

Administrative Zoning Variation Application **Procedures and Checklist**

Any variation to decrease any setback or any minimum yard dimension by less than or equal to 25% or five feet, whichever is less, or to increase the maximum height required by the applicable provisions, may be heard and decided by the Director of Planning & Economic Development as an administrative variation.

A. Procedures:

1. **Pre-Application Meeting.** The applicant meets with the Director of Planning & Economic Development (and Director of Engineering if applicable) to discuss the proposal.
2. **File Application.** The applicant files a complete application with the Director of Planning & Economic Development (see Section B for application requirements).
3. **Staff Review.** The Director of Planning & Economic Development shall review the application against the Variation Standards contained in Section C.
4. **Neighbor Notification.** If the Director of Planning and Economic Development finds that the requested variation meets the standards herein, the applicant may choose one of the following two methods for notifying property owners within a one property radius of the subject property:
 - a. **City sends notice sent to Neighbors.** A copy of the variation application shall be sent by certified mail to all property owners within a one property radius of the subject property. If there are no written objections filed with the Director of Planning & Economic Development within 15 days of receipt of such notice, the administrative variation will be granted. If an administrative variation is not granted, the applicant may file for a non-administrative variation.
 - b. **Applicant reviews plans with Neighbors.** The applicant shall review the variation application with all property owners within a one property radius and obtain a signed statement along with a signed set of plans from each property owner confirming he/she has no objection to the requested variation. Only upon receiving a signed statement along with a signed set of plans from each property owner within a one property radius, shall the Director of Planning & Economic Development grant the administrative variation. If an administrative variation is not granted, the applicant may file for a non-administrative variation.
5. **Approval Letter.** After approval, the applicant will be issued an approval letter. A copy of this letter will be recorded in the office of the Recorder of Deeds of DuPage County. The applicant will be billed for recording the letter. The variance will be valid for 12 months.
6. **Building Permit.** The applicant may apply for a building permit through the Building Department. A copy of the variance approval letter must be submitted with the building permit application. *A variance application does not initiate a building permit application.*

B. Application Checklist:

1. Application Form. Filled out by the applicant (form attached). _____
2. Fee: \$25. If the variance is approved, the applicant will be billed an additional \$30 for recording the approval letter with the Recorder of Deeds of DuPage County. _____
3. Narrative Statement. Document addressing the standards applicable to zoning variations by answering all 10 of the Variation Evidence factors as contained in Section C. **All standards must be individually addressed in a full-sentence, narrative format to explain why the variance is warranted.** An administrative variation may be granted by the Director of Planning and Economic Development only if the standards applicable to variations are addressed in a written narrative format. _____
4. Evidence of Ownership. Documentation of applicant's ownership of or interest in the property. A copy of a tax bill is sufficient. _____
5. List of Adjoining Property Owners. A list of all property owners within a one property radius in all directions of the subject property, including across the street. _____
6. Sworn Affidavit. Signifying accuracy of List of Adjoining Property Owners (form attached). A notary is available at City Hall. _____
7. Neighboring Property Owner Statement forms (If applicable). One signed by each adjoining property owner (form attached). _____
8. Plat of Survey. One (1) copy of a current Plat of Survey of the property made by a registered Illinois Professional Land Surveyor, including all existing structures located on the property. _____
9. Site Plan. Two (2) folded copies, plus one (1) reduced copy, of a Site Plan, showing the location and dimensions of the proposed improvements. This can be drawn on a copy of the Plat of Survey. _____
10. Building Plans. If the project involves a new building or building addition, include two (2) folded copies, plus one (1) reduced copy of:
 - Preliminary floor plan (detailed architectural plans not required)
 - Simple elevation plan or design drawing(Note: If the applicant is reviewing the application with neighbors, one set of all plans should be signed by all adjoining property owners.) _____
11. Supporting Materials. (Optional) Photographs or any other information deemed necessary by the applicant to support the application. _____

An application will not be accepted and processed until all the applicable items required above have been submitted with the application.

Any questions pertaining to the City's administrative variation application procedures should be directed to the Planning & Economic Development Department at (630) 260-2080.

C. Variation Standards:

The Director of Planning & Economic Development may grant administrative variations from the certain regulations of the zoning ordinance when such variations are in harmony with the general purpose and intent of the zoning ordinance. The Director of Planning & Economic Development may grant an administrative variation only if the applicant seeking the variation demonstrates and establishes the following:

1. Hardship. Practical difficulties prevent compliance with the strict application of the regulations of the zoning ordinance, or a particular hardship would result from compliance with the strict application of the requirements of the zoning ordinance; and
2. Essential Character of the Neighborhood. The variation, if granted, will not alter the essential character of the area or neighborhood.

Variation Evidence. For purposes of demonstrating and establishing the above standards applicable to zoning variations, the applicant must address each of the following:

1. The particular physical surroundings shape or topographical condition of the property involved prevents compliance with the strict application of the regulations of the zoning ordinance rather than causing a mere inconvenience if there is compliance with the strict application of the regulations of the zoning ordinance.
2. The purpose of the variation is not based primarily upon a desire to enhance the monetary value of the property.
3. The alleged practical difficulty or particular hardship has not been created by any person presently having any interest, whether financial, beneficial, legal or other, in the property or by the applicant.
4. The granting of the variation will not be detrimental to the public welfare, injurious, in any way whether economic, aesthetic or otherwise, to other property or improvements in the neighborhood or inconsistent with the general character of the area or neighborhood.
5. The proposed variation will not:
 - a. impair an adequate supply of light and air to adjacent property;
 - b. substantially increase the hazard from fire or other dangers to the property or adjacent property;
 - c. otherwise impair the public health, safety or general welfare;
 - d. diminish or impair property values within the neighborhood;
 - e. unduly increase traffic congestion in the public streets and highways;

- f. create a nuisance;
 - g. result in an increase in public expenditure.
6. A denial of the requested variation would potentially allow for the creation of a more adverse or unintended use, improvement or consequence because the regulations of the Zoning Ordinance would allow alternative construction which would potentially have a more negative impact on the character of the neighborhood than the construction of the improvement pursuant to the requested variation.
 7. The variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
 8. In the case of an existing Planned Unit Development, the granting of the variation will not significantly compromise the character and concept of the planned unit development.
 9. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.
 10. That denial of the variation would unreasonably deprive the property owner of the use and enjoyment of the property.

No single factor recited above shall be controlling or determinative. All applicable factors shall be weighed and evaluated in an overall determination of whether the standards applicable to zoning variations have been satisfied.

City of Wheaton
Administrative Zoning Variation
Application Form

The undersigned petitions the Director of Planning and Economic Development to consider a variation from the requirements of the Wheaton Zoning Ordinance, as set forth below:

1. Subject Property

Property Address: _____

P.I.N. _____ - _____ - _____ - _____
 # # # # # # # # # #

Zoning District: _____

Legal Description: _____

2. Applicant Information

Name: _____

Address: _____

Street

City

State

Zip

Telephone No: _____

Alternate No: _____

Fax No: _____

Email: _____

3. Variance

Description (use separate sheet if necessary): _____

An application will not be accepted and processed until all the applicable items required on the Application Checklist have been submitted with the application.

Signature of Applicant

Signature of Owner of Property (If Different)

By signing this document, applicant(s) hereby agrees and consents to reimburse the City of Wheaton the cost of recording of the letter approving the petition (\$30). Applicant(s) further certifies all of the above information and other submitted documentation is true and correct, to the best of your knowledge, and that you have read and understand all the information attached to this form.

Date Received: _____ Fee Paid: _____ Application No. _____

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, _____, being first duly sworn, do hereby state under oath that to the best of my knowledge the attached list is a true, correct, and complete list of adjoining property owners within a one property radius as well as those located directly across the street of the property legally described on the attached application for rezoning, special use permit, planned unit development, variation, or other zoning amendment.

X _____

Subscribed and sworn to before me
this _____ day of _____,
20 ____.

Notary Public

Administrative Zoning Variation
Neighboring Property Owner Statement Form

Date: _____

Neighboring
Property Owner: _____

To: City of Wheaton
Planning and Economic Development
303 W. Wesley Street
Wheaton, IL 60187

Applicant's Name: _____

Address of Variation: _____

Description of Variation: _____

I have reviewed and signed the attached plans. Based on these plans I have no objection to the aforementioned variation request.

Respectfully Submitted,

Print: _____ (Neighboring Property Owner)

Signature: _____ (Neighboring Property Owner)