

NEW BADEN ZONING (FORM 5)

APPEAL OF ZONING DECISION

Village Clerk
1 East Hanover Street
New Baden IL 62265

Appeal Application No. AL- _____
Date: _____

Instruction to Applicants: All information required by this Application must be completed and submitted herewith. Applicants are encouraged to contact the Zoning Officer for any assistance needed in completing this form.

1. Name of Owner(s): _____

Address: _____ Phone: _____

2. Applicant's Name: _____

Address: _____ Phone: _____

3. Property interest of applicant: _____
(Owner, contract purchaser, etc.)

4. If this interpretation is requested with regard to a specific parcel of property, complete items 5, 6 and 7.

5. Address of Property: _____

6. Present use of Property: _____

7. Present zoning of Property: _____

8. Appeal is taken from the action of the Zoning Officer, a copy of which is attached, and/or for interpretation of the following provisions of the Zoning Code:

Article _____ Section _____ Subsection _____

Article _____ Section _____ Subsection _____

The applicant contends that the provisions of Article _____ Section _____ of the Zoning Code should be interpreted as described on the attached pages.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent to the entry in or upon the premises described in this application by any authorized official of the Village of New Baden for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Date: _____

Signature of Applicant: _____

Date: _____

Signature of Owner: _____

(Do no write in this space – for Village use only)

Fee paid to the Village Clerk \$ _____ Date _____

Date set for hearing _____ Permanent Parcel No. _____

Date hearing held _____

Comments (Indicate other actions such as Continuances): _____

Chairman Zoning Board _____ Date _____

NOTICE TO APPLICANTS

A. General: The Village Board, as the elected legislative body of the Village of New Baden, established the village zoning regulations by ordinance. These regulations are established on a village-wide basis, and, generally, must be applied uniformly within each zoning district. Because of the general application of the zoning regulations, it is recognized that there may be conditions in an individual case which do not fit the general pattern, and that strict application of the regulations may cause practical difficulty or particular hardship.

Thus, the Zoning Board of Appeals is established as a quasi-judicial body, to interpret the provisions of the ordinance and to determine, in view of the factual evidence presented, when conditions of practical difficulty or particular hardship exist. In the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptionally physical constrictions, whereby strict application would result in such physical difficulty and/or unnecessary hardship depriving the owner of reasonable use of land or buildings involved. The Board of Appeals may then vary the provisions of the ordinance so as to permit reasonable use of the property and prescribe any conditions and safeguards in harmony with the purpose and intent of the zoning regulations and in accordance with the public interest and most appropriation development of the neighborhood.

B. The Petitioner Should:

1. Provide all necessary information and evidence to the Board of Appeals as to the practical difficulty or unnecessary hardship.
2. Give the Board of Appeals a clear statement to the variance requested.

C. In considering requests, the Board of Appeals will consider, among other things, the following:

1. Whether or not the information and evidence presented shows the existence of practical difficulty and unreasonable hardship for the lot or tract described in the petition.
2. Whether the condition of the subject premises is peculiar to the lot or tract described by the petition, or is merely part of the general condition zoning district regulations.
3. Whether the variance requested is the minimum variance necessary in order to permit reasonable use of the property in accordance with the applicable zoning district regulations.
4. Whether, if the variance is granted, there will be created conflicts with other laws applicable to the subject premises.
5. Whether the hardship or difficulty is self-imposed.
6. Whether the granting of the variance will substantially change the character of the neighborhood or have a substantial detrimental effect on adjacent property.
7. Whether the granting of the variance will be in harmony with the intent and purpose of the zoning regulations, and in the best interest of the health, safety and welfare of the citizens of the Village of New Baden.
8. All applicants are encouraged to visit the office of the Zoning Officer for assistance needed in completing forms, or answering of any questions on the zoning ordinance.