

KANE COUNTY DEVELOPMENT DEPARTMENT  
Zoning Division, Kane County Government Center  
719 S. Batavia Avenue  
Geneva, Illinois 60134  
(630) 444-1236



**INSTRUCTIONS FOR MAKING APPLICATION FOR A VARIATION**

An application for a variance must be filed with the Zoning Enforcement Officer along with the additional items listed.

The application must be **signed by the owner of record of the property**. In case the property is under purchase contract, the owner of record must sign **and** the contract purchaser should also sign the petition. Owner and contract purchaser must include both address and phone number in petition.

The application must include the **legal description** of the property involved. This description should be copied from the deed covering the property and must be accurate, as it is necessary to locate the property on the zoning maps using said description.

A **sketch or plat of survey** of the property involved, drawn to scale, must accompany the application for the variation. This sketch should show the outline and dimensions of the property and all the buildings and structures located thereon. The distances from the buildings to the property lines must be measured accurately and be shown on the sketch. The portion of the building or structure for which the variation is requested should be clearly shown on the sketch.

**Certification** is required to show that property owners within 250 feet of the property have been notified of intent to rezone. \*This includes any and all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the land that is the subject of the variance request.

In submitting an application for a variation, a fee of **\$550.00** shall accompany same. Each additional request for a variation, after the first variation, on a lot, shall be assessed an additional fee of **\$50.00**.

When land and/or the use of land (for which rezoning, special use, or variance is required by Appendix B of the Kane County Zoning Ordinance) is maintained, used, or commenced prior to obtaining said rezoning, special use, or variance, by one who knows or should have known the requirements for said rezoning, special use, or variance, the fees above specified shall be **increased by one hundred percent (100%)**. The payment of such addition fee shall not relieve any persons from fully complying with the requirements of Appendix B, in the execution of the rezoning, special use, or variance, nor from any other penalties prescribed therein.

Pursuant to the State Land Trust Disclosure Act (Bill #1508), if property involved is listed under a "**Trust**", a notarized certification, signed by the Trust Officer, giving names, addresses and percentage of interest, of all beneficiaries, is to be filed with all petitions.

Upon receipt of all required documents as described in these instructions, the Zoning Enforcing Officer contacts the Chairman of the Zoning Board of Appeals for a hearing date. A public notice is then published in a newspaper of general circulation in the County, at least fifteen (15) days in advance of the hearing. **The applicant or a representative must attend the public hearing.**

Mark D. VanKerkhoff,  
Zoning Officer

DATED: January 11, 2019

**CERTIFICATION OF NOTIFICATION  
OF PROPERTY OWNERS WITHIN 250 FEET OF THE PROPERTY**

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

To: KANE COUNTY ZONING BOARD OF APPEALS

From: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Ph #) \_\_\_\_\_

The undersigned, being sworn upon this oath, deposes and says that the list below includes the names and addresses of all owners of property within 250 feet of the property referred to in petition for

(circle one) Variance Rezoning Special Use

for the purpose of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and, further, that all persons owning property which within 250 feet of the parcel referred to in petition have been notified of the intent of the petitioner(s).

Petitioner's property is located in Section \_\_\_\_\_, Township \_\_\_\_\_, County of Kane.  
(Legal Description Attached)

List names of property owners below. (Property Owners do not have to sign this form)

NAME	ADDRESS (street, city, state and zip code)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

(Property Owner or Agent)

Subscribed and sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary

\* We recommend that the petitioner duplicate this form and use it as notification to the required property owners

# **KANE COUNTY DEVELOPMENT DEPARTMENT**

Zoning Division, Kane County Government Center

719 S. Batavia Avenue  
Geneva, Illinois 60134  
Office (630) 444-1236

Received Date

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## **APPLICATION FOR A VARIATION**

*Instructions:*

To request a variation for a property, complete this application and submit it with all required attachments to the Zoning Division.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

<b>1. Property Information:</b>	<b>Parcel Number (s):</b>
	<b>Street Address (or common location if no address is assigned):</b>

<b>2. Applicant Information:</b>	<b>Name</b>	<b>Phone</b>
	<b>Address</b>	<b>Fax</b>
		<b>Email</b>

<b>3. Record Owner Information:</b>	<b>Name</b>	<b>Phone</b>
	<b>Address</b>	<b>Fax</b>
		<b>Email</b>

**Zoning and Use Information:**

Current zoning of the property:

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Current use of the property:

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**Reason for Request:**

Variation requested (state specific measurements):

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Reason for request:

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**Action by Applicant on Property:**

What physical characteristics would prevent the property from being used in conformity with the requirements of the Zoning Ordinance?

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Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain)

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Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain)

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The Kane County Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request **will not:**

1. Impair an adequate supply of light and air to adjacent property.

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2. Increase the hazard from fire and other dangers to adjacent property.

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3. Diminish the value of adjacent land and buildings.

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4. Increase congestion or create traffic hazards.

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5. Impair the public health, safety, comfort, morals and general welfare.

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**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Certification of Notification of adjacent property owners
- Trust Disclosure (If applicable)
- Application fee (make check payable to Kane County Development Department)
- Site Plan drawn to scale showing house, well and septic.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

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Record Owner

Date

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Applicant or Authorized Agent

Date