

ZONING BOARD OF APPEALS APPLICATION PACKET
10/16/08

To: Applicants Seeking Zoning Variations, Special Uses, and Rezoning

This packet contains the Village's administrative procedures for variations, special uses, and rezoning requests. This information will assist you in understanding the steps involved in the zoning process.

State law requires that before the Village can grant a variation, approve a special use or change a property's zoning classification, certain procedures must be followed and certain information must be provided. These procedures include giving notice of the request for a variation, special use or other zoning change and holding a public hearing. In order to comply with these procedures notices will have to be published, distributed and posted. A public hearing also has to be held by the Village's Zoning Board of Appeals. At the public hearing the applicant is required to make a presentation to show why the variation, special use or zoning change should be approved. At the hearing the Zoning Board of Appeals will review the application, and any other materials submitted by the applicant, hear the applicant's presentation and consider any input that may be presented by the applicant's neighbors or the public in general.

The normal time frame for the processing of the request for a variation, special use or zoning change is 60 to 90 days. The process may take longer, if additional information is requested at the public hearing or by Village staff. Following these instructions will help to assure that your application is complete and ready to file with the Village Clerk's office, and thereby avoid needless delays resulting from a failure to provide a complete application.

For information and further assistance, please feel free to call the Building & Zoning Department or Village Clerk Donna Brouder at (847) 639-3170.

ZONING APPLICATION PROCEDURES

I. Plan Review

- A. The applicant submits plans that detail the nature and scope of what is being proposed to the Village Building and Zoning Department for review. The need to apply for any zoning variations, special uses, or rezoning requests, will be determined by Building & Zoning staff and relayed to the applicant during the plan review stage.

II. Application

- A. The applicant shall complete the forms provided on pages 5 and 6 of this package and attach the following documents as exhibits:

- 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.

Contact the Building and Zoning Dept. to ensure that the application and exhibits are accurate and complete.

- B. The applicant files the application with the Clerk's Office and pays the fee.

- C. **Fees** - This fee is intended to cover the costs incurred by the Village in conducting the hearing, including the cost of giving public notice of the hearing. No hearing before the Zoning Board of Appeals shall be scheduled until the required fee is paid. Fee for **Residential Properties** is \$300. Fee for **Commercial Properties** is \$500. If an applicant requests that a hearing be rescheduled after public notice of the hearing has been given, the applicant must pay an additional fee of \$150.

III. Notifications

- A. The Village Clerk contacts the Zoning Board of Appeals Chairperson to set a date for the public hearing and assigns a case number.

- B. The Village Clerk's office will prepare a NOTICE OF PUBLIC HEARING (see sample on page 14) for the applicant. Along with the NOTICE OF PUBLIC HEARING, the Village will also provide the applicant with a list of parcel index numbers for properties that are within 250 feet of the subject property. The applicant will need to go to the County Supervisor of Assessments office to obtain property ownership information from the parcel index numbers that have been supplied. These properties will require formal notification.

- C. Not more than 30 or less than 15 days prior to the Public Hearing, the applicant shall formally serve all property owners within 250 feet of the subject property with the NOTICE OF PUBLIC HEARING. This can be done by either using the form on page 15 of this package to collect signatures of the property owners that

are required to be notified, or by sending the NOTICE OF PUBLIC HEARING by certified mail return receipt. **The applicant must provide evidence of these required notifications at the scheduled public hearing and complete the Proof of Service affidavit form (page 13) and bring it to the hearing.**

- D. The Village Clerk publishes the NOTICE OF PUBLIC HEARING in the local newspaper and posts a notice at the Village Hall not more than 30 or less than 15 days before the hearing.
- E. Village Clerk will copy and distribute the application and public notice as follows:
 - Building & Zoning Official (1)
 - Zoning Board (8)
 - Village President (1)
 - Board of Trustees (6)
 - Village Attorney (1)
 - Village Administrator (1)
 - Village Clerk - Original (1)

- F. **Not more than 30 or less than 15 days prior to the public hearing, the applicant shall provide and display a 2' x 3' notice of public hearing sign on the subject property so that the lettering of the sign is fully visible from the public street and not more than 10 feet away from the front property line.** A parcel of land that has frontage on more than one public street shall display a sign for each street frontage. The sign shall be white with black lettering as follows:

<p><u>NOTICE OF PUBLIC HEARING</u></p> <p>(Purpose of Hearing)</p> <p>(Date and Time of Hearing)</p> <p>Village of Fox River Grove Zoning Board of Appeals</p> <p>Fox River Grove Village Hall 305 Illinois Street</p>

The applicant shall take a picture of the sign that is posted on the property and bring the photograph to the scheduled public hearing.

IV. Public Hearing

- A. Zoning Board of Appeals (ZBA) will conduct the public hearing. All interested parties are welcome to attend and be heard. The ZBA secretary

will take minutes of the hearing. The ZBA public hearing will be conducted as follows:

- 1) Chairperson swears in the applicant and those wishing to speak.
- 2) **The applicant submits 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) B & Z staff outlines how request differs from Zoning Ordinance, any history behind request, and any special issues the ZBA might wish to consider.
- 5) The applicant presents justification for each standard.
- 6) Public comments heard.
- 7) ZBA Chair reads the applicant's responses to each of the criteria, ZBA considers each response, discusses key issues, and establishes "Findings of Fact" all of which are recorded by the Secretary.
- 8) ZBA votes to consider its recommendation to the Village Board approval, its Findings Of Fact, approval with or without conditions/restrictions, or denial. It might also continue the public hearing if additional information is requested or more time is needed.

V. Decision

- A. The ZBA 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 Public Health & Safety Committee meeting. The PH&S Committee will also make a recommendation to the Village Board of Trustees.
- C. The Village Board of Trustees meeting is held and the zoning request is approved, approved with conditions, or denied. If the request is approved, or approved with conditions, a building permit may be applied for.

In the event a written protest against a proposed amendment, variation or special use, is filed with the Village Clerk prior to the voting upon the recommendation of the Zoning Board of Appeals by the Village's Board of Trustees, and provided that the written protest is 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, a two-thirds vote of all members of the Village Board shall be required to effect passage of the amendment, granting of the variation, or issuance of the special use.

Fox River Grove Zoning Application

- 1. Property Address: _____
- 2. Owners Name: * _____
- 3. Owners Address: _____
- 4. Owners Phone: _____

- 5. Applicants Name: _____
- 6. Applicants Address: _____
- 7. Applicants Phone: _____
- 8. Zoning Class: _____

9. Describe The Proposed Project:

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

FRG Zoning Article(s) _____

11. Variance and/or Rezoning Requests (state current standard and proposed variation):

FRG Zoning Article(s) _____

12. Attach Standards for Variations and Special Uses marked as “Exhibit A”.

13. Attach Plat of Survey and Legal Description marked as “Exhibit B”.

EXHIBIT A1

VARIATION STANDARDS

This exhibit is needed for applications that are seeking zoning *variations*. You must fill out an Exhibit A for each variation request. Please fill out and attach to variance application. Do not simply reiterate the questions. Explain your answers. A Zoning Variation shall not be approved unless the following standards are met and justified by the applicant. Please note that an inadequate justification will be cause for rejection or the applicant may be required to pay the cost incurred by the Village for the Village's consultant to write an appropriate finding 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:

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

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

For the purpose of implementing the above rules, the Board shall also, in making its determination 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.

- 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.

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

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

- 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.

- 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.

EXHIBIT A2

SPECIAL USE STANDARDS

This exhibit is needed for applications that are seeking a zoning *Special Use*. Fill this out and attach it to the Special Use application. Do not simply reiterate the questions explain your answers. A Special Use shall not be approved unless the following standards are considered and justified by the applicant. Please note that an inadequate justification will be cause for rejection or the applicant 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.

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.

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.

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

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

6. Such special use shall conform with 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.

EXHIBIT B

(Exhibit B)
Plat of Survey & Legal Description

EXHIBIT C

(Exhibit C)
Plans & Specifications

This form must be completed and brought to the scheduled public hearing.

PROOF OF SERVICE

_____, being duly sworn, deposes and says that he/she is over 21 years of age and resides at _____, in the Village/City of _____ County of _____, State of _____, that he/she is the petitioner in a proceeding before the Zoning Board of Appeals, Village of Fox River Grove, being an application under the Zoning Ordinance, and which has a Zoning Case No. _____, and which relates to the property situated at _____; that he or his 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 or type)

Date

The Village Clerk will prepare the Notice of Public Hearing by inserting the relevant information.

NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given to all persons interested that:

(applicants name and subject property address)

has/have filed with the Zoning Board of Appeals of the Village of Fox River Grove, Illinois for (variance, special use, rezoning) of the regulations of the Village of Fox River Grove Zoning Ordinance as amended, to allow a (variance, special use, rezoning) to Article ____ of said ordinance, which would effect a change in the use, height, area, or other dimensional regulations as applied to the subject property. Specifically requested is:

(Variance, special use, rezoning that is being requested)

The subject property's legal description is as follows:

(Legal description)

The application and legal description may be viewed at the office of the Village Clerk, 305 Illinois Street. Refer to Zoning Board of Appeals Case No. _____.

A public hearing will be held before the Zoning Board of Appeals, at the Village Hall, 305 Illinois Street, on _____, 20__ at ____ P.M. at which time the Zoning Board of Appeals will hear evidence presented in this matter.

Objections, if any, to said application may be in writing and filed with the Village Clerk before the hearing, or may be offered verbally at the hearing.

Dated this ____ day of _____, 200__.

Village Clerk

