

**CITY OF BELVIDERE**

*Community Development*



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401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 PH. 815-547-7177 FAX. 815-547-0789

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**APPLICATION FOR VARIANCE**

**( I N S T R U C T I O N S )**

**If you have any questions about this application, please contact the Community Development Department at (815) 547-7177.**

**NOTE:** Applications can be filed at anytime. Applications will not be processed until all of the required information has been submitted. See the attached schedule of meeting dates and deadlines for submittals.

**FOR ALL VARIANCE CASES:**

**An acceptable application includes the following:**

- 1. A certified plat, site plan, survey, or other professional illustration;**
- 2. A detailed written statement explaining the reason for the request;**
- 3. Legal description of the property;**
- 4. Completed application with the appropriate signatures;**
- 5. Application fee as listed on the attached fee schedule;**
- 6. NRI report or letter from the SWCD; and**
- 7. Any other information required by the staff (ie. landscaping plan, elevation plan, exterior lighting plan, etc.).**

Review the **FILING PROCEDURES** section within the application and select one of the local newspapers for publication of your legal notice. The staff will prepare the legal notice and deliver it to the newspaper.

CITY OF BELVIDERE  
*Community Development*



401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 P. 815-547-7177 F. 815-547-0789

**APPLICATION FOR VARIANCE**

**FOR OFFICE USE ONLY**

Case Number \_\_\_\_\_  
Filing Date \_\_\_\_\_  
Zone District \_\_\_\_\_

PZC Date \_\_\_\_\_

1) The address or general location of the property for which this application is filed is:

\_\_\_\_\_ and its Parcel Identification Number is: \_\_\_\_\_  
and the legal description for the subject property is: **Lot** \_\_\_\_\_, **Block** \_\_\_\_\_,  
**Tract** \_\_\_\_\_, **Subdivision Name** \_\_\_\_\_  
(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Daytime Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

3) **Property Owner Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Daytime Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

4) **Attorney Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Daytime Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

5) **Contact Person (if different from Applicant):** In order to reduce confusion, the staff requests one contact person be designated to discuss issues concerning this petition.  
**Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Daytime Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**NOTICE TO APPLICANT**

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties have proven hardships. Variances are restrictive and the degree of Variation is limited to the minimum change necessary to overcome the practical difficulty inherent on the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts. Use Variations are specifically prohibited.

A Variation recognizes that the same district requirements do not affect all properties equally; it is intended to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned properties. **You must prove that your land is affected by special circumstances or unusual conditions.** These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a Variation cannot be granted. The remedy for a general hardship is a change to the Zoning Map or to the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation: 1) Proof that a Variation would increase the financial return from the land, 2) Personal hardship, and 3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

A proposed Variation which will adversely affect surrounding property or the general neighborhood cannot be granted. All Variations must comply with the intent and purpose of the Zoning Ordinance.

6) Variance for \_\_\_\_\_  
(what type of Variance)  
From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
To Permit: \_\_\_\_\_  
(what type of construction)

**Reasons for Variance Request**

7) Which of the following types of modifications will allow you a reasonable use of your land:  
\_\_\_\_\_ Change in setback requirement  
\_\_\_\_\_ Change in lot-coverage requirement  
\_\_\_\_\_ Change in side yard restriction  
\_\_\_\_\_ Change in off street parking requirement  
\_\_\_\_\_ Change in area requirement  
\_\_\_\_\_ Other (describe) \_\_\_\_\_

8) Describe how this variation is the minimum variation that will make possible the reasonable use of the land, structure, or buildings in question.

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9) What characteristics of your property prevent it from being used in a reasonable manner?

Too narrow _____	Elevation _____	Soil _____
Too small _____	Slope _____	Subsurface _____
Too shallow _____	Shape _____	Other _____

10) Describe the items checked, giving dimensions where appropriate and how the characteristics are different than other properties in the district.

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11) In what way do the above site conditions prevent any reasonable use, commonly enjoyed by owners of other properties in the same zoning district?

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12) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes \_\_\_ No \_\_\_ If "No", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

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13) Are the conditions on your property the result of other manmade changes, such as the relocation of a road or highway? If so, describe.

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14) Will granting the variation requested give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same district? Explain your answer.

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15) Specify how the granting of the variation requested will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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16) **LIST THE OWNERS OF RECORD:** *Applicants* shall provide on a separate sheet of paper or have the Community Development staff list the owner of record for all properties located within 250 feet of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

17) **SUPPORTING INFORMATION:** Attach a site plan drawn to scale showing lot dimensions, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the property in question.

Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

**Natural Resources Information:** Pursuant to state law, a copy of this completed application must be provided to the Boone County Soil and Water Conservation District (SWCD). They are located at 211 North Appleton Road, Belvidere, IL 61008, and may be contacted at (815) 544-2677. Their business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Community Development Office. **The SWCD must send a report to the Community Development Department for your application to proceed.**

**DECLARATION**

I, the applicant, of the above legally described property on which the variance is proposed, have provided answers to the questions herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a variance on said property.

By virtue of my application for a variance, I do hereby declare that the appropriate appointed and elected officials who are responsible for the review of my application are given permission to visit and inspect the property proposed for variance in order to determine the suitability of the request.

Applicant Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Property Owner(s) Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

\_\_\_\_\_ Date Signed: \_\_\_\_\_

STAFF SIGNATURE: \_\_\_\_\_ Date Signed: \_\_\_\_\_

Filing Fee - Amount Paid: \_\_\_\_\_ Check Number: \_\_\_\_\_

**FILING PROCEDURE**

- A. Submit this form and supporting information accompanied by an application fee. Make checks payable to the **City of Belvidere**. See the attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. Attendance at the Planning & Zoning Commission meeting is required.

**Variance for Corporations, Partnerships, and Joint Venture  
(If Applicable)**

1. Is the petitioner or applicant a corporation, partnership or joint venture?

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2. State the name for which the business is conducting business under.

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3. Are you acting for yourself, or in the capacity of agent, alter ego or representative of a principal?

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4. State the name(s) and address(es) of the actual and true principal(s).

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5. State the names and address of all officers, directors and all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation (use a separate sheet if necessary).

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## LEGAL NOTICE REQUIRED

According to Illinois State Statutes, "notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located."

A Notice of Public Hearing will be completed by the Community Development Staff for publication in a newspaper of local distribution. Please select one of the following newspapers for publication:

**\*\*\*\*THE COST OF THE PUBLICATION IS COVERED BY THE APPLICATION FEE\*\*\*\***

**Belvidere Daily Republican**  
(815) 547-0084 (publishes weekly)

**Boone County Journal**  
(815) 544-4430 (publishes weekly)



### **CERTIFIED MAIL NOTICE REQUIRED**

According to Ordinance #51H approved by the City Council on March 1, 2010, items requiring a public hearing, excluding text amendments, shall provide notice of the hearing by certified mail – return receipt requested – to all properties within 250 feet of the subject property. ***The cost of the required mailing is the responsibility of the applicant*** and is not included in the required application fee.

In order to complete the required mailing notice the procedure is as follows:

- Community Development staff will prepare the required forms and labels for the certified mailings.
- The green cards (receipts showing the mailings were received) are delivered to the community development department by the post office and must be received prior to the public hearing as proof that the mailings have been completed and provided as required.
- Two options exist for covering the cost of postage.
  - The City will cover the cost to mail the letters upfront, an invoice will be provided to the applicant with payment required prior to the public hearing (payable to the City of Belvidere). If payment is not received prior to the public hearing the case will be delayed until such time as payment is received.
  - The applicant may pick up the completed mailings, take them to the post office and pay the required fee at that time. If this option is chosen, the white receipts shall be provided to staff to verify that the mailings were sent out and sent out at the proper time.

**NOTE:** Cost of the mailing is based on the number of letters and weight of each mailing.

<b>Natural Resource Information Fee Schedule</b>
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0-5 Acres	\$400.00
5 or more Acres	\$400.00 plus \$20.00 per acre for each acre over five acres
Letter	\$75.00

Note: We accept cash, check, or card. Card payments through our website. (*Illinois E-Pay through the SWCD website at [www.boonecountyswcd.org](http://www.boonecountyswcd.org)*) Before the report or letter can be started a payment must be made in full. Please allow 30 days for your application to be processed.

Checks payable to:

Boone County SWCD  
211 N. Appleton Road  
Belvidere, IL 61008

I (We) understand the filling of this application allows an authorized representative of the Boone County Soil & Water Conservation District to visit and conduct any necessary on-site investigations on the site described above. Completion of this report may require 30 days as allowed by State Law.

<b>Petitioner's Name Printed</b>	<b>Petitioner's Name Signed</b>	<b>Date of Request</b>
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<b>Approved by the Soil &amp; Water Conservation District Board</b>	<b>Date of Approval</b>
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This report is issued as a guide in making land use decisions and does not preclude further refinement of soil type boundary lines during more detailed on-site investigations. Interpretations are based on criteria established by the National Soils Handbook (USDA-Natural Resources Conservation Service) and are subject to change by this office and appropriate agencies.

**Natural Resource Information Report Application**

Boone County Soil and Water Conservation District  
211 North Appleton Road, Belvidere, Illinois 61008  
815-544-2677 Ext. 3

**Owner's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Petitioner's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Contact Information:**

**Phone Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Please indicate how you would like to receive your copy:**  Mail  Email

**Type of Request:**

- Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_
- Subdivision – Attach proposed plat, if available
- Variance (Explain Type) \_\_\_\_\_
- Other (Describe) \_\_\_\_\_

**Location of the Property:**

\_\_\_\_\_  
*(Street Address)*

Parcel Identification Number(s): \_\_\_\_\_

Total Acres: \_\_\_\_\_

**Please Include the Following if Available:**

- Plat of survey w/ Legal Description
- Site Plan/ Concept Plan
- Location Map (if not on above map)
- Zoning or Land Use Petition
- Fee and Completed Application

## **PUBLIC HEARING PROCEDURE**

The Belvidere Planning & Zoning Commission conducts public hearings pursuant to State Law. Public hearings are conducted according the following procedure:

1. After the staff presentation, the applicant will be sworn in by stating his/her name and address. "Do you swear to tell the truth to the best of your knowledge?"
2. The applicant will be requested to fully present his/her case and furnish the Commission with pertinent information concerning their petition.
3. Other parties who favor the petition will be heard next, and those who oppose the petition will be heard last.
4. Each person making a statement will be requested to state their name and address and be sworn in.
5. Please refrain from repeating what has been said before you and please do not involve personalities.
6. Be as factual as possible.
7. The Commission reserves the right to question any speaker.
8. All statements or questions must be directed to the Chairperson.
9. The Commission will make a decision on the matter during the public hearing.
10. If the Commission feels that information is lacking, they may entertain a motion to table the approval of the petition pending additional information to be brought forth at the next meeting.

## Community Development Department

### CITY FEES

\*Per Ordinance Number 153H

**Annexation:** \$400

**Zoning Change:**

RH:	\$600 + \$75/acre (or portion thereof)
SR-3, SR-4, SR-6, TR-7,	\$600 + \$75/acre “
MR-8S, & MR-8L:	\$600 + \$75/acre “
CB, GB, PB, NB, NO, & PO:	\$700 + \$75/acre “
GI, PI, HI, & I:	\$700 + \$75/acre “

**Planned Community Development (Special Use):** \$700 plus subdivision plat fees, if applicable.

**Subdivision Plat:**

	<u>Preliminary</u>	<u>Final</u>	<u>Replat</u>
Residential:	\$500 + \$75/lot	\$500 + \$75/lot	\$500 + \$75/lot
Commercial & Industrial:	\$600 + \$75/lot	\$600 + \$75/lot	\$600 + \$75/lot

**Final Plat Reinstatement/  
Extension Fee:** \$50% of Initial Fee

**Special Use:** \$500 when accessory to an established primary use  
\$700 when establishing a primary use

**Variation:** \$350

**Text Amendment:** \$500

**Comprehensive Plan  
Text or Map Amendment:** \$350

**Appeal:** \$250

**Zoning Verification Letter:** \$25 per lot.

# CITY OF BELVIDERE VARIANCES

## 2024 CALENDAR YEAR MEETING DATES

<b>APPLICATION DEADLINE</b>	<b>PLANNING &amp; ZONING COMMISSION</b>
December 12, 2023	January 9, 2024
January 9, 2024	February 13, 2024
February 13, 2024	March 12, 2024
March 12, 2024	April 9, 2024
April 9, 2024	May 14, 2024
May 14, 2024	June 11, 2024
June 11, 2024	July 9, 2024
July 9, 2024	August 13, 2024
August 13, 2024	September 10, 2024
September 10, 2024	October 8, 2024
October 8, 2024	November 12, 2024
November 12, 2024	December 10, 2024
December 10, 2024	January 14, 2025

Applications will not be processed until all required information is submitted