



**CITY OF NAPERVILLE  
T.E.D. BUSINESS GROUP**

**ZONING VARIANCE APPLICATION**

**August, 2011**



## TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request approval for variances from the City of Naperville's zoning regulations, which may be viewed on the City of Naperville web site at [www.naperville.il.us/municipalcode.aspx](http://www.naperville.il.us/municipalcode.aspx). Zoning variances are subject to a public hearing before the Planning and Zoning Commission and approval by the Naperville City Council. Questions may be directed to the City of Naperville Planning Services Team at (630) 420-6100 x8.

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### Zoning Variance Process

1. Submit your completed application including all materials documented in the submittal checklist. Once the completed application is accepted, a case number and project manager will be assigned.
2. Your completed application packet may be forwarded to city staff/departments (e.g. Planning, Utilities, Engineering) for review and comment. Copies of any comments will be provided to you by the project manager assigned to your case. Comments may necessitate revisions to site plans.
3. Your zoning variance application will be scheduled for a public hearing before the Planning and Zoning Commission. *You will be notified of the hearing date approximately three weeks in advance.* City staff will complete newspaper notification requirements; you are required to complete mailed notice and posting of a sign on the property.
4. Following a public hearing and recommendation by the Planning and Zoning Commission, your case will be scheduled for City Council consideration. You will be notified of the City Council date approximately four weeks in advance of the meeting.
5. Zoning variances are subject to City Council approval. Permits associated with the variance will only be granted upon City Council approval of the variance request.

### Application Submittal

Packets will not be accepted and/or processed until all of the submittal requirements are met. Variance requests will only be scheduled for consideration by the Planning and Zoning Commission upon receipt of a completed application.

# Zoning Variance Submittal Checklist

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

| Item  | Quantity                                   |
|---|--|
| <input type="checkbox"/> Zoning Variance Application (Exhibit A of this packet)   | 1 original<br>8 copies                     |
| <input type="checkbox"/> Site Plan (e.g., Plat Survey) depicting any existing structures, proposed structures, additions, signs, and/or fences and the setbacks from lot lines to such improvements (drawn to scale). | 8 full-sized copies<br>1 reduced copy      |
| <input type="checkbox"/> Building elevations, if applicable (drawn to scale)  | 8 sets                                     |
| <input type="checkbox"/> Legal description and PIN: typed on an 8 ½" x 11" sheet of paper   | 1 copy                                     |
| <input type="checkbox"/> Disclosure of Beneficiaries, <u>signed and notarized</u> (Exhibit B).  | 1 original                                 |
| <input type="checkbox"/> \$325 application fee and \$80 for the publishing of the Public Notice in the newspaper.   | 1 check made payable to City of Naperville |

# Public Hearing Notice

The petitioner is responsible for completing two forms of notice, described below:

1. **Signage:** The petitioner shall post a legible sign on the site of the proposed project at *least 15 days prior to the public hearing* (see **Exhibit C**). Signs shall be placed along any side of the property fronting a public right-of-way.
2. **Letters:** The petitioner shall give written notice of the proposed variance to the owners of record of all lots within 250 feet (exclusive of the public right-of-way) from the property lines of the subject property. Names and addresses of owners of record may be obtained from the local township assessor's office. Written notices shall be delivered personally or sent by certified mail or registered mail with return receipt requested, *between 15 and 30 days prior to the hearing*. If delivered personally, the petitioner shall maintain a log signed by the individual receiving the letter to verify that notice was received.

Public hearing notice *must* include the following items at a minimum:

- The common address or location of the subject property
- Case number
- The nature, and the purpose of the request
- Date, time, and location of the Planning and Zoning Commission Meeting
- The name and address of the applicant *and* the owner of the subject property
- The City address where full information concerning the application may be obtained

The applicant should submit draft sign and letter notification to staff for review prior to posting or distributing the public hearing notification. Upon completion of the notification and prior to the hearing, the petitioner must file a sworn (notarized) affidavit stating that proper notice has been given. This statement shall be on file with the T.E.D. Business Group prior to the public hearing and must list all property owners notified by address, where the notification was sent and corresponding tax parcel identification numbers (see **Exhibit E**). If notices were hand delivered, a copy of the signature log must be attached for verification (see **Exhibit F**). **Failure to comply with this requirement will result in rescheduling of the matter at the petitioner's expense.**

Staff will publish a legal notice in a local newspaper of general circulation at least 15 days prior to the hearing and no sooner than 30 days prior to the hearing.

# CITY OF NAPERVILLE APPLICATION FOR A ZONING VARIANCE

ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

PARCEL IDENTIFICATION NUMBER (PIN) \_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

APPLICANT'S DAYTIME PHONE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

OWNER OF PROPERTY: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

OWNER'S DAYTIME PHONE: \_\_\_\_\_

ZONING OF PROPERTY: \_\_\_\_\_

AREA OF PROPERTY (Acres or sq ft): \_\_\_\_\_

List Improvements on property (buildings, fences, pools, decks, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above information, to the best of my knowledge, is true and accurate:

\_\_\_\_\_  
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public and Seal)

# STANDARDS FOR A ZONING VARIANCE

A zoning variance can only be granted if there are specific, land-related hardships or practical difficulties in carrying out the requirements of the ordinance for a particular piece of property. Self-inflicted hardships or increased profit or property value are not sufficient justifications to warrant a variance.

The recommendations prepared by staff and the Planning and Zoning Commission are prepared based upon the following standards, which are contained in Section 6-3-5 of the Naperville Municipal Code. *You should review the standards and, if necessary, prepare written findings or other evidence to support your request.*

- 1. The variance is in harmony with the general purpose and intent of this Title; and**
- 2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and**
- 3. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Title; and**
- 4. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

I have reviewed the Standards for a Zoning Variance and understand and acknowledge that my request will be considered based upon the extent to which it fulfills these standards. Further, I understand and acknowledge that I may be required to provide a written explanation detailing how my request fulfills these standards.

\_\_\_\_\_  
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public and Seal)

**CITY OF NAPERVILLE  
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

2. Nature of Benefit sought: \_\_\_\_\_

3. Nature of Applicant (Please check one):

- |                        |                          |                  |                          |
|------------------------|--------------------------|------------------|--------------------------|
| a. Natural Person      | <input type="checkbox"/> | d. Trust/Trustee | <input type="checkbox"/> |
| b. Corporation         | <input type="checkbox"/> | e. Partnership   | <input type="checkbox"/> |
| c. Land Trust/ Trustee | <input type="checkbox"/> | f. Joint Venture | <input type="checkbox"/> |

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:  
\_\_\_\_\_

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

6. Name, address and capacity of person making this disclosure on behalf of the applicant:  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT NOTE:** In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

**VERIFICATION**

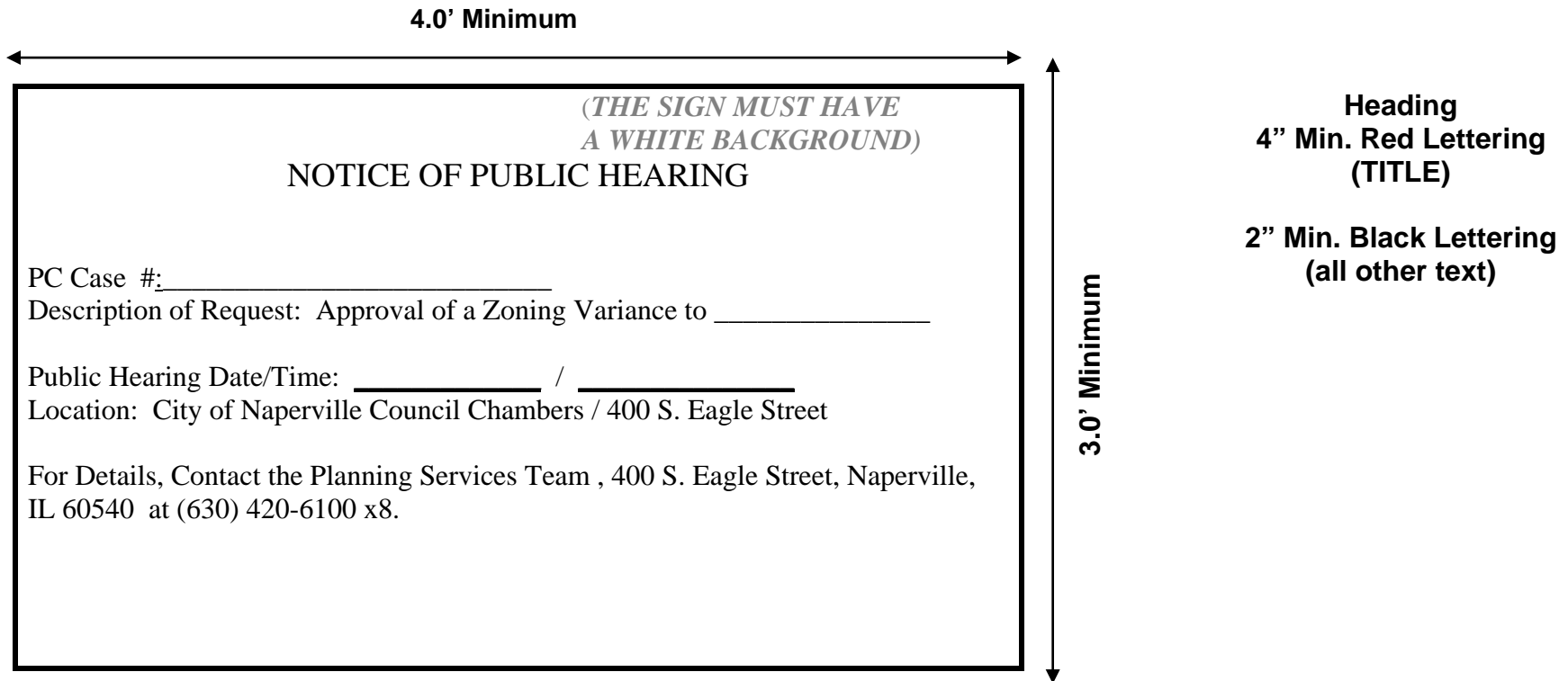
I, \_\_\_\_\_, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

## Sample Sign (for properties 10 acres in size or less)



The sign must be posted on the property not more than thirty (30) days and not less than fifteen (15) days in advance of the public hearing.

### NOTES:

This sheet is merely an example of the signage requirements. Refer to the details listed in this handout or Section 6-3-9:6 of the Municipal Code for additional details. Please coordinate with Planner or Project Manager assigned to the case for details on sign placement and number of signs to be posted on the property by calling (630) 420-6100 x8 or (630) 420-6100 x9.

## Sample Sign (for properties in excess of 10 acres)

8.0' Minimum

The diagram shows a rectangular sign with a black border. A horizontal double-headed arrow above the sign indicates a width of 8.0' Minimum. A vertical double-headed arrow to the right of the sign indicates a height of 6.0' Minimum. The text on the sign is as follows:

*(THE SIGN MUST HAVE  
A WHITE BACKGROUND)*

NOTICE OF PUBLIC HEARING

PC Case #: \_\_\_\_\_

Description of Request: Approval of a Zoning Variance to \_\_\_\_\_

Public Hearing Date/Time: \_\_\_\_\_ / \_\_\_\_\_

Location: City of Naperville Council Chambers / 400 S. Eagle Street

For Details, Contact the Planning Services Team , 400 S. Eagle Street, Naperville, IL 60540 at (630) 420-6100 x8.

To the right of the sign, text specifications are listed:

- Heading  
5" Min. Red Lettering  
(TITLE)
- 2.5" Min. Black Lettering  
(all other text)

The sign must be posted on the property not more than thirty (30) days and not less than fifteen (15) days in advance of the public hearing.

### NOTES:

This sheet is merely an example of the signage requirements. Refer to the details listed in this handout or Section 6-3-9:6 of the Municipal Code for additional details. Please coordinate with Planner or Project Manager assigned to the case for details on sign placement and number of signs to be posted on the property by calling (630) 420-6100 x8 or (630) 420-6100 x9.

EXHIBIT C

# SAMPLE NOTICE TO SURROUNDING OWNERS

Please use this example to create your notice. Forward a copy of your draft letter to the Planner or Project Manager assigned to your case for review and approval prior to distribution.

## NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given to all persons interested that [enter name of the applicant], (Applicant), has filed with the Office of the Planning and Zoning Commission (Office of the City Clerk), 400 S. Eagle Street, Naperville, Illinois, a petition for a zoning variance under the provisions of the Naperville Zoning Ordinance No. 80-5 (as amended), for the property located at ***[enter general description of the location]*** with a common street address of ***[enter address if applicable]*** and legally described as:

### LEGAL DESCRIPTION

[Insert Legal description, PIN#]

The Owner of the Property is ***[insert name of the property owner]***. The zoning variance is requested in the [insert applicable zoning designation] Zoning District is for [describe the nature of the request] under said ordinance. The petition and Legal Description are on file as Planning and Zoning Commission Case # **[insert Case assigned]** and may be viewed in the Planning Services Team Office located at 400 S. Eagle Street, Naperville, Illinois (Naperville City Hall).

A public hearing will be held on said petition before the Naperville Planning and Zoning Commission in the Council Chambers, 400 S. Eagle Street, Naperville, Illinois, on [insert date of the public hearing] at 7:00 p.m. at which time the Planning and Zoning Commission will hear the evidence presented on this matter and such other matters as may properly come before the Planning and Zoning Commission.

Objections to, or support in favor of said application, may be offered verbally at the hearing or may be submitted in writing to and filed with the Office of the Planning and Zoning Commission, 400 S. Eagle Street, Naperville, Illinois, 60540.

Dated at ***[enter name and state of town mailed from]*** this ***[enter date and year]***

Petitioner (or Attorneys for Petitioner)

By: \_\_\_\_\_

Information on this matter can be obtained from:

***[Attorney's Group Name and Address]*** or: Planning Services Team  
400 S. Eagle Street  
City of Naperville

# SAMPLE AFFIDAVIT

Please use this example to create your affidavit. Notary service is available from the Naperville City Clerk's Office.

## AFFIDAVIT

Planning and Zoning Case #: \_\_\_\_\_

The undersigned, being first duly sworn on oath, deposes and says that the attached notice, marked Exhibit A and made a part hereof, has been, in accordance with the procedures of the City of Naperville, served by certified mail, return receipt requested, or hand-delivered to all persons listed in Exhibit B attached hereto and made a part hereof. Said mailings being post marked *[enter date of posting]*, which is between fifteen and thirty days prior to the meeting date of *[enter meeting date]*, are to the best of the Affiant's knowledge, a true and complete list containing the names of all the persons to whom the current real estate tax bills are sent of those premises lying within 250 feet, excluding rights-of-way, in all directions of the property lines of the premises for which the application has been made.

Further, Affiant says that a sign setting forth notice of the application and the meeting date was posted on said premises by *[enter date of posting]*, which is between fifteen and thirty days prior to the meeting date of *[enter meeting date]*, all in accordance with the procedures of the City of Naperville.

Further, this Affiant sayeth not.

*[Type Name of Applicant or Attorney Filing the Affidavit]*

By: \_\_\_\_\_

SUBSCRIBED and SWORN to before me  
This *[enter date]* day of [enter month], *[enter year]*

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Notary Public

*[Affix Seal]*

EXHIBIT E

