

Board of Zoning Appeals
Request for Hearing

111 North Wood River Avenue
Wood River, Illinois 62095
Phone (618) 251-3100
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www.woodriver.org



DO NOT WRITE IN THIS SPACE: FOR OFFICE USE ONLY

Application #

BZA

Date set for hearing

Date application was received

Date Notice Published

Fee Paid

\$

Publishing Newspaper

The Telegraph

Request:

- Variance
- Special Use Permit
- Appeal

Date letter sent to applicant

Action by Zoning Board of Appeals:

- Denied
- Approved
- Approved with modification by the Board

Comments _____

Applicant Information

What are you applying for? (definitions are listed below):

- Variance \$150.00
- Special Use Permit \$150.00
- Appeal \$150.00

Variance

A variance is a relaxation of the requirements of the Zoning Code related to a particular lot, structure, or use. The purpose of a variance is to provide relief to a property owner when strict enforcement of the zoning regulations pertaining to lot size, setback, parking requirements, etc., impose an undue hardship and the reasonable use of land.

Hardship to the applicant is a crucial test for the allowance of a variance. Variations will be granted only to provide relief in unusual situations, which were not intended or foreseen when the current zoning ordinance was adopted.

Additional scrutiny will be judged in accordance with Section 12-9.2 of the Zoning Ordinance, which states:

The Board shall not grant any variances unless, based upon the evidence presented to them, they determine that:

- A) *The property in question cannot yield a reasonable rate of return if permitted to be used only under the conditions allowed by the regulations for the district in which it is located. A reasonable rate of return is defined as a substantial hardship, as opposed to a mere inconvenience or loss of revenue;*
- B) *The plight of the owner is due to unique circumstances;*
- C) *The variance, if granted, will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood;*
- D) *The proposed variance complies with the spirit and intent of the restrictions imposed by this ordinance.*

A variance will only be permitted if the evidence, in the judgment of the Board, fulfills each of the conditions listed above.

Section 12-9.4 States:

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to prevent injurious effects upon other property in the neighborhood, and better carry out the general intent of this ordinance.

Special Use Permit

The purpose of the formulation of a comprehensive zoning ordinance is to encourage the development of similar and compatible uses in the same area. It is recognized that there are some uses, because of their potential influences upon neighboring uses or public facilities, which need to be carefully regulated with respect to location or operation for the protection of the community. These uses are referred to as "Special Uses," and are only allowed by permission of the Zoning Board of Appeals under Section 12.81, and include:

- A) *Uses entirely private in character which, on account of their peculiar locational need, the nature of the service they offer to the public, or their*

- possible damaging influence on the neighborhood, cannot be reasonably allowed as an unrestricted permitted use under the zoning regulation;*
- B) Uses operated by publicly regulated utilities, or uses traditionally affected by public interest, such as electrical substation, telephone exchange stations, etc.*

As stated under Section 12-8.3, *No special use shall be granted by the Board unless the special use:*

- A) Is necessary for the public convenience at that location, or in the case of nonconforming uses, a special use permit will make the use more compatible with its surrounding;*
- B) If so designed, located and proposed to be operated that the public health, safety and welfare will be protected;*
- C) Will not cause substantial injury to the value of other property in the neighborhood in which it is located;*
- D) Will conform to and preserve the essential character of the district in which it is located;*
- E) The proposed special use is designated by this ordinance as a special use in the district in which the property in question is located;*
- F) The proposed special use will comply with all applicable regulations in the district in which the property in question is located.*

Appeals

Any person aggrieved by any decision or order of the Administrator, or any matter related to the interpretation or enforcement of any provision of this ordinance may appeal to the Zoning Board of Appeal.

No hearing shall be held on an appeal for a period of (12) months following the date of such denial or recommendation to deny. The request may be reconsidered at the discretion of the Zoning Administrator for those projects that have been previously denied or recommended for denial that have significantly changed, altered, or provided new information.

Application must include a site plan as described on the following page. Documentary evidence shall be accepted as evidence of the hardship pleaded, to include, engineering reports, topographical maps, photographs, etc.

A public hearing will be scheduled within a reasonable time as established by the Zoning Board of Appeals. A notice of this hearing must be published in a newspaper of general circulation in the local area at a minimum of 15 days prior to the hearing. The applicant will be notified, by mail, of the time and place of the hearing at a minimum of 10 days prior to the hearing date. The applicant, or a duly authorized agent, must appear at the hearing to present the information as so stated in this application.

Each application for a variance request may only contain (1) parcel/property. If your project consists of more than (1) parcel/property, you may submit an

OVERALL PROJECT PLAN detailing your intent. However, the Zoning Administrator and the Zoning Board of Appeals will review each parcel/property on its own merit, with the understanding of the impact any decision will have on the remaining parcels/properties included in the project plan. Each request will be assessed the appropriate fee per application.

Name of Applicant(s) _____
Address _____
City/State/Zip _____
Phone _____

Property interest of applicant:

- Owner
- Contract purchaser
- Lessee
- Other

Name of Owner(s) _____
(If different than applicant)
Address _____
City/State/Zip _____
Phone _____

Description of Property:

Address of Property _____
Parcel ID # _____
Lot _____
Block _____
Subdivision _____

Present Zoning Classification (circle one):

A R-1 R-2 MR-3 MR-4 MR-5 MH BD B-1 B-2 B-3 BPE I CR FP

Present use of the property (if any uses or building on the property are non-conforming, so state):

- J) Water well
- K) Septic tanks
- L) Right of ways
- M) North arrow indicator

2. Distance between:

- A) Buildings and front, side, and rear lot lines
- B) Principal building and accessory buildings
- C) Principal building and principal buildings on adjacent lots

3. Any additional information as may be reasonably requested by the Zoning Administrator.

If the information submitted to the Zoning Administrator is vague, unreasonably illegible, or misleading the application will be returned as unacceptable.

The applicant is hereby obligated to follow the plans as submitted to the Zoning Administrator and the Zoning Board of Appeals. If at any time, after a request for variance has been authorized, the applicant does not follow the plans as submitted, the applicant will be subject to prosecution as authorized under Section 1-4.4 of the City of Wood River's Zoning Ordinance.

Attach to this application the appropriate fee, in accordance with Ordinance No. 96-14, to cover the cost of the advertising and processing of this application.

I certify that all the statements in this application are true and accurate to the best of my knowledge.

Signature of Applicant _____ Date _____

Signature of Owner(s) _____ Date _____
(if different than applicant)

Return application and fee to:
Zoning Administrator
City of Wood River
111 North Wood River Avenue
Wood River, IL 62095