



Village Of Rochester

1 Community Drive Rochester, IL 62563

Incorporated in 1869

Variance Number	(YYYY-MM-DD)
Build Permit #	If Applicable
Zone	

Request for Variance of Village Code

A \$75.00 filing fee is due at the time of filing; a hearing will not be scheduled until fees are paid.
Incomplete or incorrect Variance Requests could prolong the time it takes to receive a Variance Hearing.

Applicant Section

Today's Date: _____

Building Permit Applied for: N / Y- Permit # _____

Building Permit denied: N / Y- Permit # _____

The Procedure for Zoning Administration,

Section: 156.206, Sub-section C: Variance Procedure, Sub-paragraph 3 states that:

The Planning and Zoning Commission shall not recommend to the Village Board varying the regulations of this chapter unless it shall first make findings of fact based upon the evidence presented to it, in the applicable following circumstances, for which the petitioner is responsible for demonstrating:

At least one circumstance must be checked. Select as many as are applicable. See third page for a breakdown of each circumstance.

_____ a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the Zoning District in which it is located.

_____ b) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

_____ c) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

_____ d) The plight of the applicant is due to unique circumstances and does not result from the actions of the applicant.

_____ e) Granting the variation requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district; and

_____ f) The variation, if granted, will not alter the essential character of the locality.

Applicant Information

Name(s): _____

Circle one - Property Owner / Renter / Contrator

Address: _____ Parcel ID: _____

Phone: _____ Email: _____

Property Information

Name of Owner(s) _____

Address of Owner(s): _____

To which Village Code are you seeking a Variance? _____

Describe how the strict application of the Village Code to the unique circumstances listed in items a–f would deprive you of the reasonable use of your property.

Feel free to use additional paper if necessary.

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

It is understood and agreed by the applicant(s) that any error, misstatement, or misrepresentation of material fact, or expression of material fact, either with or without intention on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications, or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of the Zoning Board, shall constitute sufficient grounds for the revocation of such permit.

Signature of Applicant

Date

Signature of Co-Applicant

Date

Notice to Applicants:

The Variance process takes time. Time between filing and the Variance Hearing can take up to ninty (90) days.

- 1

Recommendations by the Planning and Zoning Hearing will be made at the next Village Board Meeting. A Variance is not granted until approved by the Village Board.
- 2

The fee for filing a variance request is \$75.00 per request and/or property.
- 3

The applicant(s) presence, while not required, is suggested as you may be ask questions concerning this request.
- 4

Adjacent property owners within 250 feet of the property requesting a variance will be notified about the Variance Hearing. As well as a notice physically posted at Village Hall and published in the local paper.

A Layman's Breakdown of Circumstance from Page One.

Here is what each of those points (a through f) means in everyday language:

a) "Cannot yield a reasonable return..."

The Legal Speak: The property can't make a reasonable return if you are forced to follow the current zoning rules.

The Layman's Terms: If you follow the rules exactly as written, your property becomes practically useless or financially ruined. You can't use it, rent it, or sell it for a fair value because the restriction is too severe.

b) "Special conditions... peculiar to the land..."

The Legal Speak: There are unique physical issues with your specific piece of land or building that don't apply to your neighbors.

The Layman's Terms: Your land has a weird physical quirk. Maybe it sits on an oddly shaped triangular lot, has a massive boulder in the middle, or features an extreme slope that makes standard building impossible. Your neighbors don't have this problem; it's unique to your dirt.

c) "Literal interpretation would deprive the applicant of rights..."

The Legal Speak: Following the exact letter of the law would take away rights that everyone else around you already enjoys.

The Layman's Terms: You are just trying to get what your neighbors already have. If the town enforces the rule strictly against only you, you'd be blocked from doing something standard that everyone else on your street is allowed to do.

d) "The plight... is due to unique circumstances and does not result from the actions of the applicant."

The Legal Speak: The hardship is not self-created.

The Layman's Terms: This mess is not your fault. You didn't cause the problem. For example, if you bought a house that was already built too close to the property line 50 years ago, that's a unique circumstance. (However, if you build a shed without a permit and then ask for forgiveness, that is your fault, and they will likely deny you).

e) "Will not confer... any special privilege..."

The Legal Speak: Granting this won't give you an unfair advantage over your neighbors.

The Layman's Terms: You aren't asking for special treatment. You are just trying to get on a level playing field. Approval won't give you a luxury or a right that your neighbors are banned from having.

f) "Will not alter the essential character of the locality."

The Legal Speak: The variance won't change the neighborhood's vibe or look.

The Layman's Terms: Your project won't ruin the neighborhood. Your addition or changes will blend in nicely. You aren't trying to build a noisy commercial auto-repair shop right in the middle of a quiet, peaceful residential cul-de-sac.

Summary

You must demonstrate to the zoning board: "My land has a unique physical problem that isn't my fault, the current rule makes my property useless, fixing it won't give me special treatment, and it won't bother my neighbors."

FOR OFFICIAL USE ONLY

For Office Administration Use Only

Variance Request Number: _____

Date Received: _____

Received By: _____

Fee Paid Date: _____

Amount Paid: _____

Receipt Number: _____

Per 65 ILCS 5/11-13-14, the Published Notice Date must fall between 15 and 30 days prior to the Hearing Date.

Date Filed: _____

Hearing Date Scheduled for: _____

Published Notice Date(s) _____

Where Published: The Rochester Times

Name of Municipality where published: Rochester, IL

Date adjacent property letters were sent: _____

For Planning and Zoning Commision Use Only

Hearing Open Date: _____

Hearing Open Date: _____

Hearing Close Date: _____

Hearing Close Date: _____

Notes: (continuances, witnesses, etc) _____

Recommendation from Planning and Zoning Committee to Village Board of Trustees:

Planning and Zoning Committee Chairperson

Date