City of
WOODSTOCK

Department of Community & Economic Development
121 W. Calhoun Street
Woodstock, Illinois 60098

phone 815.338.4305
fax 815.334.2267
communitydevelopment@woodstockil.gov
www.woodstockil.gov

ZONING VARIATION APPLICATION

ADDRESS OF PROPERTY _____

PROJECT REQUEST _____

DATE FILED _____

CONTACT PERSON FOR THIS APPLICATION

Name _____

Mailing Address _____

_____

Daytime Phone _____

Fax: _____

Email Address _____

APPLICATION AND PROCEDURES FOR ZONING VARIATIONS

The following information summarizes the zoning variation process and includes an application form and sample format for legal notices.

The Zoning Variation process is coordinated by the Community Development Department, however it is the responsibility of the applicant to publish, mail and post all required notices.

The Woodstock Zoning Board of Appeals conducts a public hearing on all zoning variation petitions and makes recommendations to the City Council. The City Council makes the final decision to approve or deny any proposed variation.

FILING PROCEDURE

1. File the petition. The completed application/petition for variation should be filed with Community Development Department, accompanied by a $145 filing fee. The petition should include one copy of a plat of survey and 10 copies of any exhibits to be distributed to the Zoning Board of Appeals. Any items over 8 ½ x 11 should be folded.

2. Publish a legal notice in a local newspaper (either the Woodstock Independent or the Northwest Herald), after review by Community Development. The notice must be published at least 15 days prior to the public hearing and no more than 30 days prior to the public hearing. The legal notice should utilize the format of the attached example. PROOF OF PUBLICATION IS REQUIRED. The newspaper will provide a certificate of publication which should then be filed with the Community Development Department. The legal notice only needs to be published one time.

3. Notify all adjoining property owners. Adjoining properties are all parcels that touch the parcel which is the subject of the petition, or would touch the subject parcel if there were no streets or alleys. The names and addresses of the most receipt taxpayers of record may be obtained at the McHenry County Assessor's Office. A copy of the same legal notice which was submitted to the newspaper should be used. Some applicants also find it helpful to include an informal letter explaining their request, along with the required legal notice. Adjoining property owners must be notified at least 15 days prior to the public hearing and no more than 30 days prior to the public hearing.

   PROOF OF NOTIFICATION IS REQUIRED. Notification can be made via certified mail (in which case the green signature cards should be filed with the Community Development Department) or by hand delivery. If hand delivered the property owner (not a tenant) must sign the "Certificate of Direct Notification" which is included in the application packet.

4. Post a public hearing sign in a prominent location on the property. The Community Development Department will provide the sign. The sign must be posted on the property, at least 15 days and no more than 30 days prior to the hearing.

ZONING BOARD HEARINGS AND CITY COUNCIL ACTION

Upon submittal of a complete application, the Community Development Department will assign a hearing date. The Zoning Board of Appeals meets the second Monday of each month at 7:00 p.m. in the Woodstock City Council Chambers. Agendas are finalized two weeks prior to the meeting and meeting packets are mailed out to Zoning Board members approximately one week before the meetings. Following the Zoning Board hearing, a recommendation is forwarded to the City Council for inclusion on a future agenda.

The petitioners should be present to explain their request, including the reasons there is a hardship. Zoning Board members and the general public may ask questions. The general public may also offer testimony. At the conclusion of the public hearing, the Zoning Board must complete a findings of fact and make a recommendation to the City Council to approve or deny the petition.

The City Council meets on the first and third Tuesday of each month. A petition is typically acted on by the Council on the first Tuesday of the month following the Zoning Board hearing.

FINDINGS OF FACT

Petitioners for variations shall be based upon particular hardships or difficulties. The Zoning Board of Appeals may determine and recommend to the City Council a variation of the regulations of the Unified Development Ordinance when it finds:

a. The particular 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 was carried out;

b. The conditions upon which the petition for a variation are based are unique to the property for which the variation is sought and are not applicable, generally to the other property with the same zoning classification; and

c. The proposed of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property or to alleviate financially difficulty experienced by the petitioner in the attempt to comply with the provisions of this Ordinance; and

d. The alleged difficulty or hardship is caused by the application of this Ordinance and has not been created by any person presently having an interest in the property; and

e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located; and

f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values with the adjacent neighborhood; and

g. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or buildings of the same district.

CITY OF WOODSTOCK

APPLICATION FOR A VARIANCE

To the Zoning board of Appeals:

1. Common Address of the Property _____

2. Statement of Ownership (list legal name, address of the property owners and state how long they have owned the property.)

3. Applicant (list name of the applicant if different from the owner and state the interest of the applicant in the property. Also state when his or her interest was acquired.)

4. State the legal description of the property or attach a legible copy.

5. State the specific variation (s) requested including unified development ordinance section numbers. Include the ordinance requirement and the proposed request.

6. State in detail the reasons for the requested variation by answering the following questions. If additional space is needed, attach extra pages to the application.

What features of the property prevent it from being used for the uses permitted by the zoning classification? Check all that apply and explain why they apply. Give dimensions where appropriate.

- ❒ Too narrow
- ❒ Too small
- ❒ Too shallow
- ❒ Soil
- ❒ Other
- ❒ Elevation
- ❒ Slope
- ❒ Shape
- ❒ Subsurface

How do the above conditions prevent reasonable use of the property under the terms of the Woodstock Unified Development Ordinance?

Was the hardship created by anyone who had an interest (ownership) in the property after the Unified Development Ordinance was enacted ; is the hardship self-imposed?

Are the conditions for which you request a variance unique to your property?

Are the conditions of the property the result of other man-made conditions (such as the relocation of a road?)

Is the requested variation the minimum variation that will make possible the reasonable use of the land, buildings, or structure.

CERTIFICATION

I/We certify that all of the information submitted as part of this application is true and correct to the best of my/our knowledge and belief:

_____	_____
Signature of property owner	Print name of property owner
_____	_____
Signature of property owner	Print name of property owner
_____	_____
Signature of applicant If different than property owner	Print name of applicant
_____	_____
Signature of applicant If different than property owner	Print name of applicant

BENEFICIAL INTEREST DISCLOSURE
(FOR PROPERTY HELD IN TRUST)

This disclosure is made in compliance with the requirements of Act 404/2, Chapter 765 of the Official Illinois Compiled Statutes.

The undersigned states that he/she is the holder of _____percent interest in Trust No. _____ at the _____.

Name of beneficiary_____

Address of beneficiary_____

Signature of beneficiary_____

Date _____

Attach this page for additional beneficiaries.

BENEFICIAL INTEREST DISCLOSURE
(FOR PROPERTY HELD IN TRUST)

This disclosure is made in compliance with the requirements of Act 404/2, Chapter 765 of the Official Illinois Compiled Statutes.

The undersigned states that he/she is the holder of _____percent interest in Trust No. _____ at the _____.

Name of beneficiary_____

Address of beneficiary_____

Signature of beneficiary_____

Date _____

BENEFICIAL INTEREST DISCLOSURE
(FOR PROPERTY HELD IN TRUST)

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The undersigned states that he/she is the holder of _____percent interest in Trust No. _____ at the _____.

Name of beneficiary_____

Address of beneficiary_____

Signature of beneficiary_____

Date _____

SAMPLE PUBLICATION NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that on *(hearing date)* at *(hearing time)* at the Woodstock City Hall, 121 W. Calhoun Street, Woodstock, Illinois, a public hearing will be held before the Zoning Board of Appeals for the purpose of hearing and considering testimony as to the petition of *(petitioner's name)* for a variation of the Woodstock Unified Development Ordinance, Section(s) *(appropriate section numbers)*.

The proposed variation(s) is/are for property located at *(street address)* and legally described as follows:

(Insert full legal description of the property including property index number)

If approved, the variation(s) will allow the petitioner to *(describe the work to be performed in relation to the variation requested).*

All interested parties are invited to attend the public hearing and will be given the opportunity to be heard.

Dated this _____day of _____, 2_____.

_____
Chairman
Zoning Board of Appeals

CHECKLIST FOR ZONING VARIATIONS

File petition consisting of:

_____Zoning variation application including project contact information and signature page
_____$145 filing fee + $10 sign fee
_____Plat of survey
_____10 copies of any exhibits (folded if larger than 8 ½ x 11)

_____Publish legal notice

_____Notify adjoining property owners

_____Post public hearing sign

File copies of:

_____Certificate of publication

_____Certificate of notification

_____Copies of green certified mail signature cards

CITY OF WOODSTOCK
ZONING BOARD OF APPEALS
CERTIFICATE OF DIRECT NOTIFICATION

Following are adjacent property owners in all directions for the property located at _____. Said names are as recorded with McHenry County and represent the person responsible for last payment of taxes:

PIN	Name of Owner	Address of Owner	Date Contacted	Signature of owner if hand delivered

PIN	Name of Owner	Address of Owner	Date Contacted	Signature of owner if hand delivered