



## ZONING VARIATIONS INFORMATION and APPLICATION

REV 12/21

### **Assistance**

All zoning standards and procedures are described in detail in the City Code, Title 5A, which is presented in full on the City website [www.darienil.us](http://www.darienil.us). This website also has links to this packet and related information. The City Staff is dedicated to help all those involved. Our goal is to make your experience understandable, informative, meaningful, protective of your rights, responsive to your needs, and not unnecessarily long or costly. Contact the City Planner for guidance.

### **Available Relief**

The zoning standards are uniform throughout the City and for each zoning district. However, there may be some unique properties that would be very difficult to develop if strictly conforming to these zoning standards. So, zoning relief may be available. Property owners have the opportunity to apply for variations that would substitute a lesser zoning standard to be used for a particular development but only for properties that have a unique hardship situation. For example, locating a proposed house 35 feet setback from the rear lot line of a property in the R-1 District would not normally be allowed where the uniform zoning standard is 40 feet, however a variation might be justified if the particular lot is extra shallow.

### **Fair Process**

The City has a process to review each zoning variation application on its merits. It starts with the property owner or buyer or builder or their representative submitting an application with all the relevant information needed. The City staff (and consultants if needed) review the application, assist the applicant on technical issues, and schedule a public hearing for the Planning and Zoning Commission. The PZC are nine volunteer residents appointed by the Mayor and City Council to evaluate all variation applications. The PZC approves or denies 'simple' variations, which are front yard or corner side yard reductions of 10% or less or side yard reductions to not less than 7.5 feet for single family houses. For all other types of variations, the PZC recommends to the Municipal Services Committee. The MSC are three aldermen who review the findings of the PZC and make their own recommendation to the full City Council. The City Council then has the final vote to approve or deny. The process usually takes about 2-3 months, but in some cases it may take longer if hearings are continued to get more information.

### **Transparency**

A key step in the process is the public hearing held by the PZC. The application and City staff report are posted on the City website for all to see before the hearing. City staff mails notice of the hearing to neighbors and publishes it in a local newspaper and posts it in City Hall. The applicant places a sign on the property that gives notice of the hearing. Everyone is invited to attend, listen to the applicant's presentation, join in the discussion, and give their comments. Decision criteria in the Code are used to focus all input to determine the unbiased, objective reasons for or against the variation requested.

**CITY OF DARIEN**  
**ZONING VARIATIONS**  
**SUBMITTAL CHECKLIST**

- \_\_\_ 1. APPLICATION. *See attached one-page form.*
- \_\_\_ 2. OWNER AUTHORIZATION LETTER. If the applicant is not the owner, include letter from owner describing the relation to applicant and authorizing the applicant to act on behalf of the owner.
- \_\_\_ 3. PROOF OF OWNERSHIP. If the owner name and address on the Application form is different than on the County Tax Assessor's records, then include proof of ownership such as a deed or title search and list of trust beneficiaries, partners, or corporation owners and officers.
- \_\_\_ 4. APPLICATION FEE. Cash or check payable to the City of Darien. This is non-refundable and is used to pay for administrative expenses. *See attached Fee Schedule.*
- \_\_\_ 5. REIMBURSEMENT AGREEMENT. Some case reviews may need extra engineering, legal, or other consultants review, publication, recording, or other costs. By signing this form, the applicant agrees to reimburse the City if there are such costs. *See attached form.*
- \_\_\_ 6. NEIGHBOR LIST. Provide a stamped envelope with name and address of the owner of each of the neighboring properties within 250 feet of the applicant's property. City staff will put notices of the public hearing in each envelope and then mail them. These names and addresses can be obtained from the Downers Grove Township Assessor's Office 630-719-6630.
- \_\_\_ 7. PUBLIC NOTICE SIGN(S). The applicant must provide and post one or two signs on the property giving notice when the public hearing is scheduled. *See attached Public Hearing Signs and Hearing Schedule.*
- \_\_\_ 8. PLAT OF SURVEY. It should show property boundaries, easements, buildings, other structures, legal description, and any other existing conditions relevant to the variation requested.
- \_\_\_ 9. PLANS. Usually this includes a site plan, drawn to scale on the plat of survey, showing proposed improvements with appropriate dimensions. One copy is sufficient if 11"x17" or smaller. Ten copies if larger than 11"x17" or in color. Additional plans may be appropriate to show all relevant information depending on the nature of the variation being requested, such as;
- \_\_\_ elevation drawings
  - \_\_\_ photos simulations
  - \_\_\_ traffic studies
  - \_\_\_ landscaping plans
  - \_\_\_ other (*contact the City Planner for guidance*)
- \_\_\_ 10. JUSTIFICATION NARRATIVE. The applicant is responsible for providing written evidence (facts) that supports a conclusion (finding) that the variation is necessary and would not cause problems. *See attached form.*



# ZONING APPLICATION

**CITY OF DARIEN**  
1702 Plainfield Road, Darien, IL 60561  
[www.darienil.us](http://www.darienil.us) 630-852-5000

## CONTACT INFORMATION

Applicant's Name

Owner's Name

Address, City, State, Zip Code

Address, City, State, Zip Code

Telephone

Telephone

Email

Email

## PROPERTY INFORMATION

Property address

PIN Number(s)

Zoning District

Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

## REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

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

Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that \_\_\_\_\_ is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Notary Public

For office use only	
Date Received:	.
Case Number:	.
Fee Paid:	.
Hearing Date:	.

**CITY OF DARIEN**

1702 Plainfield Road, Darien, Illinois 60561

**DEVELOPMENT APPLICATIONS**

REIMBURSEMENT AGREEMENT

The undersigned applicant for development approval acknowledges that the City of Darien may seek advice and council from professional sources outside the employee staff of the City of Darien. The purpose of such consultation would be for traffic impact analysis, engineering, stormwater, legal, or other such reviews related to variation, special use, rezoning, subdivision, site plan, permits, or other proposals submitted to the City of Darien by the applicant. The City of Darien may also incur expenses as part of the development review and approval process, such as copying, mailing, publication, recording, inspecting, or other such activities.

As an express condition in submitting said application and the consideration thereof by the City of Darien, the applicant both personally and on behalf of the property owner(s), agrees to reimburse the City of Darien forthwith for all costs and expenses that may be incurred by the City of Darien for such consultation and activities.

The applicant hereby accepts and acknowledges that if at any time the application fails to pay for such consultation and activity costs in accordance with the direction of the City of Darien, the no further action will be taken by the City of Darien in relation to the application until such time as said payment is paid in full.

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Applicant's Name (print)

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Applicant's Name (signature)

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Applicant's Address

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Date

**CITY OF DARIEN**

**Fee Schedule  
Ordinance O-38-92**

	<b>Residential</b>		<b>Commercial</b>	
	<b>&lt; 5 acres</b>	<b>&gt; 5 acres</b>	<b>&lt; 5 acres</b>	<b>&gt; 5 acres</b>
Rezoning	385.00	435.00	485.00	510.00
Special Use	510.00	535.00	585.00	610.00
Special Use Amendment	460.00	460.00	510.00	560.00
Special Use PUD	600.00	650.00	700.00	750.00
Major PUD Amendment	485.00	510.00	560.00	610.00
Minor PUD Amendment	385.00	410.00	435.00	460.00

	<b>Residential</b>			<b>Commercial</b>
	<b>&lt; 5 lots</b>	<b>&gt; 5 lots</b>	<b>&gt; 10 lots</b>	
Preliminary Plat	205.00	230.00 + 15.00 per lot	305.00 + 15.00 per lot	305.00 + 30.00 per lot
Final Plat	180.00	205.00 + 10.00 per lot	255.00 + 10.00 per lot	255.00 + 20.00 per lot

	<b>Residential</b>		<b>Commercial</b>
	<b>Single lot</b>	<b>Multi lot</b>	
Major Variation	360.00	460.00	485.00
Simple Variation	75.00		

	<b>One lot</b>	<b>&gt; 1 lot</b>
Annexation Petition	30.00	50.00
Annexation Agreements	200.00	
Annexation Agreement Amendment	200.00	
Text Amendment	400.00	
Appeal of Administrative Decisions/Interpretation	250.00	

**For new development/redevelopment  
(excluding petitions involving a single-  
family residence):**

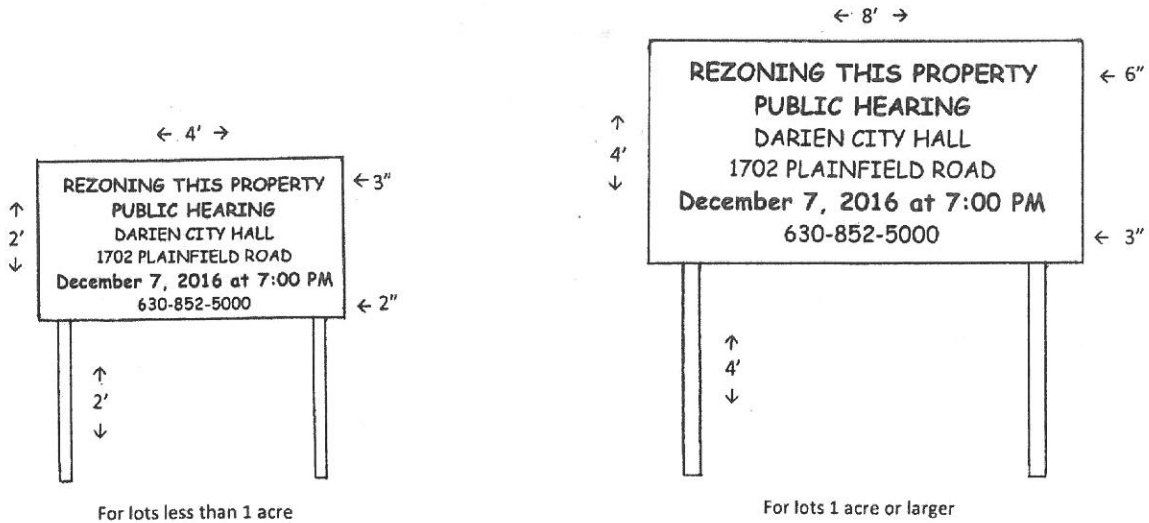
\$2,000.00 deposit required when the petition is submitted, to be returned once all invoices from professional services are paid (engineering, legal and traffic reviews, etc.)

**The bill incurred for publishing  
the public hearing notice in the  
newspaper will be billed to the  
petitioner (excluding petitions  
involving a single-family  
residence.)**

**CITY OF DARIEN**  
**ZONING APPLICATIONS**  
**PUBLIC NOTICE SIGNS**

Applicants requesting zoning approval of a map amendment, special use, variation or annexation are responsible for obtaining, posting, and maintaining signs on the subject property to inform the public about the application and the public hearing. See City Code Section 5A-2-3 (B). Contact the City Planner for guidance.

1. Post sign(s) for 15 – 30 days before hearing and remove within 3 days after City Council vote.
2. Place one sign in front yard where most visible to drivers, but not in parkway.
3. Place a second sign for large or usual lots.
4. Signs should be made of durable materials to withstand weather.
5. Signs are to be self-supporting – not attached to buildings, fences, trees.
6. Signs should be legible from street – light background, dark letters – no hand lettering.
7. Minimum sizes 8 – 32 square feet – see samples below.



**CITY OF DARIEN  
PLANNING AND ZONING COMMISSION**

**2022 Schedule**

**First and Third Mondays**

**Fifteen Days Before Hearing**

**Forty-Five Days Before Hearing**

<b>Meeting Dates</b>	<b>Public Hearing Notice and Sign Posting Deadlines</b>	<b>Submittal Deadlines</b>
January 5	December 21, 2021	November 22, 2021
January 19	January 4	December 6, 2021
February 2	January 18	December 28, 2021**
February 16	February 1	January 3
March 2	February 15	January 17
March 16	March 1	January 31
April 6	March 22	February 22**
April 20	April 5	March 7
May 4	April 19	March 21
May 18	May 3	April 4
June 1	May 17	April 18
June 15	May 31	May 2
July 6	June 21	May 23
July 20	July 5	June 6
August 3	July 19	June 20
August 17	August 2	July 5**
September 7	August 23	July 25
September 21	September 6	August 8
October 5	September 20	August 22
October 19	October 4	September 6**
November 2	October 18	September 19
November 16	November 1	October 3
December 7	November 22	October 24
December 21	December 6	November 7

**Meetings are Held in the Council Chambers at Darien City Hall,  
1702 Plainfield Road, Beginning at 7:00 PM.**

**\*\*Due to City Hall Closure for Holiday, Please Note Date Change.**

**CITY OF DARIEN**  
**ZONING VARIATIONS**  
**JUSTIFICATION NARRATIVE**

**Purpose**

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of-fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

**Decision Criteria** (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

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

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2c. The variation if granted will not alter the essential character of the locality.

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3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

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3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

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3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

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3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

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3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

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3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

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3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

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