

**Hamel Zoning Procedure
(Variances & Special Use Permits)**

This booklet is intended to provide the applicant with a general overview of Hamel's zoning appeals process. The information provided herein is merely an illustrative guide, and is not intended to provide legal advice or substitute for the Hamel Zoning Ordinance or other laws, or to be inclusive of the requirements for obtaining a zoning change. Any contradiction, dispute or difference between the contents of this booklet and applicable Village Ordinances, laws, plans, policies, or guidelines will be resolved by reference to the ordinances or other official documents. **Zoning applicants are strongly advised to consult with an attorney in interpreting the laws and in navigating through the zoning process.**

Hamel Zoning Ordinance

The Hamel Zoning Ordinance includes information regarding regulations for all districts within the Village limits, parking requirements, permanent and temporary signs, conditional zoning certificates including home occupations, planned development procedure, nonconforming uses, zoning amendments, and zoning appeals.

Purpose

The Village of Hamel Zoning Ordinance of 2005 was enacted to "regulate lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare and to implement the village comprehensive plan." More specifically the ordinance is intended to assist in achieving the following objectives:

- A. To Expand Economic Opportunities and Strengthen the Community Tax Base. This will require a concentrated effort and support of effective programs for economic development. Existing agricultural support business should be maintained. Heavy industrial uses should be eliminated and commercial activities compatible with residential growth should be encouraged.
- B. To Promote Efficiency in the Use of Land. Efficiency in the use of land will conserve land resources. This will minimize the cost of public services and utilities while permitting a higher standard of service.
- C. To Develop and Enhance a Community Spirit and Identity. People must identify themselves with a community before they feel they are part of the community. Traditions and pride must be encouraged if the residents are to unite and promote the best interests of their community.
- D. To Upgrade the Housing Types Throughout the Village. Conservation, rehabilitation and redevelopment techniques should be utilized as an overall program for upgrading the Village's housing stock. Quality housing must be provided for prospective residents as population increases occur.

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- E. To Provide a Healthful Community Environment and a Full Range of Municipal or Public Amenities and Services. Community utilities and facilities have been upgraded and extended in order to attract new residents to the community. As development increases, such utilities should be monitored and provided for.
- F. To Continue the Development of an Efficient Street and Transportation System for Movement of People and Goods Within, To and From the Community. Development of street and highway system should be coordinated so that the movement of people and goods will be convenient, safe and in context with overall community needs.
- G. To Achieve Understanding and Support of the Planning Program. By providing a broad range of opportunity for citizen participation in public decisions, an increased understanding of the function and problems of the local government will develop. The continuous process of citizen participation results in public acceptance and support of the various planning insures and of the plan itself, thereby providing the community with a better environmental quality. (Purpose and Goal of Zoning Regulations (Comprehensive Plan), as adopted the Zoning Board of Appeals and the Village Board of Trustees, Joint meeting, January 28, 2002).
- H. To Provide for the Efficient Administration and Fair Enforcement of All the Regulations in this Ordinance. (Chapter 1, Section 1-1)

Regulations

The provisions of the Hamel Zoning Ordinance (hereinafter referred to as Ordinance) are minimum requirements. Whenever the Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the provisions of the Ordinance govern. (Chapter 1, Section 1-3)

The Board of Zoning Appeals may grant special use permits and use variances from the operations of the regulations of the Ordinance for the buildings, structures, and uses specified in the Ordinance. (Chapter 13, Section 13-2.D)

Schedule for Zoning Applications

The anticipated time frame for a final zoning decision is two to three months from the date of application. Applications are scheduled on a first-come, first-served basis.

Process

- Application filed
-
- 15 to 30 days Legal Publication Notice
- Notice to Adjoining Property Owners

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- Posting of Zoning Hearing Notice
- Zoning Board of Appeals Public Hearing
- Zoning Board of Appeals Decision

Hearing on Application

The Zoning Board of Appeals shall hear the application (or any modified application) in accordance with its usual procedure. The Board may: (1) grant the application, with or without modification; (2) deny the application; or (3) refer the application back to the applicant for recommended modification. If the application is granted, a copy of the final plan shall be placed on file within the village, clearly noting all conditions of approval and the date approved for issuance of a permit. (Chapter 13, Section 13-2.B)

Zoning Application Procedure - Variance and Special Use Permit

Before a variance or special use permit may be granted, you must prove to the Board of Appeals that there is a particular hardship or practical difficulty in the way of carrying out the strict letter of the Village's Zoning Ordinance, and that the variance or use permit that you request is in harmony with the general purpose and intent of the Ordinance.

The following information is required for application of a variance or special use permit. Failure to provide all required information will delay consideration of the application.

- Application fee: (Check or money order only). The filing fee is for processing and advertising and is non-refundable unless the case is withdrawn within the same week of the filing of the application.
- Typed and properly signed application form. The property owner's signature is mandatory. All property owners must sign the application unless one person has the power of attorney to sign for the others and the power of attorney is submitted with the application. If the property is owned by a corporation, the managing partner can sign and submit written authorization, or write "managing partner" by the signature. Incorrect information may void any approval.
- Proof of ownership (deed or tax notice)
- Copy of the Deed
- Statement of Intent
- Legal description of the property (type on application or attach a separate sheet). It is essential that the legal description be accurate. Errors or omissions in the

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description may invalidate required legal advertisement and nullify all or part of any approval.

- Two copies of the proposed site plan, drawn to an identified scale, and no larger than 11" x 17", showing the following:
 1. Location, dimensions and character of all present and/or proposed buildings, structures and uses;
 2. The location of adjacent pedestrian and vehicular traffic circulation;
 3. The location of off-street parking and off-street loading;
 4. Type of proposed surfacing material for access ways and parking;
 5. Plan for pedestrian and vehicular traffic within the subject area with consideration given to the established street systems serving the subject area, and to emergency vehicle access to each building;
 6. Perspectives of structures or other such drawings necessary to indicate the relative compatibility with immediate neighborhood as well as within the subject area;
 7. General landscaping and screening plan;
 8. Location of public or private utilities proposed to serve the subject area, and;
 9. Proposed finished grade of the site.
- Two copies of the floor plan (for restaurants with beer and/or alcohol only) - showing all areas of the restaurant, including kitchen, restrooms, storage, and video poker areas.
- Water and Sewer availability letter. Property not served by Bond/Madison County Water will be required to submit a letter from the appropriate agency stating that water and/or sewer is available. For private wells or septic systems, a letter from the Madison County Health Department is required.
- Development schedule providing reasonable guarantees for the completion of the proposed development.
- \$500 court reporter fee deposit. Note: It is the applicant's duty to preserve his/her record for appeal. Should the applicant desire a transcript of the proceedings before the Zoning Board of Appeals, the applicant must submit a \$500 court reporter deposit with the Village Clerk. If after the hearing before the Zoning Board, the actual court reporting fee is less than \$500 the clerk will refund the difference to the applicant. If the actual fee is more than \$500, the applicant will be responsible for any additional fee. Failure of the applicant to pay the \$500 fee may result in there being no court reporter present at the Zoning Board of Appeals hearing, and consequently, no transcript of the proceedings.

Other Important Information

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Board of Appeals approval is a use approval only. The applicant is still responsible for obtaining all necessary permits from other departments, for example, building permits, liquor licenses, business licenses, etc.

To withdraw a case after it has been filed- the signatures of both the applicant and the property owner are required.

Subdivision covenants are private legal agreements not monitored by governmental agencies and usually take precedence over a Zoning Board of Appeals approval. It is the applicant's obligation to find out if his/her request is in compliance with his/her subdivision covenants.

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APPLICATION FOR VILLAGE OF HAMEL VARIANCE OR SPECIAL USE PERMIT

(For Village's Use Only

File No: _____

Date Received: _____

Disposition: _____

APPLICANT'S NAME: _____ PHONE: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S ATTORNEY: (with mailing address, phone and fax numbers): _____

SPECIAL USE REQUEST:

- Church use Mobile Home Secondary Residential structure
 Lounge Package Liquor Tavern (beer only)
 Package Beer Package wine and beer
 Restaurant with Liquor and Beer sales Restaurant with Beer sales only
 Other (if so, describe) _____

VARIANCE REQUEST:

- Front Yard Side Yard Rear Yard
 Site Area Parking Hours of Operation

EXISTING ZONING: _____

EXISTING USE: _____

PROPOSED RECLASSIFICATION (if seeking a variance): _____

PROPOSED USE: (if seeking a use permit) _____

ADDRESS OF SITE: _____

ASSESSORS ACCOUNT NUMBER: _____

(found on tax notice - example: #####-###-####-##)

LEGAL DESCRIPTION (attach separate sheet if necessary): _____

NAME, ADDRESS, AND SIGNATURE OF ALL PROPERTY OWNERS. This is mandatory. All owners must sign, unless a power of attorney is attached. A managing partner in a

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corporation may sign and submit written authorization, or write "managing partner" by the signature. If in business name or corporation, list all persons owning 5% or more. Attach separate sheet if necessary.

Name _____
Address _____

Name _____
Address _____

Signature _____

Signature _____

**STATEMENT OF INTENT
VARIANCES AND SPECIAL USES**

APPLICANT'S NAME: _____

REASON FOR SPECIAL USE OR VARIANCE: _____

SQUARE FEET OF PROPERTY: _____

SQUARE FEET OF STRUCTURE(S): _____

PARKING SPACES REQUIRED: _____

PARKING SPACES PROVIDED: _____

HOURS OF OPERATION (for non-residential uses): _____

IF THIS IS A HOME OCCUPATION REQUEST, STATE: The square feet of building (or portion of residence) to be used: _____

Number of employees, if any _____

Hours of operation: _____

Is a sign requested: _____ Please state size: _____