

MUST BE FILED WITH ZONING
OFFICE BY 4:30pm ON _____
HEARING DATE: ____:00pm_____

Variance Application To The Zoning Board of Appeals

Part 1. General Information

1. **Application Form.** Be sure to thoroughly complete and submit all the required materials that are a part of this Variance Application (hereafter referred to as the "Application") to the Zoning & Building Safety Office. Failure to do so will result in a delay in processing your request until the Application is complete.

The Application includes the following:

- This Application Form. (This form must be filled out **completely** for **all** applications);
- Site Plan Checklist (Use this Checklist to prepare the Site Plan.);
- Adjoining Property Owner Support Statement. (Completion of this form is *optional* and not required)

2. **Board Meetings.** The Zoning Board of Appeals (ZBA) considers the facts presented by you in this Application and any testimony given under oath by you and any witnesses that you bring with you to the public hearing, together with any witnesses presented by the County. It will then make a final decision, based on the guidelines and requirements contained in the Rock Island County Code of Ordinances, Section 3-2-6.0. The Board meets the first Wednesday of the month in the Rock Island County Office Building, 1504 Third Avenue, Rock Island, Illinois. Check with the Zoning & Building Office for times. At the hearing, you have a right to be represented by an attorney, at your own expense. You are not, however, required to hire an attorney to represent you.
3. **Filing Deadline. Fee.** See the ZBA Schedule for deadline information. All required information and materials must be filed with the Zoning & Building Office, 1504 Third Avenue, Rock Island, Illinois. You must pay the filing fee at

the time your Application is filed with the office. The amount of the filing fee is \$300.00, and is non-refundable regardless of the decision of the Zoning Board of Appeals.

4. **Site Plan and Architectural Elevations.** The applicant must submit a Site Plan, drawn to scale, that clearly shows the variance being sought. The Site Plan shall be reproducible, black line drawings on a sheet of white paper no larger than 11" x 17". For additional details pertaining to the Site Plan, Please refer to the "Site Plan Checklist" contained in the Addendum to this Application.
5. **Photos and Exhibits.** Materials submitted with the application or presented as evidence during the public hearing ***will not be returned*** and must be kept as part of the public record.
6. **Notification.** Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation in Rock Island County. The published notice may be supplemented by such additional forms of notice as the Zoning Board of Appeals by rule may require.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION,
PLEASE CONTACT ZONING & BUILDING SAFETY OFFICE
Phone: 309-558-3771 Fax: 309-786-4456**

Part 2. Required Information

1. **Property Address:** _____, _____, Illinois.

A. Legal Description: _____

2. I (We) the undersigned, do hereby appeal to the Rock Island County Zoning Board of Appeals for a Variance from the Zoning Ordinance to allow the following use and/or structure:

3. In the event a Building Permit has been refused for this request, please state the reason for the refusal:

4. **Name(s) of Property Owner(s):** _____
(Must be the legal names of all owner(s) with a 20% or more interest in the property.)

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

5. **Applicant (if different from owner):** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

6. **Contact Person (if different from owner):** _____

Address: _____
(Street) (City) (State) (Zip)

Telephone: _____
(Home) (Business) (Fax)

Part 3. Grounds or Reasons for Requesting Variance

1. Introduction and General Statement. The Zoning Board of Appeals shall not vary the regulations of the Zoning Ordinance, as authorized, unless there is specific evidence presented to it in each specific case that the standards for a Variance from the regulations are met. (See Rock Island County Zoning Code of Ordinances, Section 3-2-6.0.F.)

In order for the Board to make these Findings (these determinations), you must demonstrate to the *Zoning Board of Appeals* all of the following:

(a) Because of the particular *physical* surroundings, shape, or topographical conditions of the specific property involved, a particular *hardship* to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.

Please explain in detail how denial of this request would result in a hardship, and deprive you of rights commonly enjoyed by other properties in the same district under the terms of this ordinance as opposed to a mere inconvenience. Please take into account that your desire to build a *larger* structure, outbuilding or garage than allowed by the zoning regulations may be an inconvenience, but is **not** a hardship. Purchasing a property that does not allow for accommodation of your personal possessions may be an inconvenience, but it is **not** a hardship. Compare and contrast your property with others in your zoning district and area.

(b) The conditions, upon which a petition for a variation is based, are unique to the property for which the variance is sought and are not applicable, generally, to other properties within the same zoning classification and vicinity.

Please explain in detail how your property is unique and unlike other properties in the same zoning district, and why other properties in the district should not also qualify for special treatment because of undue hardship:

(c) The purpose of the variance is not based exclusively upon a desire to make money out of the property. Granting of the requested variance is based upon the reason of *demonstrable and exceptional hardship* as distinguished from a variance for the purpose of *convenience, profit or caprice*. In order to meet this requirement, you must show that *any* permissible structure that would give a reasonable return on investment cannot be built on this property without the granting of a variance.

Please explain in detail the ***nature and extent*** of any claimed hardship. If you are claiming a ***financial*** hardship, please be specific and describe the ***amount of the hardship in dollars***, how you *calculated* the amount and how your failure to obtain the Variance will be the *primary* cause or reason for the resulting financial hardship, and not some remote, unrelated cause, such as a lack of due diligence in discovering allowed uses before purchasing the property. *Lesser* profits or a *lesser* return on investment, over and above what you are presently receiving or would like to anticipate from the property in the future are ***not*** financial hardships. The potential increase in the market value of your property is ***not*** a financial hardship.

Please address these issues and give your explanation in detail:

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(d) The alleged difficulty or hardship is caused by the Zoning Ordinance and has not been created by any persons presently having an interest in the property.

Please explain what has changed with the physical characteristics of your property since it's purchase that would create a hardship if the regulations are followed, and what specific portion of the zoning ordinance caused the hardship *after* your purchase.

(e) That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood on which the property is located.

Please explain how your property meets this requirement.

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

Please explain how your property meets this requirement.

(g) The purpose of the variance shall not be to establish a use otherwise excluded from the particular district in which it is requested.

A variance request shall not be made for a use where the use has not existed **legally** prior to the adoption of the Zoning Ordinance and continued legally since.

(h) The ZBA may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

If your variance request does not meet the standards as outlined above, what additional restrictions would you recommend to the ZBA to make the request meet the standards?

2. **Present Facts, Not Conclusions.** This variance will not be successful unless sufficient *facts*, not mere conclusions, are presented in this Application to justify the variance in light of the requirements of the Ordinance. As a general statement, you must not only show substantial and undue *hardship*, but also that the granting of the variance relates to the overall *intent and purposes of the Zoning Ordinance and the Comprehensive Land Use Plan as a whole*. These documents are available at the Zoning & Building Office or online at www.rockislandcounty.org. You are free to review them, but are not required to do so. All of the basic, required information needed is contained in this Application.

3. **Building Permit Still Required.** Approval of the Variance by the Zoning Board of Appeals in no way absolves the applicant from subsequently obtaining the necessary building permits or other permits from Rock Island County or from other applicable agencies.

I (We) certify under penalty of perjury and pursuant to the laws of the State of Illinois, that I (We) have been denied a Building Permit, that I (we) have submitted all the required information for a Variance and that all of the information set forth above is factually true and correct, as I (We) verily believe.

Signed by: _____ **DATE:** _____
(Property Owner)

(Note: No other signature may be substituted for the Property Owner's Signature)

And: _____ **DATE:** _____
[Applicant, if different from Owner]

And: _____ **DATE:** _____
(Contact Person, if different from Owner)

Addendum to Variance Application

A. Site Plan Requirements For All Properties

The Applicant must submit a Site Plan setting forth all of the following information, but it need not be prepared by a registered Land Surveyor or Engineer:

- Must be drawn to scale;
- Must be drawn on reproducible, black line paper no larger than 11"x17";
- Dimensioned property lines;
- Abutting streets and alleys;
- Location and size of all existing and proposed buildings and structures; (Include distances to all property lines and distances between buildings and structures.)
- Required setbacks;
- Driveways and parking areas, fully-dimensioned; and,
- Other pertinent information necessary to fully understand the need for a Variance. (e.g.: significant change in topography, location and size of mature trees, etc.)

B. Adjoining Property Owners' Statement

(Completion of this form by the Applicant is optional.)

To Whom It May Concern:

We, the undersigned, own property adjoining _____
Rock Island County, Illinois.

It is our understanding that _____ has filed a Variance application with the Zoning Board of Appeals to allow

As adjoining property owners, we would have no objections to the issuance of a building permit for the purposes stated above.