



**Village of Fox River Grove**  
305 Illinois Street  
Fox River Grove, Illinois 60021

**Planning & Zoning Application Packet**  
Zoning Variations, Special Uses, and Re-zoning Requests

This packet contains the procedure information and application for variations, special uses, and re-zoning requests. State law requires you follow certain procedures and provide specific information before the Village can grant a variation, approve a special use or change a property's zoning classification.

**Planning & Zoning Application Timeline**

The average processing time for this type of request is **60 to 90 days**. The process may take longer if additional information is requested at the public hearing or by Village staff. The following timeline shows the application procedures necessary to receive Village approval for your request.



Please follow the instructions in this packet to ensure your application is complete and ready to file with the Village and avoid delays.

**For more information, contact the Village at 847-639-3170.**

## Planning & Zoning Application Procedures

### 1. Plan Review

You must submit plans that detail the nature and scope of what is being proposed to the Village Building & Zoning Department for review. They will determine the need to apply for a zoning variation, special use, or re-zoning request and will provide this information to you during the plan review stage.

### 2. Application

If it is determined by the Building & Zoning Department that you need to submit a request, you must follow the procedures included in this packet.

#### a. Complete the forms on pages 5 & 6 and attach the following documents:

1. **Exhibit A:** Standards for variations and/or special uses
2. **Exhibit B:** Plat of survey and legal description
3. **Exhibit C:** Plans and specifications

A separate justification sheet (Exhibit A) must be provided for each variation, special use or re-zoning request. Building & Zoning may assist in defining what the standards are for granting the request, but it is your responsibility to justify the zoning request. Contact Building & Zoning to ensure that the application and exhibits are accurate and complete prior to submitting.

#### b. **Application Fee:** The application fee covers the cost incurred by the Village in conducting the hearing and cost of giving public notice. A hearing will not be conducted until the fee is paid.

**Residential Property:** \$300

**Commercial Property:** \$500

There is an additional fee of \$150 if you request to reschedule your hearing after public notice of the hearing has been given.

#### c. Submit your completed application & fee to the Village Hall.

### 3. Notifications

#### a. The Village will work with the Planning & Zoning Commission to set a date for the public hearing and assign a case number.

#### b. The Village will prepare a *Notice of Public Hearing* for your case. The Village will also provide you with a list of properties that are within 250 ft. of the subject property and require formal notification. You can go to the McHenry County Supervisor of Assessments office or [www.mchenrycountygis.org/Athena](http://www.mchenrycountygis.org/Athena) or Lake County go to: <https://lakecountyl.gov/mapsonline/> to obtain property ownership information for these addresses.

#### c. Between 15-30 days before the Public Hearing, you must formally provide all of the property owners with the *Notice of Public Hearing*. This can be done by using the signature form in this packet to individually collect signatures or by mailing property owners the *Notice of Public Hearing* by certified mail return receipt. **You must provide evidence of these required notifications and provide a completed Proof of Service affidavit form at the public hearing.**

#### d. The Village will publish the *Notice of Public Hearing* in the local newspaper and post a notice at the Village Hall 15-30 days before the hearing.

- e. 15-30 days before the public hearing, you must display a *Notice of Public Hearing* sign on the subject property. You must take a picture of the posted sign(s) and bring the photograph to the public hearing.

Sign Specifications

- Size: 2 x 3 ft.
- White sign with black letters
- Lettering must be fully visible from the public street
- Sign must not be more than 10 ft. away from the front property line.

**Sample**



**4. Public Hearing**

- a. The Planning & Zoning Commission (P&Z) will conduct the public hearing. All interested parties are welcome to attend and be heard. Written minutes of the hearing will be taken. The hearing will be conducted as follows:
1. Chairperson will swear you in and those wishing to speak.
  2. **You submit evidence of required notifications** (signature sheet and/or return receipts from mailings, proof of service affidavit, and a photo of the sign posted on property).
  3. Chairperson notes any special procedures.
  4. Staff outlines how request differs from Zoning Ordinance, any history behind request, and any special issues the P&Z might wish to consider.
  5. You must present justification for each standard.
  6. Public comments heard (if applicable).
  7. P&Z reads your responses to each of the criteria, considers each response, discusses key issues and establishes "Findings of Fact".
  8. P&Z votes to consider its recommendation to the Village Board: the "Findings of Fact", approval with or without conditions/restrictions, or denial. The public hearing may continue at this time if additional information is requested.

**5. Decision**

- a.** The Planning & Zoning Commission will submit its recommendation and “Findings of Fact” to the Village Board of Trustees as part of the meeting minutes.
- b.** The Zoning Case is put on the agenda for the next Committee of the Whole meeting and then the next meeting of the Village Board of Trustees.
- c.** The zoning request will be approved (with or without conditions) or denied. If the request is approved, you may apply for a building permit.

Please Note: If a written protest against your proposed variation, special use re-zoning amendment, is filed with the Village before the Village Board of Trustees meet, a two-thirds vote of all members of the Village Board is required to approve the request. The written protest must be signed and acknowledged by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.

**Fox River Grove Planning & Zoning Application**

Property Address: \_\_\_\_\_

Zoning Class: \_\_\_\_\_

Owner Name\*: \_\_\_\_\_

Owner Address: \_\_\_\_\_ Owner Phone: \_\_\_\_\_

**Check if same as owner.**

Applicant Name\*: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Applicant Phone: \_\_\_\_\_

\* If title to the land which is the subject of this application is held by a land trust, then a verified signed statement must be submitted with this application which identifies the name, address and interest held by each beneficiary of the land trust as required by the Illinois Land Trust Beneficial Interest Disclosure Act (765 ILCS 405/0/01). The statement must be verified by either the trustee of the land trust or a beneficiary of the land trust.

**1. Description of Proposed Project:**

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

**2. Special Use Requests:** (state current use and proposed use)

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

FRG Zoning Article(s) \_\_\_\_\_

**3. Variance and/or Re-zoning Requests:** (state current standard and proposed variation)

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

FRG Zoning Article(s) \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

State of Illinois  
County of McHenry

\_\_\_\_\_ (owner), being first duly sworn on oath, says that he/she is the owner of the property described above, has read the entire application, and that the statements made are true and correct.

Subscribed and Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public SEAL

**Exhibit A – Part 1/2**

**Variation Standards**

**Provide this information if you are seeking a *Zoning Variation*. You must fill out a separate Exhibit A for each variation request.**

Be sure to explain your answers in detail; do not simply reiterate the questions. A Zoning Variation will not be approved unless you meet and justify the standards. An inadequate justification will be cause for rejection or you may be required to pay the cost incurred by the Village for the Village’s consultant to write an appropriate “Findings of Fact”.

1. The property in question cannot yield a reasonable return (economic value and/or use and enjoyment) if permitted to be used only under the conditions allowed by the regulations in the district in which it is located:

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

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3. The variation, if granted, will not alter the essential character of the neighborhood.

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For the purpose of implementing the above rules, the Board will also, in making its determination of whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the petitioner have been established by the evidence.

- a) The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

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- b) The conditions upon which the petition for a variation is based would not be applicable, generally to other property within the same zoning classification.

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- c) The purpose of the variation is not based upon a desire to make more money out of the property.

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- d) The alleged difficulty or hardship has not been created by the owner of the property or by a previous owner.

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- e) 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.

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- f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public street or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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**Exhibit A – Part 2/2**

**Special Use Standards**

**Provide this information if you are seeking a *Zoning Special Use*.**

Be sure to explain your answers in detail; do not simply reiterate the questions. A Zoning Special Use will not be approved unless you meet and justify the standards. An inadequate justification will be cause for rejection or you may be required to pay the cost incurred by the Village for the Village’s consultant to write an appropriate justification.

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, and welfare.

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2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall the special use substantially diminish or impair property values within the neighborhood.

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3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the District where the special use is to be located.

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4. Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

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5. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

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6. Such special use shall conform to all other applicable regulations of the district in which it is to be located, except as such regulation may be specifically modified for the special use by the Village's corporate authorities.

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**Exhibit B**

Please Attach  
Plat of Survey & Legal Description

**Exhibit C**

Please Attach  
Plans & Specifications

**Proof of Service Form**

This form must be completed and brought to the scheduled public hearing. Contact the Village at 847-639-3170 if you need your Planning & Zoning Case number (required below).

**PROOF OF SERVICE**

\_\_\_\_\_ (applicant), being duly sworn, deposes and says that he/she is over 21 years of age and resides at \_\_\_\_\_, in the City of \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_, that he/she is the petitioner in a proceeding before the Planning & Zoning Commission, Village of Fox River Grove, being an application under the Zoning Ordinance, and which has a Planning & Zoning Case No. \_\_\_\_\_, and which relates to the property situated at \_\_\_\_\_; that they or their agent gave notice of this proceeding to each and all of the persons named on the list of owners of property affected by the mailing of certified mail and/or hand delivering, to each of said owners a Notice of Public Hearing, a true copy of which is attached to this affidavit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Date

**Notice of Public Hearing**

The Village Clerk will prepare the Notice of Public Hearing by inserting the relevant information. This is an example of the notice.

**NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE is hereby given to all persons interested that:

(Applicant name)

has/have filed an application with the Village of Fox River Grove Planning & Zoning Commission for (variance, special use, re-zoning) which is not otherwise permitted by the Fox River Grove Zoning Ordinance as set forth in Article \_\_\_\_ .

The subject property is know as (address), Fox River Grove, Illinois

The subject property index number (PIN) is: \_\_\_\_\_

The application may be viewed at the office of the Village Clerk, 305 Illinois Street. Refer to Planning & Zoning Case No. \_\_\_\_ .

A public hearing will be held before the Planning & Zoning Commission, at the Fox River Grove Municipal Center, 305 Illinois Street, on \_\_\_\_\_, 20\_\_ at \_\_\_\_ p.m. at which time the Planning & Zoning Commission will hear evidence presented in this matter.

Objections, if any, to the special uses and variances being requested in the application, may be made in writing and filed with the Village of Fox River Grove before the hearing or may be offered verbally at the hearing.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Village Clerk



**Village of Fox River Grove**  
305 Illinois Street  
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**Planning & Zoning Commission  
Property Owner Notification**

The following property owners have been notified of the public hearing to be held on \_\_\_\_\_ at \_\_\_\_\_ p.m., in which the Planning & Zoning Commission will hear evidence for or against a variance, special use, or re-zoning of said property, located at: \_\_\_\_\_.

<b>Address</b>	<b>Print Name</b>	<b>Signature</b>
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(Attach additional pages if necessary)