

**LAND USE APPLICATION (FOR PLAN COMMISSION AND ZBA) - Please type or complete in blue or black ink and file with:**

**Village Clerk's Office, Village of Wayne  
P.O. BOX 532, 5N430 Railroad Street, Wayne, IL 60184**

**PART A. GENERAL APPLICATION INFORMATION**

1. The undersigned, pursuant to the Wayne Zoning Ordinance, as amended, hereby makes application for (check all that apply) from the provisions of the Zoning Ordinance as set forth:

- |   |   |
|---|---|
| <input type="checkbox"/> Annexation               | <input type="checkbox"/> Subdivision Ordinance Variation      |
| <input type="checkbox"/> Appeal                   | <input type="checkbox"/> Zoning Ordinance Variation           |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zoning Ordinance Variation Extension |
| <input type="checkbox"/> Special Use Permit       | <input type="checkbox"/> Zoning Ordinance Text Amendment      |
| <input type="checkbox"/> Subdivision              | <input type="checkbox"/> Zoning Ordinance Map Amendment       |

2. **APPLICANT:**

**OWNER:**

_____	_____
_____	_____
_____	_____

Phone # \_\_\_\_\_

Facsimile # \_\_\_\_\_

Email: \_\_\_\_\_

3. Application is hereby made for a: (Describe the proposed zoning change in detail. In applications for Special Use Permits and Variations, include the location on the property of any proposed change/addition along with materials to be used for the constructions of the change/addition. See page. 8 for Variation Extensions)

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

4. On or for the following legally described property: (add additional pages if necessary)

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

located near the intersection of \_\_\_\_\_ and \_\_\_\_\_  
(Street/Avenue) (Street/Avenue)

The common street address is \_\_\_\_\_

Property Index Number (PIN#) \_\_\_\_\_

(Please list ALL parcel numbers) \_\_\_\_\_

5. Is the subject property also subject to Homeowner's Association CCR's?

- Yes  No

If so, has the Homeowner's Association approved of the change applied for?

- Yes  No

6. Is the subject property located in a historic preservation district?

- Yes  No

**PART B. APPLICATION ATTACHMENTS**

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Attached hereto and made a part hereof, the following are submitted:

- 1. Ten (10) copies of current Plat of Survey showing existing conditions. A Plat of Survey need not be supplied for text amendment cases. A Plat of Survey need not be submitted for appeals if one has previously been supplied to the Village.
- 2. A check in the amount of the applicable fee made payable to the Village of Wayne (See attached Information for Filing Applications).
- 3. Ten (10) folded copies of proposed Plat of Subdivision (Preliminary or Final Plat, Applications for Subdivision only)
- 4. Ten (10) folded copies of site plan for proposed development with accompanying plans for elevations, landscaping, parking, etc. Site plans are required for the following applications: Planned Unit Development, Zoning Map Amendment, Special Use Permit, and Zoning Ordinance Variation.
- 5. Project impact statement (Zoning Ordinance Variation only).
- 6. Land use, zoning classification and occupancy of all property within 250 feet in all directions from location to be varied (Zoning Variation Ordinance, Planned Unit Development, Special Use and Map Amendment).
- 7. Parking/Traffic studies (where applicable).
- 8. Other ancillary studies/impacts as deemed necessary by the Village.
- 9. Copy of Enforcing Officer's decision and Supplemental Public Hearing Application (Appeal Petition only).
- 10. Land Trust Disclosure Certification (for properties held in a land trust).
- 11. In variation cases, an itemized list of requested variations from Subdivision or Zoning Ordinances including code section(s), code requirement(s), and description of requested variation.
- 12. A written explanation as to why an extended period is necessary for obtaining a building permit and substantially performing actual work on the property, or why good cause exists for an extension. (Zoning Ordinance Variation Extension only)

- 13. Copy of application for a natural resource information report from Kane DuPage Soil and Water Conservation District (for subdivision, not applicable for text amendment, annexation or appeal cases). An Opinion is required to schedule the hearing to avoid issues in the future. The Kane DuPage Soil and Water Conservation District Land Use Opinion must be submitted to the Village of Wayne at least seven (7) days prior to the scheduled hearing date. The Village of Wayne reserves the right to continue or reschedule a public hearing if the Kane DuPage Soil and Water Conservation District Land Use Opinion is not timely submitted to the Village.
  
- 14. Homeowner's Association approval of change applied for (where applicable)

I (We) certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

\_\_\_\_\_  
 (Signature) APPLICANT

\_\_\_\_\_  
 (Signature) OWNER

\_\_\_\_\_  
 (Print)

\_\_\_\_\_  
 (Print)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Date)

**Applicants must submit their materials at least 30 days in advance of ZBA hearings.**

**INFORMATION FOR FILING APPLICATION(S) FOR:**

Appeal	Subdivision Ordinance Variation
Annexation	Zoning Ordinance Variation
Planned Unit Development	Zoning Ordinance Variation Extension
Special Use Permit	Zoning Ordinance Text Amendment
Subdivision	Zoning Ordinance Map Amendment

1. The following must be submitted upon filing of application, otherwise this application will not be accepted.
2. A check made payable to the Village of Wayne, in the amount of \$2650.00 (\$150.00 application fee and \$2500.00 deposit-Residential) or \$5,650.00 (\$150.00 application fee and \$5500.00 deposit-Subdivision) upon application. The fees associated with the various applications are as follows:

Zoning text amendment	\$	150.00
Zoning Map amendment or special use		
Under 2 acres	\$	500.00
2 to 5 acres	\$	750.00
5 to 10 acres	\$	1000.00
Over 10 acres	\$	1000.00
(Plus \$40.00 per acre in excess		
Of 10 acres)		
Zoning variation\$	150.00	
Zoning Variation Extension		No fee
Subdivision:		
Preliminary plan	\$	500.00
Final Plan	\$	100.00
Combined preliminary/final plan	\$	600.00
Reexamination fee	\$	100.00
Appeal of Enforcing Officer's Decision	\$	75.00
Annexation without annexation agreement		No fee
Annexation with annexation agreement	\$	1000.00

## **REIMBURSEMENT OF EXPENSES AND PROFESSIONAL FEES:**

In addition to the permit fees provided for herein, any applicant for rezoning, annexation, subdivision approval, conditional use permit or any other land use permit or proceeding shall reimburse the Village for all costs associated with engineering review, plan review, legal review or legal document preparation, filing and recording fees, publication of legal notices, postage, duplication expense, court reporter fees, transcript fees and other costs, expenses or fees of outside professional engineers, traffic consultants, attorneys or other consultants necessarily retained in connection with review or processing of any application made pursuant to the Zoning Ordinance or the subdivision regulations. In addition, thereto, the Village shall be reimbursed for Village staff time as provided for in applicable ordinances or otherwise provided by agreement.

## **PAYMENT OF FEES:**

- A. Payment, Deposit for Fees and Expenses:  
All fees provided for herein shall be paid at the time of initial application. The Village may request, as a condition of processing the application, that the applicant deposit with the Village funds equal to the estimated additional costs and professional fees as provided herein and may require a written agreement by the applicant with respect to payment.
  - B. Time of Payment:  
Unless otherwise provided for herein, all other reimbursements and fees are due and payable prior to issuance of any permit in connection with the requested action or prior to final action by the corporate authorities, such as passage of an ordinance or resolution approving or disapproving an application.
3. Ten (10) FOLDED copies of proposed Plat of Subdivision in subdivision cases (preliminary or final).
  4. Ten (10) FOLDED copies of site plan for proposed development with accompanying plans for elevations, landscaping, parking, etc. (special use permit, zoning variation, map amendment). (Twelve (12) copies of Preliminary Plats for PUD's Ord. 10-11-5).
  5. Project impact statement (zoning variation).
  6. Written variation extension request (variation extensions).
  7. Land use, zoning classification and character and occupancy of all property within 250 feet in all directions from Subject Property (may be shown on Block Diagram), including lot and street frontages (annexation, planned unit development, special use permit, subdivision, zoning variation, map amendment).

8. Parking/Traffic studies (where applicable).
9. Other ancillary studies/impact as deemed necessary.
10. Copy of Enforcing Officer's decision and Supplemental Public Hearing Application (Appeal Petition only).
11. Land Trust Disclosure Certification (where applicable)
12. Documentary evidence of service of notices to property owners within 250 feet of the subject property (planned unit development, special use permit, zoning variation, map amendment)
13. Copy of application for a natural resource information report from Kane DuPage Soil and Water Conservation District (for subdivision, not applicable for text amendment, annexation or appeal cases)
14. Homeowner's Association approval of change applied for (where applicable)

**THE FOLLOWING SHALL BE PRESENTED AT TIME OF HEARING:**

1. Evidence of title may be required such as deed, title, policy, or testimony as to ownership.
2. If application on behalf of owner(s) is by authorized representative, attorney, lessee or person other than owner – evidence of consent must be presented.
3. Duly authorized representative or attorney must present his appearance as agent or attorney for the owner. For appeals, the notarized signature of the authorized representative or attorney on a completed Supplemental Public Hearing Application (Appeal Petition) will suffice.
4. Applicant or duly authorized representative or attorney must be present on date of hearing prepared to present facts and answer questions, or the application can be dismissed.
5. Evidence of notice to property owners within 250 feet (zoning variation, special use, map amendment, planned unit development).
6. Every applicant is required to address the following standards for Variations and for Conditional Uses, to be entered as testimony for the transcript of the case as taken by a certified shorthand reporter. The applicant is required to address and answer each standard as part of the testimony.

The Zoning Board of Appeals shall not recommend and the Village Board shall not grant a variation to the regulations of this Title unless findings have been made based upon the evidence presented at the public hearing, to show that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and
2. The plight of the owner is due to unique circumstances; and
3. The variation, if granted, will not alter the essential character of the locality in which the property is located.

For the purpose of implementing these standards, and of considering whether there are practical difficulties or particular hardship which may warrant a variation from the regulations of this Title, the Zoning Board of Appeals and the Village Board shall also determine the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations was to be carried out; and
2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; and
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; and
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property; and
5. 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; and
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Variations approved by the Village Board shall be null and void within one (1) year after the date the variation was granted unless a building permit for such erection or alteration is issued and actual work is substantially under way.

An Owner may request, by written application filed with the Village Clerk, prior to the expiration of the one-year period, a one-time Six (6) month extension of such period, which extension may be granted by the Village Board in its sole discretion.

Upon good cause, an Owner may request that their variance continue in full force and effect for a term of eighteen (18) months at the time the variance is granted in lieu of becoming null and void within one (1) year after the date the variation was granted. (An "eighteen-month expiration variance"). An eighteen-month expiration variance shall be null and void within eighteen (18) months after the date the variation was granted unless a building permit for such erection or alteration is issued and actual work is substantially under way within the eighteen (18) month period. Eighteen-month variances are not eligible for a Six (6) month extension period.

Please indicate in Section 3 of this Land Use Application whether you are seeking a six (6) month extension for a variance that has been granted, or if you are seeking an eighteen-month expiration variance.



No special use shall be authorized by the Village Board unless the special use meets the following criteria, where applicable, for the proposed special use:

1. Is deemed necessary for the public convenience at that location;
2. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located;
4. Satisfies the standards and conditions required elsewhere in the Title applicable to the proposed special use.

Conditions: The Plan Commission may recommend, and the Village Board provide, such conditions and restrictions upon the construction, location and operation of a special use, including, but not limited to, provisions for off-street parking or loading as may be deemed necessary to promote the general objectives of this Title and to minimize injury to the value of the property in the neighborhood. Pursuant to §10-4-6.1 of the Village Code: : “Unless the village board grants an extension, any variation permitting the erection or alteration of a building or structure shall be null and void unless a building permit for such...is issued and actual work is substantially under way within one year after the date the variation was granted.”

### **VILLAGE OF WAYNE SUBDIVISION REQUIREMENTS**

Proposed subdivisions must comply with the regulations as outlined in the Village of Wayne Subdivision Regulations Ordinance, as amended.

1. Submit non-refundable fee of \$500.00 at time of application and deposit.
2. Submit subdivision/resubdivision plat – appropriate signature blocks, PIN # (s) and other information as required by the Ordinance.
3. Plan Commission will hold public meeting and recommend approval or denial. The Village Board then votes to approve or deny subdivision request.
4. School and park district donations must be paid in full prior to the recording of the plat.
5. On final plats, once recorded and returned to the Village, the original Mylar will be kept in the Village’s subdivision files and three (3) copies will be sent to applicant.

**PROCEDURAL REQUIREMENTS:**

- A.** After determination by the Chairman of the Zoning Board of Appeals or Chairman of the Plan Commission, as appropriate that the submitted application is complete, a meeting will be scheduled to conduct a public hearing upon the request.
  
- B.** State law requires such meeting will not be scheduled sooner than fifteen (15) days nor later than thirty (30) days after the actual publication of an appropriate notice in one of the general circulation papers that serve the Village of Wayne. The Village will publish this notice but requires the legal description of the property prior to publishing the notice. It is the petitioner’s responsibility to provide the Village with the correct legal description. Upon publication, the newspaper will provide the Village with a Proof of Publication. This will become part of the permanent Village file.
  
- C.** The petitioner is responsible for providing written notice at least 15 days before the hearing to the owners if properties adjacent to or within 250 feet of all property lines of the subject property. Notification shall be sent via ‘Certified Mail, Return Receipt Requested’ or hand delivered to each property owner. The petitioner must be able to prove that the notices were served either in person or by receipt indicating that a letter was mailed by Certified Mail to each required property owner at a valid address. The petitioner must submit to the ZBA or Plan Commission, as appropriate, a signed Certification of Neighborhood Notification (form attached). A sample notification letter for neighbors is also enclosed.

Petitioners may obtain ownership information on adjoining properties from the St. Charles Township Assessor’s Office or the Wayne Township Assessor’s Office.

**Kane County**

St. Charles Township  
1725 Dean Street  
St. Charles, IL 60174  
630-584-2040

**DuPage County**

Wayne Township  
27W031 North Avenue  
West Chicago, IL 60185  
630-231-8900

- D.** If the property in question is in a Historic District, the application may require the approval of the Historic Sites Commission prior to a hearing before the Zoning Board of Appeals or Plan Commission. It is the petitioner’s responsibility to inquire as to whether the property is in a Historic District.

**SAMPLE NEIGHBOR NOTIFICATION LETTER**

Date

John and Jane Doe  
123 Main Street  
Wayne, IL 60184

Re: Requested Zoning Relief Notification for (insert petitioner’s property location).

Dear M/M Doe:

I am in the process of petitioning the Village of Wayne for consideration of a \_\_\_\_\_ for the purpose of (insert reason) on the property legally described as (insert legal description) and commonly addressed as (insert address). The property is approximately (insert number) acres, is presently zoned as (insert current zoning classification) and used for (example single family dwelling).

Since you are an owner of a property within 250 feet of this petition site, notification is being provided in accordance with the Village of Wayne Zoning Ordinance.

The Village will consider this petition at a public hearing before the (Zoning Board of Appeals of Plan Commission on (insert date of meeting). The meeting will be held at (insert time) at the Wayne Village Hall, 5N430 Railroad Street, Wayne, IL 60184.

All persons will have an opportunity to be heard at such time and place.

This notice has been mailed and Certified Mail Return Receipt on (insert date) by (insert person sending letter).

OR

This notice has been hand delivered on (insert date) by (insert person sending letter).

Hand delivered notice acknowledged by: (Signature of Property Owner receiving notice.)

Persons having questions or seeking additional information are welcome to attend the scheduled meeting before the Zoning Board of Appeals.

Sincerely,

Your name  
Address  
Phone number

**CERTIFICATION OF NEIGHBORHOOD NOTIFICATION**

I, \_\_\_\_\_, hereby certify that I have met the neighborhood notification requirements of the Village of Wayne. All property owners within 250 feet have been notified (via Certified Mail Return Receipt Requested) of my intentions to petition the Village of Wayne following actions:

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

in regard to the property located at \_\_\_\_\_.

As evidence of such notification, copies of all correspondence mailed to said property owners is attached, along with the return receipt certification.

I understand that if such evidence is not submitted to the Village prior to the date of the scheduled Zoning Board of Appeals/Plan Commission (insert appropriate body) meeting, the petition will not be scheduled for the applicable development hearing agenda. I also understand that if the appropriate owners are not notified, no action will be taken on my petition.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SAMPLE PROJECT IMPACT STATEMENT**

I, \_\_\_\_\_, (insert petitioner name) do not believe that the property located at \_\_\_\_\_, (insert address) can yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located because \_\_\_\_\_(insert reason here).

There are unique circumstances that result in the plight referenced above, and said unique circumstances consist of \_\_\_\_\_(insert unique circumstances here).

The requested variation, if granted, will not alter the essential character of the locality in which the property is located because \_\_\_\_\_(insert explanation here).

Furthermore, I assert that (check all that apply):

- The particular physical surroundings, shape or topographical features of the specific property involved would result in a particular hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations was to be carried out; and
- The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification; and
- The purpose of the variation is not based exclusively upon a desire to make more money out of the property; and
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property; and
- 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; and
- The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

I am willing to present evidence of the foregoing at the public hearing to be held before the Zoning Board of Appeals and/or the Village Board.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SAMPLE VARIATION EXTENSION REQUEST (6 Months)**

On \_\_\_/\_\_\_/\_\_\_\_\_ (insert date Village adopted ordinance authorizing variance) the Village Board passed Ordinance No \_\_-\_\_\_\_\_ (insert Ordinance number authorizing variance), which authorized a variation permitting the erection or alteration of a building or structure on my property, located at \_\_\_\_\_ (address), Wayne, Illinois. Pursuant to Village Ordinance, a variation permitting the erection or alteration of a building or structure shall be null and void unless a building permit for such erection or alteration is issued and actual work is substantially under way within one year after the variation is granted, unless the Owner files a written application requesting a one-time six (6) month extension with the Village Clerk prior to the expiration of the one-year period.

Pursuant to Village Ordinance, I have until \_\_\_/\_\_\_/\_\_\_\_\_ to obtain a building permit and undertake actual work or the granted variation shall be null and void. I am unable to obtain a building permit and/or undertake actual work prior to the date in which the variation shall become null and void.

I hereby request the Village Board to grant me a six (6) month extension to obtain a building permit and/or undertake actual work on my property. I acknowledge that I will not be eligible for another six (6) month extension if this extension is granted and I fail to obtain a building permit and/or undertake actual work prior to the expiration of the extended six (6) month period. I understand that by submitting a request for an extension I am not entitled to an extension, and the Village Board may or may not approve my request in its sole discretion.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**SAMPLE VARIATION EXTENSION REQUEST (18 Months)**

I, \_\_\_\_\_, (insert petitioner name) have submitted or am submitting a Land Use Application requesting a variation permitting the erection or alteration of a building or structure on my property. I understand that if the Village Board passes an ordinance authorizing a variance, the variation shall be null and void unless a building permit for such erection or alteration is issued and actual work is substantially under way within one year after the variation is granted.

I will not be able to obtain building permit for such erection or alteration and/or substantially undertake actual work within one year after the variation being granted. Good cause exists for my inability to obtain a building permit and/or substantially undertake actual work within one year after the variation being granted. Good cause exists because:

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I hereby request the Village Board to grant me eighteen (18) months to obtain a building permit and/or undertake actual work on my property from the date of the passage of the ordinance approving my variation request. I acknowledge that I will not be eligible for a six (6) month extension if this extension is granted and I fail to obtain a building permit and/or undertake actual work prior to the expiration of the extended eighteen (18) month period.

I understand that by submitting a request for an extension I am not entitled to a variance or extension thereof, and the Village Board may or may not approve my request in its sole discretion.

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Signature

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Date