



Village of Island Lake

3720 Greenleaf Ave.
Island Lake, IL 60042
Phone: 847-526-8764
Fax: 847-526-1534
www.villageofislandlake.com

Planning and Zoning Petition: Variance

What is a Variance? A variance is relief from unforeseen particular applications of the Village code that create practical difficulties or particular hardships. No variation shall be granted that is intended as a temporary measure only or is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the owner. **Reference Title 9 of the Village of Island Lake Code** for Information about Variations (9-11-15), Bulk, Space, and Yard Requirements (Residential: 9-3-11; Business Districts: 9-4-10; Office, Research, and Industry (ORI): 9-5-11; Industrial District: 9-6-10) and Zoning Applications and Hearings (<https://villageofislandlake.com/ordinances>).

The Village of Island Lake Zoning Map is available online (<https://villageofislandlake.com/village-map>).

Documents to be submitted with the application* by the petitioner for a Variance include:

1. Owner, Applicant and Consultant information: [Variance Form 1](#)
2. Petition Information: [Variance Form 2](#)
3. Affidavit of Beneficial Interest: [Variance Form 3](#)
4. Affidavit of Posting Sign for Hearing: [Variance Form 4](#)
*To be filed after hearing date is set.
5. Adjoining Taxpayer Information: [Variance Form 5](#)
6. Plat of Survey (with certified surveyor stamp)
7. Supplemental documents requested by the Village Attorney and/or Planning and Zoning Commission Chair

Deadline for filing application for variance hearing: No later than 30 days preceding the requested hearing date. *Planning and Zoning Commission Meetings are on the 3rd Thursday of the month on an as needed basis.* **Deadline for submitting additional, supplemental data:** At least 7 days prior to hearing date. Supplemental data may include, for example, pictures, illustrations and written comments of neighbors.

Filing Fee: \$1,000 due at application submission

Additional Fees: In addition, where the nature of the application requires the Village to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other persons not employed by the Village for the purposes of reviewing the application or plans in connection with it or development pursuant to it, additional fees equal to the actual cost to the Village of giving such notice or securing such services shall be charged to and paid by the owner. **An Escrow Deposit for the additional fees** due will be provided by the Village staff.

Additional Notes

The Planning and Zoning Commission will schedule a hearing on the petition when all application documents have been submitted the review is complete and will notify the Village Clerk of the date and time. The Village Clerk will then notify the petitioner. The Commission will provide its recommendation to the Village Board.

The Village will cause to be published a notice of the hearing in a local paper as prescribed by law.

The Building Department will supply the petitioner with a sign for posting on the property that states petitioner name and the purpose, date, time and place of the hearing.

The applicant may also bring witnesses to testify as to the petition request.



OWNER, APPLICANT AND CONSULTANT INFORMATION

Property Owner / Titleholder of Record

Full disclosure of the ownership of all legal and equitable interests in the lot is required.

Name/s: _____

Address: _____

Cell Phone #: _____ Email: _____

If title is in a land trust, list beneficiaries

Name/s _____

Address/es _____

Cell Phone #s _____

Percentage of Interest in Trust _____

If owner is not petitioner, owner shall sign consent to filing of variance application.

The undersigned hereby consents to filing of the variance application by the petitioner listed below.

Owner signature

Date

Petitioner

Applicant/s name and address, if different from the owner, and their interest in the lot.

Name: _____

Property Address: _____

Cell Phone #: _____ Email: _____

Explanation of interest in the property: _____

Professional Consultant Information

Attorney for Petitioner _____

Address _____

Cell Phone #: _____ Email: _____

Additional Consultant 1, Name and Address: _____

Additional Consultant 2, Name and Address: _____

List additional consultants on a separate page.



- c. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Explain. _____

- d. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, not merely an inability to make more money from the sale of the subject property.

Explain. _____

- e. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes of which this title and the provisions from which a variation is sought were enacted or the general purposes and intent of the Official Comprehensive Plan.

Explain. _____

- f. Essential Character of the Area: The variation would not result in a use or development on the subject property that:

- i. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- ii. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
- iii. Would substantially increase congestion in the public streets due to traffic or parking;
- iv. Would unduly increase the danger of flood or fire;
- v. Would unduly tax public utilities and facilities in the area; or
- vi. Would endanger the public health or safety.

Explain. _____

- g. No Other Remedy: There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

WHEREFORE Petitioner requests that the Planning and Zoning Commission Chair set a day, time and place for hearing on the contents of this petition and, after the hearing, recommend action to the Village Board regarding the request of the petitioner.

This petition must be signed by all title holders of record. If the property is in a land trust, the petition must be signed by the Trustee or all Beneficiaries of said land trust.

Signature Date

Signature Date



AFFIDAVIT OF BENEFICIAL INTEREST

STATE OF ILLINOIS)
COUNTIES OF LAKE AND MCHENRY)
VILLAGE OF ISLAND LAKE)

The undersigned _____ of the
_____ bank Trustee under Trust no. _____

hereby certifies that the following named persons are the owners of the beneficial interest of that trust described and their percentage of interest is as indicated.

As Trustee under Trust No. _____

Owner of Beneficial Interest	Percentage	Address

By _____
Trust Officer

Date: _____



AFFIDAVIT OF POSTING

_____ (petitioner), being upon oath deposes and says as follows:

1. That he/she is the petitioner in the matter of the Application for a variance for the property at _____ (address) scheduled to be heard by the Village of Island Lake Planning and Zoning Commission on _____ (date), at _____ (time).
2. That he/she has complied with the posting requirements of the Village of Island Lake Zoning Ordinance by placing the customary zoning poster on the principal road frontage of parcel in question:
Location of posting _____
3. That said posting was accomplished on _____ at _____ a.m./ p.m.

_____ Date: _____
(Signature)

Under penalties of perjury as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct.

_____ Date: _____
(Signature)



ADJOINING TAXPAYER INFORMATION

Taxpayers adjoining the property—including properties across the street—for which the variance is requested, *as shown on the rolls of the County Treasurer/Collector**, are listed below. Include properties across the street.

*For tax information about Island Lake property in Lake County, go to:
<https://tax.lakecountyil.gov/>

*For tax information about Island Lake property in McHenry County, go to:
<https://www.nundatownship.com>

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

Property owner/s: _____

Property address: _____

List additional property owners on a separate page.



VILLAGE INFORMATION

ATTORNEY

David McArdle
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014
815.459.2050; fax: 815.459.9057

VILLAGE ENGINEER

Steve Zehner, P.E., Project Manager
Robinson Engineering
127 N. Walnut St., Ste. 200
Itasca, IL 60143

MAYOR and VILLAGE CLERK

Richard McLaughlin, Mayor
Georgine Cooper, Village Clerk
3720 Greenleaf Avenue
Island Lake, IL 60042
847.526.8764; Fax 847.526.1534

BUILDING OFFICIAL

Building Department
3720 Greenleaf Avenue
Island Lake, IL 60042
847-526-8764, ext. 7861

DIRECTOR OF PUBLIC WORKS

Public Works Director
3720 Greenleaf Avenue
Island Lake, IL 60042
847-526-8764, ext. 7872

PLANNING AND ZONING COMMISSION CHAIR

Michelle Friedrich
c/o Village of Island Lake
3720 Greenleaf Avenue
Island Lake, IL 60042



RECEIPT OF VARIANCE DOCUMENTS AND FEES

For Village Use only

Submit two (2) copies of all documents. *Additional copies may be required.*

The following have been completed on the dates indicated.

FILING FEE: Date Paid _____

OWNER, APPLICANT AND CONSULTANT INFORMATION Variance Form 1: Date Filed _____

PROPERTY INFORMATION: Variance Form 2: Date Filed _____

AFFIDAVIT OF BENEFICIAL INTEREST Variance Form 3: Date Filed _____

AFFIDAVIT OF POSTING Variance Form 4: Date Filed _____

ABUTTING TAXPAYERS INFORMATION Variance Form 5: Date Filed _____

PLAT OF SURVEY with certified surveyor stamp: Date Filed _____

LIST OF ABUTTING LAST TAXPAYERS OF RECORD: Date Filed _____

It is the petitioner's obligation to verify the list.

LAKE OR MCHENRY COUNTY SOIL & WATER CONSERVATION DISTRICT FILING:* Date Filed _____

If necessary, obtain a Natural Resource Inventory report with the zoning petition request.

AFFIDAVIT OF POSTING: Date Filed _____

A sign will be provided by the Building Department and for the petitioner to post on the property no less than 15 days nor more than 30 days prior to the date of the hearing.

PUBLICATION NOTICE REQUIREMENTS: Date Filed _____

The Village will cause the publication notice of the hearing not less than 15 nor more than 30 days prior to the date of the hearing. This notice will appear in a local newspaper and conform to the State Statutes and Village regulations.

CERTIFICATE OF PUBLICATION: Date Filed _____

HEARING DATE: _____

The Village Clerk will contact the Planning and Zoning Commission and notify the petitioner of the date, time and place of the hearing.



In the matter of _____)
_____))
_____))
application for a variance of the Zoning Ordinance of)
the Village of Island Lake, Lake and McHenry)
Counties, Illinois and such Ordinance as amended)

ORDINANCE NO.

WHEREAS, the petitioners _____ have filed a petition with the Planning and Zoning Commission of the Village of Island Lake, Lake and McHenry Counties, Illinois for a variation of the Zoning Ordinance and such Ordinance as amended in regard to the following described property:
[INSERT LEGAL DESCRIPTION]

WHEREAS, the petitioner requests the following variations of the Village Zoning Ordinance [Describe variation requested]; and

WHEREAS, A public hearing on said petition was held before the Planning and Zoning Commission of the Village in the manner and in the form as prescribed by Ordinance and Statute and pursuant to proper public notice; and

WHEREAS, The Planning and Zoning Commission did recommend to the Village Board of Trustees that the variation requested be granted to the petitioners subject to the following conditions [list conditions of variance]; and

WHEREAS, as a result of the taking of evidence and the viewing of exhibits advanced thereat, the Planning and Zoning Commission of the Village of Island Lake did make the pre-requisite findings necessary for granting of variations pursuant to the Village’s Zoning Ordinance and pursuant to state statutes. Said findings attached hereto marked “Exhibit A” and by this reference made a part hereof; and

WHEREAS, The Mayor and Board of Trustees of the Village have considered the recommendations as submitted by the Planning and Zoning Commission; and

WHEREAS, The Mayor and the Board of Trustees have determined that it is in the best interest of the Village and in furtherance of the public health, safety, and welfare of the Village to grant the variation of the Zoning Ordinance sought by the Petitioners.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Island Lake, Lake and McHenry counties, Illinois as follows

SECTION 1 The recitals set forth hereinabove are incorporated herein as finding of the Mayor and Board of Trustees of the village.

SECTION 2 The Mayor and Board of Trustees of the Village hereby grant the following variation from the Village’s Zoning Ordinance.
[Include description of the variation or variances and legal description here.]

SECTION 3 The Ordinance shall be in full force and effect from and after its passage, approval and publications in the manner provided by law.

Passed this _____ day of _____

AYES _____ ABSENT _____

NAYS _____ ABSTAINED _____

VILLAGE OF ISLAND LAKE

Mayor

ATTEST

Clerk

