

# Village of Maryville, Illinois

## BOARD OF ZONING APPEALS

### APPLICATION FOR VARIATION

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Filed \_\_\_\_\_ Variation Request No. \_\_\_\_\_  
 Date Set for Hearing \_\_\_\_\_ Date Hearing Held \_\_\_\_\_  
 Published Notice Made \_\_\_\_\_ Newspaper \_\_\_\_\_  
 Date Notice sent to Applicant or Property Owner \_\_\_\_\_

Date Adjacent Property Owners Notified \_\_\_\_\_  
 Fee Paid - Receipt No. \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_  
 Comments: [Indicate other actions such as continuances]

Action by Board on Request for Variation \_\_\_\_\_

A VARIATION is requested in conformity with the powers vested in the Board of Zoning Appeals to permit \_\_\_\_\_ (attach additional pages if necessary describing the variation(s) requested) on the property described below, and in conformity with the plans on permit application number \_\_\_\_\_, dated - \_\_\_\_\_

### ADDRESS, USE, AND ZONING OF PROPERTY

Address \_\_\_\_\_

Present Use [commercial, industrial, residential, agricultural, etc.].

Zoning Category [zoning ordinance section]

### ACTIONS BY APPLICANT ON PROPERTY

Permit applied for and denied: \_\_\_\_ Yes \_\_\_\_ No

Permit Application No. \_\_\_\_\_

An Appeal (was) (was not) made with respect to these premises.

Appeal Application No. \_\_\_\_\_

\_\_\_\_\_ Appeal Denied  
 \_\_\_\_\_ Appeal Application Accompanies This Request for Variation

### DATA ON APPLICANT AND OWNER

Name of Applicant(s) \_\_\_\_\_  
 Address of Applicant(s) \_\_\_\_\_  
 Property Interest of Applicant(s) \_\_\_\_\_  
 Name of Owner(s) \_\_\_\_\_

### REASONS FOR REQUEST FOR VARIATION

NOTE. The following questions must be answered completely. If additional space is needed, attach extra pages to application.

Before answering, read the NOTICE TO APPLICANTS below.

1. What characteristics of your property prevent its being used for any of the uses permitted in your zone?

|                   |                 |                       |
|-------------------|-----------------|-----------------------|
| Too narrow _____  | Elevation _____ | Soil _____            |
| Too small _____   | Slope _____     | Subsurface _____      |
| Too shallow _____ | Shape _____     | Other (specify) _____ |

2. Describe the items checked, giving dimensions when appropriate: \_\_\_\_\_

3. How do the above site conditions prevent any reasonable use of your land under the terms of the zoning ordinance? \_\_\_\_\_

4. To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land 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.)

\_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_

6. Which of the following types of modifications will allow you a reasonable use of your land?

Change in setback requirements? \_\_\_\_\_  
 Change in side yard restriction? \_\_\_\_\_  
 Change in area requirement? \_\_\_\_\_  
 Change in lot coverage requirement? \_\_\_\_\_  
 Change in off street parking requirement? \_\_\_\_\_  
 Other (describe): \_\_\_\_\_

7. State what is the variation requested, giving distances when appropriate:

\_\_\_\_\_

8. Are the conditions of hardship for which you request a variation true only of your property?  
 \_\_\_\_\_ If not, how many other properties are similarly affected? \_\_\_\_\_

9. Will the grant of a variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the zoning ordinance?

Elaborate: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and addresses of surrounding property owners from the property in question for a distance of two-hundred-fifty (250) feet in all directions. The number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250-foot requirement. Said names are as recorded in the Office of the County Recorder (or the Registrar of Titles of the county) and as appear from the authentic tax records of this county.

NAME

ADDRESS

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(I) (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of (my) (our) knowledge and belief.

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

\_\_\_\_\_  
 (Signature) Applicant (Date)

\_\_\_\_\_  
 (Signature) Applicant (Date)

#### NOTICE TO APPLICANTS

A variation is a zoning adjustment that permits minor changes of zoning ordinance requirements when individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted, and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in 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.

1. A variation recognizes that the same zoning ordinance requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. 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. When hardship conditions extend to other properties, a variation cannot be granted. The remedy for general hardship is a change of the map or the text of the zoning ordinance.

2. You must prove that the combination of the zoning ordinance and the uncommon conditions of your property prevents 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: (a) proof that a variation would increase the financial return from the land; (b) personal hardship; (c) 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.

3. No variation may be granted that would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purposes of the zoning ordinance.