of Montgomery
APPLICATION FOR ZONING VARIATION

Case Number: ____ - ____
Date Filed: _____

PART I. Applicant Information

APPLICANT *(Please Print or Type)*

Name: _____

Address: _____

Email: _____

Phone: (____) _____ - _____ Fax: (____) _____ - _____

CONTACT PERSON *(If different from Applicant)*

Name: _____

Address: _____

Email: _____

Phone: (____) _____ - _____ Fax: (____) _____ - _____

IS THE APPLICANT THE OWNER OF THE SUBJECT PROPERTY? YES [] NO []

*(If the Applicant is not the owner of the subject property, a letter from the Owner authorizing the Applicant to file the **Application for Zoning Variation** must be attached to this application).*

IS THE APPLICANT AND/OR OWNER A TRUSTEE OR A BENEFICIARY OF A LAND TRUST? YES [] NO []

(If the Applicant and/or Owner of the subject property is a Trustee of a land trust or beneficiary(ies) of a land trust, a disclosure statement identifying each beneficiary of such land trust by name and address and defining his/her interest therein shall be verified by the Trustee and shall be attached hereto).

PART II. Property Information

ADDRESS OF PROPERTY: _____

PARCEL INDEX NUMBER(S): _____

LEGAL DESCRIPTION: _____

A legal description must be provided or attached to this application, include a digital copy

Is the property in question currently subject to a zoning variation or a Special Use Permit?

YES [] NO []

If so, please describe its nature: _____

_____.

Is the property in question currently non-conforming in any respect? **YES [] NO []**

If so, please describe its nature: _____

PART III. Reasons for the Zoning Variation Request

Please note that the following questions must be answered completely. If additional space is needed, attach extra pages to application.

1. Briefly describe the characteristics of your property that prevent you from complying with the requirements of the Montgomery Zoning Ordinance, giving dimensions where necessary. *(Please Print or Type)*

2. Are these characteristics or conditions the result of other man-made changes, such as relocation of a road or highway? Please describe.

3. What specific requirement(s) of the Montgomery Zoning Ordinance prevent you from establishing the proposed use or construction on your property?

-
4. What is the minimum reduction of the requirements of the Montgomery Zoning Ordinance that would permit the proposed use or construction on your property?

5. What is the practical difficulty or particular hardship that would result if the requirements of the Montgomery Zoning Ordinance were strictly applied to your property?

6. To the best of your knowledge, can you affirm that the hardship you described above was not created by you or anyone having a proprietary interest in the subject property? YES []
NO []

If not, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to a zoning variation).

7. Are the conditions of hardship for which you request a zoning variation true only of your property? YES [] NO []

If not, how many other properties in the Village are similarly affected?

8. 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 and why?

I certify that all of the above statements and the statements and information contained in any papers, plans and other documents submitted herewith are true to the best of my knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Montgomery for the purpose of posting, maintaining and removing such notices as may be required by law.

Applicant's Signature

Date

DO NOT RETURN THIS TO THE VILLAGE – IT IS FOR YOUR USE IN DRAFTING LETTERS

(On Applicant’s Letterhead)

Notice for Public Hearings

Every applicant is required to notify property owners within 250 feet of his/her property of the Public Hearing (for Variation or Appeal). Applicants should provide the property owners with a brief description of the request to help adjoining property owners better understand what is being proposed in their neighborhood. The public, including the surrounding property owners, will be permitted to comment on the proposal at the Public Hearing.

NOTICE OF PUBLIC HEARING

Dear Neighbor:

(Applicant Name) has submitted an application to the Village of Montgomery for (type of application, i.e variation for...) to allow (describe variation) on the property located at _____.

The staff at the Village of Montgomery is currently reviewing our application material. If you have any concerns or questions about the requested (variation or appeal), you are encouraged to call (contact for the Applicant) at (Contact’s telephone number), or Jerad Chipman at 630.896.8080 ext. 9022 before (date of Zoning Board of Appeals). You will also have an opportunity to comment about the proposed development at the Montgomery Zoning Board of Appeals meeting scheduled for (date of meeting) at 7:00 p.m at the Montgomery Village Hall at 200 N. River Street.

Sincerely,

(Applicant)

Example Letter-You Must Reproduce Your Own Letter

Village of Montgomery
AFFIDAVIT OF NOTIFICATION
FOR REZONING, SPECIAL USE PERMIT,
OR PLANNED DEVELOPMENT

To: Village of Montgomery
200 N. River Street
Montgomery, IL 60538

From:

Date:

The undersigned, being sworn upon his/her oath, deposes and says that the list below includes the names and addresses of all owners of property adjacent or within two hundred-fifty feet of the property requesting a variation from the Zoning Ordinance and, further that all persons owning property which is adjacent to within two hundred-fifty feet of the parcel referred to in the petition for a variation to the Zoning Ordinance have been notified of the intent of the Petitioner(s).

The property is located at _____. A legal description is attached hereto.

PROPERTY INDEX #	PROPERTY OWNER	ADDRESS
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Attach additional sheets, if necessary.

Subscribed and sworn before me

By: _____

this ____ day of _____ 20____.

NOTE: You must submit certified mailing receipts and list of property owners on or before the date you're your application is taken before the

EXHIBIT A

**DEVELOPER'S AGREEMENT WITH RESPECT TO
LAND DEVELOPMENT FEES AND DEPOSITS**

The undersigned Developer acknowledges that he/she has filed a _____
(type of action requested) and acknowledges he has received a copy of Ordinance No. 1503 and accepts
the terms thereof. The Developer, in consideration of the Village undertaking review of the Developer's
request, agrees to be bound by the terms of such Ordinance and herewith submits an initial deposit of
_____ (\$ _____) Dollars.

Developer further acknowledges that said amount is an estimated amount only, and is to be held a
security for monthly payments of invoiced expenses and shall only be drawn upon if the Developer fails
to pay invoices when due. If invoices are not paid, or said deposit is exhausted, the Developer
acknowledges that his/her application shall be held and not processed further until said amounts are
satisfied or brought current. Developer may be required to replenish said amount if it becomes
exhausted.

Developer

Dated

Billing Attn: _____

Billing Company Name: _____

Billing Address: _____

For Staff Use:
Project Name: _____

RECEIPT OF INITIAL FEE DEPOSIT ACKNOWLEDGED
BY VILLAGE COLLECTOR.

Village Collector

***This form must be executed and accompany all Development Applications. No Application will be
accepted or processed without this completed form.***