Village of New Lenox
Community Development
1 Veterans Parkway
New Lenox, IL 60451
815.462.6490
815.462.6469(fax)
www.newlenox.net

the Village of New Lenox
"Home Of Proud Americans"

COMMUNITY DEVELOPMENT
VARIANCE APPLICATION

(Requires Public Hearing)

ADDRESS/DEVELOPMENT NAME:

PETITIONER INFORMATION:

PRIMARY CONTACT	MAILING ADDRESS	CITY, STATE, ZIP
PHONE #	E-MAIL ADDRESS	OTHER (CELL # / FAX #)

SITE INFORMATION:

SITE ADDRESS OR LOCATION	ACRES	PROPERTY ID # (PIN)
EXISTING LAND USE		CURRENT ZONING

BRIEF DESCRIPTION OF VARIANCE (REQUESTED ACTION)*

*Attach additional sheets if necessary

OTHER APPLICANT AND INTERESTED PARTIES:

	NAME	COMPANY	MAILING ADDRESS	PHONE # / E-MAIL
PETITIONER				
OWNER				
DEVELOPER(S)				
LAND PLANNER				
ENGINEER				
AGENT/ATTORNEY				

SURROUNDING ZONING AND LAND USE:

	ZONING	JURISDICTION (VILLAGE OR COUNTY)	LAND USE
NORTH			
SOUTH			
EAST			
WEST			

SPECIAL NOTE TO PETITIONERS:

A. The Zoning Board of Appeals or Village Board shall impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to assure compliance with the variance standards, to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the general intent of the Zoning Ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of the Zoning Ordinance.

B. Effective Period: No variance shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Village Board may grant one (1) extension upon written application and good cause shown.

C. If any of the benefits conferred by a variance as granted are abandoned or are discontinued for a continuous period of one (1) year, the variance shall become void.

D. Once the process is completed, as determined by the Village, and all outstanding bills have been paid, the $500 Security Deposit (residential variance) or $1,000 Security Deposit (non-residential variance) will be returned to the Petitioner per the terms of the Professional Fee Agreement.

CHECKLIST OF REQUIRED VARIANCE APPLICATION ITEMS:

- ☐ One (1) original completed "Variance Application" form and 30 copies.
- ☐ Thirty (30) copies of a Plat of Survey of the subject property prepared and signed by an Illinois licensed land surveyor with dimensions accurately portraying the proposed request (11" x 17" preferred). If larger than 11" x 17", three (3) copies reduced to 11" x 17" are also required.
- ☐ Legal description of the property in Microsoft Word format and e-mailed to the Community Development Department at jsmith@newlenox.net and/or phansen@newlenox.net
- ☐ List of names and addresses of each property owner within 250 feet as found at the Will County Recorder's Office (158 N. Scott Street, Joliet, IL 60432).
- ☐ Payment of the appropriate review fee.
  Residential = $250 + $25 per additional variance
  Non-Residential = $500 + $50 per additional variance.
- ☐ Payment of the appropriate public hearing fee:
  Residential = $100 + $50 deposit for each sign (separate checks).
  Non-Residential = $350 + $200 for each additional sign required.
  An additional sign is required on corner lots. If frontage exceeds 500 feet, additional signs may be required.
- ☐ Completion of the "Standard Requirements for the Granting of a Variance" form and 30 copies.
- ☐ Completion of the "Professional Fee Agreement" form and payment of the $500 Security Deposit (residential variance) or $1,000 Security Deposit (non-residential variance).
- ☐ Completion of the "Affidavit of Owner's Consent" form (if the petitioner is not the owner of record).
- ☐ Completion of the "Sign Posting Authorization" form (non-residential variances).
- ☐ Completion of the "Sign Posting Affidavit - Residential" form (residential variances).
- ☐ One (1) original completed "Disclosure of Beneficiaries" form and one (1) copy.

I,_____, the Petitioner, hereby appeal to the Corporate Authorities of the Village of New Lenox, Will County, Illinois, for a variance in accordance with the information provided in this petition. I certify that the information and statements contained in this application and the documents submitted herewith are true and factual to the best of my knowledge.

I further understand that it is the Petitioner's responsibility to notify all land owners within 250 feet at least 10 days prior to the public hearing via certified mail, with return receipt, of the time, place and date of any Zoning Board of Appeals hearings regarding this application. I realize that the date of the meeting will be established and the Primary Contact will be notified after a complete application is accepted by the Community Development Director or designee.

I understand that all correspondence from Village staff, including Village consultants, will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.

BY:_____
PETITIONER

Signed and sworn to before me on this _____ day of _____, 20_____.

_____
NOTARY PUBLIC

(SEAL)

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Variance Criteria

I. Standard Requirements for the Granting of a Variance:

Note: No variance may be granted unless the following statutory findings are satisfied completely. If additional space is needed, attach extra pages to this application.

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 district in which it is located. Please explain.

_____

_____

_____

B. The plight of the owner is due to unique circumstances. Please explain.

_____

_____

_____

C. The variance, if granted, will not alter the essential character of the locality. Please explain.

_____

_____

_____

II. Zoning Violations

A. Does any violation of the Zoning Ordinance exist at the present time? _____.
If yes, please explain.

_____

_____

_____

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Sign Posting Authorization

I, _____, being the petitioner for application(s) for _____ _____ with the Village of New Lenox Community Development Department for proposed development concerning property located at _____ _____, hereby grant permission to the Village of New Lenox or its designee to erect signs on the above-referenced property for the purposes of satisfying the public hearing sign posting requirements of the New Lenox Village Code.

Dated this ____ day of _____, 20____.

_____
Signature

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

_____
Notary Public

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Sign Posting Affidavit - Residential

I, _____, hereby certify that I have petitioned the Village of New Lenox for a variance for the property located at _____, New Lenox, Illinois. I have received from the Village of New Lenox a sign standard and sign description blank to be approved by the Village and posted on the subject property. Said sign states the nature of the proposed variance and the date and time of the public hearing. I further certify that I have posted a $50.00 deposit with the Village of New Lenox to be held as surety for the sign standard. Said sign will be posted by me at least 15 days prior to the hearing date and will be removed and returned by me to the Village no later than 48 hours following the public hearing. **I UNDERSTAND AND AGREE THAT THE $50.00 DEPOSIT WILL ONLY BE RETURNED TO ME IF THE SIGN STANDARD IS RETURNED TO THE VILLAGE HALL WITHIN 48 HOURS AFTER THE PUBLIC HEARING.**

Dated this _____ day of _____, 20_____.

Signature: _____

Deposit Received: _____

Deposit Returned: _____

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Affidavit of Owner's Consent

I, _____, being the owner of record of property located at _____, hereby grant permission to _____ to file (an) application(s) for _____ with the Village of New Lenox Community Development Department for proposed development concerning the above-referenced property.

Dated this ___ day of _____, 20___.

_____
Signature

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

_____
Notary Public

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Disclosure of Beneficiaries

I. PETITIONER _____

NAME COMPANY

_____

ADDRESS

_____

CITY STATE ZIP CODE

II. NATURE OF BENEFIT SOUGHT: _____

_____

III. NATURE OF APPLICANT (please circle one of the following):

a. Natural Person
b. Corporation
c. Land Trust / Trustee
d. Trust / Trustee
e. Partnership
f. Joint Venture

IV. If the applicant is an entity other than described in Section 3, please state the nature and characteristics of the applicant: _____

_____

V. If your answer to Section 3 was letter b, c, d, e or f, identify by name and address each person or entity who is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses, or right to control such entity:

NAME **ADDRESS** **% INTEREST**

a. _____

b. _____

c. _____

d. _____

Note: If your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each such entity.

VI. PERSON MAKING THIS DISCLOSURE ON BEHALF OF THE PETITIONER:

_____
NAME CAPACITY

_____
ADDRESS

_____
CITY STATE ZIP CODE

VERIFICATION

I, _____, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the Petitioner, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained herein are true in both substance and fact.

BY: _____

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

_____
NOTARY PUBLIC

(Seal)

PROFESSIONAL FEE AGREEMENT

This Agreement entered into this _____ day of _____, 20___, between the **VILLAGE OF NEW LENOX**, a Home Rule Illinois Municipal Corporation (hereinafter referred to as "VILLAGE") and _____ (hereinafter individually and collectively referred to as "DEVELOPER").

WHEREAS, as a result of the DEVELOPER's project, which is _____, the VILLAGE must have its professional staff analyze, review and comment upon and perform other services solely on the VILLAGE's behalf from the time of the inception of the project through its completion; and

WHEREAS, the DEVELOPER acknowledges it should pay the VILLAGE's costs and expenses for professional staff services rather than impose the costs upon the VILLAGE residents.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged by the parties by the execution hereof, it is hereby agreed as follows:

SECTION ONE: PROFESSIONAL FEES. The DEVELOPER shall pay the VILLAGE any and all professional staff fees, costs and expenses incurred by the VILLAGE as a result of or in conjunction with the DEVELOPER's project from this date and prior thereto, through the project's completion as determined by the VILLAGE and/or the VILLAGE's acceptance of all public improvements associated with the project, whichever occurs last.

The VILLAGE's professional staff includes, but is not limited to, its attorneys, engineers, land planners, landscape architects, arborists, traffic and transportation consultants.

Fees shall include, but not be limited to, all time associated with any review, analysis, discussions, meetings, inspections, planning and all other work or services performed on behalf of the VILLAGE in conjunction with the project.

The VILLAGE's professional staff fees shall be billed to the DEVELOPER in the amount as authorized by the VILLAGE to be paid for such services.

DEVELOPER's Billing Address:

_____

_____

_____

SECTION TWO: SECURITY. Prior to the start of any work on the DEVELOPER's project, the DEVELOPER shall post with the VILLAGE cash or certified funds as security for the DEVELOPER's payment of such professional staff fees, costs and expenses, the sum of i) $500 for residential variances; ii) $5,000 for preliminary subdivision plats, preliminary planned unit development plats, final subdivision plats and final planned unit development plats; or iii) $1,000 for all other types of requests. The VILLAGE is specifically authorized to apply this security in payment of such fees, costs and expenses in the event the DEVELOPER fails to make timely payments to the VILLAGE as required under this Agreement. The DEVELOPER is obligated to continuously maintain the original deposit amount with the VILLAGE until the project's completion.

SECTION THREE: PAYMENT. The VILLAGE shall provide the DEVELOPER with an itemized statement of fees. The DEVELOPER shall pay the VILLAGE within thirty (30) days upon receipt of the statement from the VILLAGE. If the DEVELOPER does not pay the statement within the thirty (30) day period, interest shall accrue on the unpaid balance at the rate of one and one half percent (1 1/2%) per month. The VILLAGE may also direct that all professional staff and Village staff cease work on the project of the DEVELOPER until all statements are paid in full.

SECTION FOUR: COOPERATION. The DEVELOPER shall fully cooperate with the VILLAGE, its officials and professional staff with respect to its project.

SECTION FIVE: REPRESENTATION OF VILLAGE ONLY. The DEVELOPER acknowledges that the VILLAGE's in-house and professional staff solely represents the VILLAGE and the VILLAGE's interest and do not represent the DEVELOPER.

SECTION SIX: CONFLICT. If any of the terms and provisions of this Agreement conflict with any ordinance of the VILLAGE or agreement between the parties, the terms and provisions of this Professional Fee Agreement shall supersede and control any other terms and provisions.

SECTION SEVEN: ATTORNEY'S FEES. In the event any suit or other action is brought to enforce or which otherwise affects this Agreement, or any of its provisions, the DEVELOPER, in addition to all other costs and expenses shall pay the VILLAGE's attorney's fees, expert witness fees, costs and any other associated expenses.

SECTION EIGHT: SEVERABILITY. The invalidity of any paragraph or subparagraph of this Professional Fee Agreement shall not impair the validity of any other paragraph or subparagraph. If any provision of this Agreement is determined to be unenforceable, such provision shall be determined severable and the Agreement may be enforced with such provision severed or as modified.

SECTION NINE: ENTIRE AGREEMENT. This Agreement embodies the entire agreement and understanding between the parties and there are no other agreements, representations or understandings, oral or written, between the parties with respect to the subject matter of this

Agreement. No alteration, modification, amendment or change of this Agreement shall be valid unless agreed to by the parties in writing.

Dated at New Lenox, Will County, Illinois, on the date written above.

VILLAGE OF NEW LENOX, a Home Rule Illinois Municipal Corporation

(Corporate Seal)

BY: _____
Mayor

ATTEST:

BY: _____
Village Clerk

DEVELOPER

BY: _____
Its President

ATTEST:

BY: _____
Its Secretary

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Certification of Neighborhood Notification

I, _____, hereby certify that I have met the neighborhood notification requirements of the Village of New Lenox. All property owners within 250 feet have been notified (via certified mail) of my intentions to petition the Village of New Lenox for the following request(s):

_____

with regard to the property located at:

_____

As evidence of such notification, copies of the notification letters and returned receipts mailed to said property owners are attached, along with the return receipt certifications.

I understand that if such evidence is not submitted to the Village prior to the scheduled Plan Commission or Zoning Board of Appeals meeting, the application will not be heard at the scheduled meeting date. I also understand that if the appropriate property owners are not notified, no action will be taken on my application.

_____ _____

Signature Date

NOTICE TO ADJOINING PROPERTY OWNERS

(SAMPLE LETTER)

DATE

NAME
ADDRESS
CITY, STATE, ZIP CODE

RE: P.I.N. NUMBER OF SUBJECT PROPERTY _____

DEAR PROPERTY OWNER:

PLEASE BE ADVISED THAT THE OWNERS OF _____ HAVE PETITIONED THE VILLAGE OF NEW LENOX FOR A _____ REQUEST. THIS APPLICATION HAS BEEN SUBMITTED BY _____ _____.

A PUBLIC HEARING IS SCHEDULED TO BE HEARD BEFORE THE NEW LENOX (PLAN COMMISSION OR ZONING BOARD OF APPEALS) ON _____DATE_____ AT ___TIME_____ AT THE NEW LENOX VILLAGE HALL, 1 VETERANS PARKWAY, NEW LENOX, ILLINOIS.

A COPY OF SAID APPLICATION MAY BE EXAMINED AT THE OFFICE OF THE VILLAGE DIRECTOR OF COMMUNITY DEVELOPMENT, 1 VETERANS PARKWAY, NEW LENOX, ILLINOIS. ALL PERSONS DESIRING TO APPEAR AND BE HEARD FOR OR AGAINST THE SUBJECT OF THIS HEARING MAY APPEAR AND BE HEARD THEREON.

_____
SIGNATURE