

VILLAGE OF LOMBARD

ZONING BOARD OF APPEALS

--- PETITION FOR PUBLIC HEARING ---

- Principal Building
 Single-Family
 Accessory Structure
 Non Single-Family
 Fence
 Sign

ADDRESS OF SUBJECT PROPERTY: _____

PROPERTY IDENTIFICATION NUMBER(S) (P.I.N(S)): _____

PETITIONER: _____ PHONE NO.: _____

PETITIONER'S ADDRESS: _____ FAX NO.: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PETITIONER'S EMAIL ADDRESS: _____

RELATIONSHIP OF PETITIONER TO PROPERTY: _____

OWNER OF PROPERTY: _____

OWNER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

EXISTING ZONING: _____ AREA OF PROPERTY: _____ acres / ft²

EXISTING LAND USE(S): _____

EXISTING SITE IMPROVEMENTS: _____

DESCRIPTION OF REQUEST (attach additional pages as needed) _____

A COMPLETE SUBMITTAL MUST BE HANDED IN DIRECTLY TO A MEMBER OF THE PLANNING SERVICES DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT

THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT:

 (name of petitioner (printed)) (petitioner's title) (name of owner (printed)) (owner's title)

 (signature of petitioner) (date) (signature of owner) (date)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____. ***SUBSCRIBED AND SWORN TO*** before me this _____ day of _____, 20____.

SEAL
HERE

SEAL
HERE

 (Notary Public)

 (Notary Public)

ZONING BOARD OF APPEALS

SUBMISSION REQUIREMENTS

FOR PETITION FOR PUBLIC HEARING

The following documentation must be completed and submitted with the Petition for Public Hearing five weeks **prior** to the meeting:

(Submittal Requirements may vary; please verify with Community Development staff prior to submittal.)

- _____ Completed Petition for Public Hearing, signed and notarized and including all information in detail. Attachment of additional narrative information as needed.
- _____ Fifteen (15) copies of a PLAT OF SURVEY and LEGAL DESCRIPTION for the subject property.
- _____ Fifteen (15) copies of a SITE PLAN, drawn to scale, showing all existing and proposed improvements and structures with exact dimensions and setbacks.
- _____ Response to the applicable STANDARDS. This response must be in writing and must specify in detail why each of the standards is true or being met.
- _____ Copy of completed Kane-DuPage Soil and Water Conservation District Land-Use Opinion Application (original to be submitted to SWCD office).
- _____ Copy of the notification of the state of Illinois, Department of Conservation regarding the Endangered Species Protection Act (original to be submitted to the DOC office).
- _____ Additional documentation, plans, or surveys as requested by the Department of Community Development.
- _____ Digital copies of all required submittal documents. All files to be submitted in pdf format via email or USB drive.
- _____ Applicable fees – Consult fee schedule. (Fees must be paid no less than 14 days prior to the scheduled public hearing date.)

PLANS **WILL NOT BE ACCEPTED** UNLESS THEY ARE DRAWN TO THE STANDARD ENGINEER'S SCALE AND **FOLDED** NOT TO EXCEED 8.5" X 14" IN AREA; FAILURE TO PROVIDE ALL OF THE ABOVE INFORMATION MAY RESULT IN UNNECESSARY DELAYS.

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THIS DOCUMENT IS TO PROVIDE THE PETITIONER WITH INFORMATION AS A GUIDE FOR GOING THROUGH THE ZONING BOARD OF APPEALS PROCESS. PLEASE READ THE INFORMATION CAREFULLY. THE INFORMATION PROVIDED WILL HELP EXPLAIN THE REASONS FOR ZONING LAWS AS WELL AS ANSWER FREQUENTLY ASKED QUESTIONS MANY APPLICANTS HAVE. MOST IMPORTANTLY, THIS DOCUMENT PROVIDES THE PETITIONER WITH A STEP BY STEP GUIDE FOR APPLYING FOR A VARIATION, FROM THE PREAPPLICATION MEETING TO THE FINAL DECISION BY THE BOARD OF TRUSTEES. ANY QUESTIONS SHOULD BE DIRECTED TO A STAFF MEMBER OF THE PLANNING SERVICES DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

PETITIONERS' GUIDE TO THE ZONING BOARD OF APPEALS

I. WHY DOES THE VILLAGE HAVE A ZONING ORDINANCE?

The Lombard Zoning Ordinance sets forth standards for structures within the Village of Lombard. The Zoning Ordinance protects the health, safety, comfort, convenience, and general welfare of the residents and property owners of Lombard. In order to accomplish this goal, standards are established:

- Encourage the most appropriate use of the land;
- Protect areas from encroachment by incompatible uses and to ensure that specifically zoned areas are not overtaken by incompatible uses;
- Avoid inappropriate development of land;
- Provide adequate drainage, curbing of erosion, and reduction of flood damage;
- Ensure reasonable and safe standards to which buildings and structures shall conform; ensure adequate standards for the provision of light, air, safety and open space; promote recognition of aesthetics as a value and a standard throughout the Village; protect and enhance the community;
- Provide adequate transportation and public necessities such as water, sewers, streets, and parks;
- Prevent overcrowding of land and preventing blight and slums;
- Prevent additions to, alternations or remodeling of existing buildings or structures that would not comply; and
- Encourage beneficial arrangement of structures, landscaping, streets, roads, or walkways on each zoning lot or within each development located with the Village.

II. WHY DOES THE VILLAGE HAVE A SIGN ORDINANCE?

The Lombard Sign Ordinance regulates signs of commercial nature in order to preserve, protect and promote the health, safety and welfare of the residents and businesses of Lombard. The standards of the Sign Ordinance are established to:

- Enhance the economy and the business and industry of the Village by promoting the
- Reasonable, orderly and effective display of signs;
- Enhance the physical appearance of the Village by preserving the scenic and natural beauty of the area;
- Protect the general public from damage and injury caused by the faulty and uncontrolled construction and use of signs within the Village;
- Protect pedestrians and motorists from damage or injury caused by the distractions, obstructions and hazards created by certain signs;
- Protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents; and
- Protect physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.

III. WHAT IS A VARIATION?

A variation is a provision in the Zoning Ordinance and Sign Ordinance which allows an applicant to depart from the standard rules. The Board of Trustees has the authority to grant variances in cases where the strict application of the Zoning Ordinance or Sign Ordinance would effectively prohibit or unreasonably restrict the use of the property. A variation runs with the land; meaning a variation granted to a property owner is binding on the present and all future owners of the property.

IV. WHAT IS THE DIFFERENCE BETWEEN THE ZONING BOARD OF APPEALS AND THE PLAN COMMISSION?

The Zoning Board of Appeals (ZBA) hears petitions for variations and prepares recommendations to the Village Board of Trustees regarding such petitions. The Plan Commission hears petitions for text amendments, map amendments, annexations, plats of subdivision, and conditional uses. The Plan Commission also hears petitions for variations if those variations are associated with a plat, conditional use, rezoning, or planned development. Each administrative body has the authority to report findings and recommendations to the Board of Trustees. The petitions for a variation that are heard by the Plan Commission are companion variations. If the variation requested is a straight variation, not affiliated with a separate action, then the request is heard by the ZBA.

V. HOW DO I APPLY FOR A VARIATION?

- A. Preapplication Meeting:** A short pre-application meeting with a Planning Services Division staff member is highly recommended, although not required, to discuss your proposal and the requirements of the Village.
- B. Application Submittal:** The following items must be submitted to the Department of Community Development in person (applications will not be accepted by mail) by the deadline provided to you at the time of receiving the application materials:
 - 1. Petition: The application must be completed and the signature of the property owner notarized (there are notaries on staff at the Village). This application identifies the petitioner for the variation and the owner of the property for which the variance is requested.
 - 2. Plat of Survey: Fifteen (15) copies of the Plat of Survey are required. The plat must show all improvements to the property as they currently exist. The plat must be legible, "to scale", and include the complete legal description.

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3. Site Plan: Fifteen (15) copies of a site plan are required. The site plan is a footprint of the proposed construction. The site plan must be "to scale", showing exact distances from all property lines and structures on the property. For single-family residences, the site plan may be drawn on the copy of the Plat of Survey.
 4. Additional Information: Fifteen (15) copies of any additional information that may be helpful in determining the necessity of the proposed construction should be included with the application. This includes building elevations, floor plans of the existing and/or proposed structure, layout or configuration of the property, etc.
 5. Kane-DuPage Soil and Water Conservation District Land-Use Opinion Application: This application may be required as a part of the application submittal, as determined by a member of the Planning Services Division. It is designed to assist the Village when considering the proposal. The application should be sent directly to the Department of Soil and Water Conservation, and a copy submitted with the application submittal to the Village.
 6. Illinois Department of Conservation Application regarding the Endangered Species Act: This application may be required as a part of the application submittal, as determined by a member of the Planning Services Division. It is designed to assist the Village when considering a proposal. The application should be sent directly to the Department of Conservation, and a copy submitted with the application submittal to the Village.
 7. Standards for a Variation: Attached are seven (7) standards for a variation. All seven (7) standards must be met for a variation to be approved. Each applicant must provide a written response to each of these standards. These responses explain to staff and the Zoning Board of Appeals members the hardship that exists, and that a variation to the Zoning Ordinance is necessary for the proposed construction.
 8. Digital files: Digital copies of all required submittal documents. All files to be submitted in pdf format via email or USB drive.
 9. Application fee: Fees vary depending on the requested relief. Please consult the fee schedule and/or a staff member to determine the applicable fees.
- C. Staff Report:** Prior to the meeting date, a copy of the staff report is sent to the petitioner. A staff report written by a planning staff member states the issues of the requested variance, the variance in relation to the applicable standards of the Zoning Ordinance or Sign Ordinance, and a statement of recommendation of approval or denial to the request. The statement of approval or denial is a recommendation only.

PETITIONERS' GUIDE TO THE ZONING BOARD OF APPEALS

- D. Public Notice:** According to State Statute, property owners within two hundred fifty feet (250') of the property for which the variation is requested must be notified no more than thirty (30) days and no less than fifteen (15) days in advance of the public hearing.
- E. The Meeting:** The petitioner or his/her representative is required to attend the Zoning Board of Appeals (ZBA) meeting. Zoning Board of Appeals meetings are held on the fourth Wednesday of every month (with the exception of November and December due to the Thanksgiving and Christmas holidays) at 7:00 PM in the Village Board Room of Village Hall. The meeting is a public hearing and anybody is welcome to attend.

At the ZBA meeting, the petitioner or his/her representative is sworn in and then he/she states his/her request for a variation, and any additional information that is relevant to the request. The petitioner shall have a maximum of thirty (30) minutes to present evidence and testimony without interruption. When the petitioner has finished, the hearing is open to people in attendance wishing to speak either for or against the petition. The public shall have a combined thirty (30) minutes to present all evidence and testimony. The petitioner then has fifteen (15) minutes for rebuttal of any evidence or testimony presented. Next, a Planning Services Division staff member presents the staff report. Finally, the ZBA members ask the petitioner and staff questions in order to make a final recommendation of approval, continuance, or denial.

- F. The ZBA Recommendation:** The decision by the Zoning Board of Appeals is again only a recommendation. The motion by the ZBA may be a recommendation to approve the petition as filed; a recommendation to approve the petition with conditions; a continuance of the petition to a specified date with or without amendments; or a recommendation to deny the petition. If the petition is approved, it is forwarded to the Board of Trustees.
- G. The Board of Trustees:** The Board of Trustees meeting is on the first and third Thursday of every month (with the exception of June, July and August when the Trustees only meet one time each month) at 7:00 PM in the Village Board Room of Village Hall. A petition must have two (2) "readings" before the Board of Trustees. It is highly recommended that the petitioner or his/her representative be present at these meetings. The Board of Trustees makes the final decision on the second "reading" of the petition. Once the Board of Trustees approves the request for a variation, the petitioner can submit for a building permit.

VI. VALIDITY OF VARIATIONS

An approved variation by the Board of Trustees is valid for one (1) year from the date on which it is approved. If the work for which the variation is granted is completed within one (1) year of the approval date, and all of the conditions of the variation approval are met, then the variation will never expire. However, if a building permit is not received, and significant work is not completed on the improvement for which a variation was necessary after one (1) year, the variation will expire. The petitioner will have to apply for a variation again if construction cannot be completed in compliance with the current requirements of the Zoning Ordinance.

VII. FREQUENTLY ASKED QUESTIONS

Will my petition be approved?

There is no guarantee that any petition will be approved. The ZBA bases its recommendation to the Board of Trustees on the petitioner's presentation, materials submitted with the application, staffs report, and discussion at the meeting. Sometimes a petition is approved, and sometimes it is not. A petition may be approved with conditions or alterations to the request. For example, if a petitioner requests a reduction of the rear yard setback to ten feet (10') where thirty-five feet (35') is required, the ZBA may approve a variation for twenty feet (20') rather than the requested ten feet (10'). There are also some instances where the ZBA denies a petition, but the Board of Trustees approves it, or vice versa. Remember, the ZBA is a recommending body and final approvals or denials are made by the Board of Trustees.

What is a hardship?

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be applied. A petitioner must demonstrate that the hardship is particular to his/her property, distinguishing it from other properties in the area. The existing hardship must not be the result of action taken by the current or prior property owner.

Do I have to appear at the ZBA and Board of Trustees (BOT) meetings?

The petitioner or his/her representative must attend the ZBA meeting in order to present the petition and answer any questions the ZBA members may have. It is highly recommended that someone appear at the BOT meeting, although it is not required.

Do I have to speak at the ZBA meeting?

You or a representative should be present at the meeting. It is customary to speak about the requested variation. A petitioner may say as little or as much as he/she feels necessary in order to convey the necessity of the variation and the hardship that exists.

PETITIONERS' GUIDE TO THE ZONING BOARD OF APPEALS

How long will the ZBA meeting take?

The number of petitions scheduled at each meeting varies from month to month. The time allotted per case also varies depending upon the extent of the request. The petitioner may have a lengthy presentation; staff may have a lengthy report to present; the ZBA members may have many questions for the petitioner and staff, resulting in a lengthy discussion. Generally, a variation request for a single-family residence can last fifteen to thirty (15 -30) minutes.

Is the ZBA meeting on television?

Unlike the Plan Commission and Board of Trustees meetings, the ZBA meeting is not televised.

Who are the ZBA members?

The ZBA members are appointed volunteers who live in the Village. The members are appointed for terms of five (5) years.

Do I get a refund if my petition is denied?

No, the fee for the petition is not refunded if the petition is denied. The fee covers the costs for publishing in the newspapers, sending out notification to surrounding property owners, copying costs, and review fees.

What is a *Waiver of First*, and how do I request it?

If the Board of Trustees (BOT) takes action on an Ordinance, the petition must be heard at two "readings". In order to expedite this process, a request for a "Waiver of the First" reading may be submitted. If the BOT grants the "Waiver of the First" reading, then a decision is made at a single meeting. In order to request a waiver, the petitioner must submit a request in writing to the Community Development Department at least ten (10) days prior to the BOT meeting. The letter must state the reasons why the waiver is necessary, i.e. a closing date on the property, etc.

Does the Village grant *Administrative Variations*?

No, the Village does not grant variations administratively. All variations must go through the public hearing process.

If I sell my property, will the variation be valid for the new owner?

Yes, the variation is valid for the new property owner as long as the variation is used before its expiration date, which is one (1) year from the date of final approval.

PETITIONERS' GUIDE TO THE ZONING BOARD OF APPEALS

Will my variation ever expire?

The variation expires one (1) year from the date of final approval by the Board of Trustees. If the construction for which the variation was requested is completed (and passes final inspections), the variation will not ever expire. Unlike conditional uses, variations do not expire if the use associated with the variation is discontinued.

What does “drawn to scale” mean?

When a drawing is "to scale" it is drawn in an engineering or architectural scale. For example, a drawing in an engineering scale of 1:20 means one inch (1") in the drawing equals twenty feet (20') in reality. If the petitioner draws the site plan on a Plat of Survey, then anything drawn on that Plat of Survey should be drawn to the same scale as the Plat of Survey.

VIII. STANDARDS FOR VARIATIONS

The following is an excerpt from the Lombard Zoning Ordinance. A **detailed response** to all of these standards should be provided for all variations of the Lombard Zoning Ordinance and Lombard Sign Ordinance.

SECTION 155.103.C.7 OF THE LOMBARD ZONING ORDINANCE:

The regulations of this ordinance shall not be varied unless findings based on the evidence presented are made in each specific case that affirms each of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.
2. The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.
3. The purpose of the variation is not based primarily upon a desire to increase financial gain.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
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.
6. The granting of the variation will not alter the essential character of the neighborhood; and,
7. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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Public Hearing Fee Schedule for Plan Commission and Zoning Board of Appeals Petitions/Applications

			Fees
Subdivisions			
Major & minor plats (preliminary or final)	\$375 plus \$75 per acre (or portion thereof)		\$ _____
Final plats (with preliminary plat approval)	\$375.00		\$ _____
Administrative plats of vacation, easement dedication or abrogation	\$200 plus \$75 each additional page		\$ _____
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Annexations			
One single-family residential lot *	No fee		
All others	\$550		\$ _____
* If a petition for annexation of the subject property has previously been either withdrawn or denied within the last three years, the fee shall be \$250.			
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Variations or Deviations			
	First Variation or Deviation	Each additional after the first variation/deviation	
One single-family residential lot			
Principal building	\$425	\$125	\$ _____
Accessory structure	\$300	\$125	\$ _____
Fence	\$300	\$125	\$ _____
More than one single-family residence or any non-residential use			
	First Variation or Deviation	Each additional after the first variation/deviation	
Principal building	\$725	\$125	\$ _____
Accessory structure	\$550	\$125	\$ _____
Sign	\$550	\$125	\$ _____
Fence	\$375	\$125	\$ _____
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Conditional Uses			
	First conditional use	Each additional conditional use after the first conditional use	
	\$725	\$125	\$ _____
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Planned Developments			
Application for a planned development	\$725 plus \$75 per acre (or portion thereof)		\$ _____
Site plan approval (principal structures)	\$600		\$ _____
Planned development amendment	\$725		\$ _____
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Map Amendments & Text Amendments			
Map amendment – single-family residence	\$500		\$ _____
Map amendment – all others	\$725 plus \$75 per acre (or portion thereof)		\$ _____
Text amendment	\$725		\$ _____

Public Hearing Fee Schedule for Plan Commission and Zoning Board of Appeals Petitions/Applications

		Fees
Appeals of Administrative Actions (fees shall be refundable if the appeal is upheld)		
One single-family residential lot	\$425	\$ _____
All others	\$725	\$ _____
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Requests for Continuance (requests not agreed to by staff; per request)		
One single-family residence	\$90	\$ _____
All others	\$375	\$ _____
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Newspaper Publication Fee	\$250	\$ _____
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Court Reporter Appearance (Plan Commission cases)	\$50	\$ _____
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Attorney Review Fee (Plan Commission cases)	\$85	\$ _____
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Public Hearing Signs		
Conditional use	\$125	\$ _____
Map amendment	\$125	\$ _____
All others	n/a	
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Traffic Impact Studies		\$ _____
A deposit of \$1,000 for traffic impact analysis services shall accompany all applications for:		
<ul style="list-style-type: none"> · Preliminary or final plats; · Rezoning (other than for one single-family residence); · Variations and conditional uses related to parking, vehicular drive-through services, or other matters impacting vehicular circulation or traffic generation; and · Planned developments 		
<p>If the Village's costs for such services exceeds the deposit, the applicant shall reimburse the additional costs incurred by the Village. If such costs are less than the deposit, the Village shall return the difference to the applicant. The total cost incurred by the applicant for such services shall not exceed \$10,000. No permits for the use or development of land shall be issued until the Village has received final payment of all traffic advisory services fees.</p>		
Other Professional Services (as needed)		\$ _____
TOTAL FEES DUE:		\$ _____

Per Section 13.04, if the item for relief is constructed prior to receiving relief, fees may be doubled. All fees must be paid in full no later than 14 days prior to the scheduled public hearing date.