

**VILLAGE OF BOURBONNAIS
ZONING BOARD OF APPEALS
VARIANCE APPLICATION PROCEDURE**

Procedure

1. Discuss request prior to filing application with either the Building Commissioner and/or the Community & Economic Development Director.
 2. Completely fill out application and submit, along with the proper filing fee, to the Village of Bourbonnais Building Department. If you would like to have the application reviewed by a staff member prior to submittal, please call for an appointment.
 3. Items to be submitted with application shall include:
 - a. Plat of survey of the property in question
 - b. Any supporting documentation, such as pictures, drawings, etc.
 - c. If the applicant(s) is not the legal owner of record, written proof of authority, by legal owner, shall be submitted
 4. The applicant shall complete a payment acknowledgement form agreeing to pay for any and all professional fees incurred by the Village in the process of reviewing the applicant's petition.
 5. Upon receipt of application and filing fee, the applicant will be given the date, time, and place of the public hearing date. **It is the responsibility of the applicant** to perform the following:
 - a. Obtain all property owners within one hundred and fifty feet (150') of the subject property, exclusive of any public right-of-way. Said property owner information shall be obtained from the County Assessment Office, 189 East Court Street, Kankakee, IL, 815-937-2945.
 - b. Notification shall be sent by certified, return-receipt mail, to the applicable property owners not less than fifteen (15) days prior to the date of the public hearing. Said notice shall include the legal description of said property, common address and/or location of said property, names of petitioners, a brief statement describing the proposed variance request, and the date, time, and location of the public hearing to be held by the Zoning Board of Appeals.
 - c. The petitioner shall provide to the Village, not less than seven (7) days prior to the scheduled hearing, all return receipts from said mailing.
- If any of the foregoing requirements providing for mailed notice and publication are not complied within the time frames set forth, the public hearing shall be cancelled and the applicant shall be required to pay an additional filing fees if the hearing is to be rescheduled.
6. Upon receipt of a completely filled out application, written proof of authority (if needed) and the required filing fee, the Village shall cause the requisite hearing notice to be published, not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing. This notice shall contain the particular location for which the request is being made, as well as a statement as to the action being requested. Notice shall contain a legal description and street address, or if none, such information so as to reasonably locate the property.
 7. At least fifteen (15) days prior to the requisite public hearing, the applicant shall file with the Building Commissioner such evidence in support of the application as may be required.

8. Submission requirements shall be determined by the Village of Bourbonnais dependent upon the nature of the action requested. However, at a minimum, the petitioner shall submit 16 copies of the application and all supporting documentation at least seven (7) days prior to the hearing date.
9. All decisions of the Zoning Board of Appeals shall be final. Said decision shall be in writing and mailed to the owner/petitioner by first class mail through the U.S. Postal Service.

FEES

Petition for Variance (single Family)	\$50.00
Petition for Variance (all others)	\$250.00

HEARING PROCEDURE

1. The meeting is called to order and roll call is taken. If a quorum is present, the hearing may proceed.
2. The chairman calls the first case and asks the Village staff if legal notice was placed in the newspaper in accordance with law. Once verified by staff, the chairman asks for evidence that notice was given to property owners by the petitioner, within 150 feet of the subject site.
3. Anyone who is going to provide testimony, whether it be in favor of or against the case shall be sworn in.
4. The petitioner, who must be present, presents their case, including any evidence, testimony, and/or witnesses.
5. The ZBA then may ask questions of the petitioner and witnesses.
6. After ZBA questioning, the public has an opportunity to **ONLY** ask questions of the petitioner and witnesses.
7. The chairman then asks the public if anyone would like to speak either in favor of or against the petition. Anyone wishing to be heard shall come forward, state their name, and then make their comments.
8. The ZBA then asks questions of the public, if any. Then the petitioner has an opportunity to ask questions of those who spoke.
9. The chairman then closes the public comment portion of the hearing and begins discussion on the case.
10. The ZBA shall then make findings of fact based upon testimony given. Said findings are then approved by the ZBA along with a decision to approve or deny said request.

11. Once a decision is made and voted on by the ZBA, a written decision is provided to the petitioner by the Village Building Department.

12. The petitioner, if the application is approved, has six (6) months to implement the variance, or the variance becomes void.

VILLAGE OF BOURBONNAIS
600 Main Street NW
Bourbonnais, Illinois 60914
Phone: 815-937-3570 Fax: 815-937-3467

BOURBONNAIS ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

Office Use Only		
Date Filed: _____	Case No: _____	Fee Paid: _____
Publish Date: _____	Hearing Date: _____	
By: _____	Fiscal Year: _____	Month: _____ Day: _____

Petitioner(s) _____
Petitioner's Address: _____
Phone: _____ Fax: _____ E-mail: _____

If petitioner is different than owner, please list name and address of owner(s)

Name: _____
Address: _____

NOTE: If the owner is a corporation, trust, partnership, and/or LLC, the names and addresses of all officers and directors and of all stockholder/shareholders owning in excess of 20% shall be submitted with and attached to this application.

Petitioner's Attorney: _____
Address: _____
Phone: _____ Fax: _____ E-mail: _____

Common Address of Subject Property: _____
Parcel Identification Number (PIN): _____ Current Zoning or Property: _____
Detailed legal description of property: _____

Please describe the present use of the property, and list all improvements:

Variance Action Requested:

1. A request for a variance regarding Section(s) _____ of the Village of Bourbonnais Zoning Ordinance.
2. Variance is relating to: _____
3. Variance of: _____ to the property described in this application (indicate applicable references in the Village of Bourbonnais Zoning Ordinance by Section number).
4. State the reason for the variance: _____

Please list the name and addresses of all adjoining property owners, within one hundred and fifty feet (150') of the subject property, exclusive of any public rights-of-way, as appearing from the tax records of the Kankakee County Assessor's Office. Also list the current use or zoning of each property (Add additional sheets if necessary):

Name: _____
Address: _____
Current Use/Zoning: _____
PIN: _____

Name: _____
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Current Use/Zoning: _____
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Findings of Fact

The Zoning Board of appeals is required to make findings of fact when considering a rezoning. The ZBA shall make findings based upon the evidence presented to it in each specific case, upon, among others, the following matters:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located:

2. The plight of the owner is due to unique circumstances:

3. The variation, if granted, will not alter the essential character of the locality:

4. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out:

5. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classifications:

6. The purpose of the variation is not based exclusively on a desire to make more money out of the property:

7. The alleged difficulty or hardship has not been created by any person presently having an interest in the property:

8. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located:

9. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood:

The Undersigned Petitioner(s) having been duly sworn under oath, hereby affirm that the forgoing information is true and correct to the best of his/her knowledge.

The undersigned further acknowledges that they shall be financially responsible for any review costs as may be incurred by the Village in consideration of the application.

Petitioner's Signature: _____

Petitioner's Signature: _____

Petitioner's Signature: _____

Subscribed and sworn to before me this
_____ day of _____, _____.
Notary Public