



**PROCEDURE
FOR
FILING APPLICATIONS
FOR
VARIANCES**

Questions regarding these procedures should be directed to J. Martin Olsen, Director of Community Development or Marge Linnane, Assistant Planning and Zoning Administrator at (630) 260-6030.

**VILLAGE OF GLENDALE HEIGHTS
GENERAL INFORMATION**

<u>Address:</u>	Glendale Heights Civic Center 300 Civic Center Plaza Glendale Heights, Illinois 60139 Community Development Department	<u>Telephone Number</u> (630) 260-6030 <u>Fax Number</u> (630) 260-1317
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Regular Business Hours: Monday thru Friday 8:00 A.M. - 4:30 P.M.

Village Board Members

Linda Jackson	Village President
Ed Pope	District 1
Sharon Fonte	District 2
Scott Kibort	District 3
Pat Maritato	District 4
Chester Pojack	District 5
Mary Schroeder	District 6

Plan Commission Members

Bob Ristich, Chairperson
James Baffa
Sohail Bari
Vic Macias
Doug Reimer
Phillip Ritchey
Kurt Preble

Meeting Schedule:

Village Board Regular Meeting 1st & 3rd Thursday 7:30 P.M.
Village Board C.O.W. Meeting 1st & 3rd Thursday Following Reg. Mtg.
Plan Commission Regular Meetings 2nd & 4th Tuesday 7:30 P.M.
Plan Commission C.O.W. Meetings 2nd & 4th Tuesday 7:35 P.M.

Administrative Staff

Donna Becerra, Village Administrator	5331
Roger Mabbitt, Asst. Village Administrator	5314
J. Martin Olsen, Director of Community Development	5334
Marie Schmidt, Village Clerk/Collector	5333
Mike Marron, Chief of Police	5430
Rachael Kaplan, Director of Public Services	630-260-6040
Bill Poling, Director of Finance	5342
Alex G. Dilan, Staff Engineer	5325
Cecelia Sullivan, Director of Parks, Recreation & Facilities	630-260-6060

Telephone Extensions

Consultants

Engineering: Mr. Dan Lynch
Christopher B. Burke Engineering, LTD.
9575 West Higgins Road, Suite 600
Rosemont, Illinois 60018
Telephone (847) 823-0500

Legal: Mr. Donald J. Storino, President
Storino, Ramello, & Durkin Law Firm
9501 W. Devon
Rosemont, Illinois 60018
Telephone (847) 318-9500

**VARIANCE
PROCEDURE AT A GLANCE
AND
AVERAGE PROCESS TIME**

		Target Date
Start File	Applications and Supporting Documents	_____
15 Days	Mail and Publish Legal Notices	_____
15 Days	Public Hearing-Zoning Administrator 4th Tuesday	_____
9 Days	Village Board C.O.W. Meeting 1st or 3rd Thursday	_____
14 Days	Village Board Meeting 1st or 3rd Thursday First Reading of Ordinance	_____
14 Days	Village Board Meeting 1st or 3rd Thursday Final Approval of Ordinance	_____
67 Days	TOTAL AVERAGE PROCESSING TIME	

IMPORTANT NOTE: The schedule above provides the approximate time it will take to process your application for a Variance. Please recognize that many variables can effect this schedule. For example, Holidays, cancelled meetings, or difficult issues to resolve which may require more than one meeting with the Zoning Administrator will slow the process down. Upon request, the Village Board may consider waiving the first reading on the Ordinance which will save time.

**VARIANCE
GENERAL INFORMATION**

1) PURPOSE:

A VARIANCE is a relaxation of the strict terms of the Zoning Ordinance in order to provide relief for a property owner (or occupant) upon whom the zoning ordinance has imposed undue hardship or difficulty. A variation recognized that the same district requirements do not affect all properties equally; it was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned.

The Village of Glendale Heights Zoning Administrator is the hearing officer and will conduct the public hearing to determine findings of fact. The Zoning Administrator will forward a recommendation to the President and Board of Trustees who will make the final decision.

2) CRITERIA:

The power to vary the provisions of the Zoning Ordinance are restricted. The President and Board of Trustees shall not vary the provisions of the Zoning Ordinance unless it has made findings based upon the recommendations presented to it that all of the following facts apply:

1. Practical Difficulties or Particular Hardship

For reasons fully set forth in the written findings, the strict application of the provisions of this Ordinance would result in practical difficulties or particular hardship upon the applicant, as distinguished from mere inconvenience.

2. Circumstances Relate to the Property Only

These special circumstances relate only to the land or building(s) for which a variance is sought and not to any business or activity the applicant carries on, or seeks to carry on, therein, nor to the personal, business, or financial circumstances of the applicant or any other party with interest in the property.

3. Not Alter Local Character

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

4. Consistent With Ordinance and Plan

The granting of a variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Development Plan of the Village.

5. Minimum Variance Recommended

The variance recommended by the Zoning Administrator is the minimum required to provide the applicant with reasonable use and enjoyment of his property.

3) CONDITIONS

The Zoning Administrator may recommend, and the Board of Trustees may require, any conditions or restrictions on a property that is to benefit from a variance that either body finds necessary to carry out the intent of these provisions.

4) RIGHTS OF APPLICANTS AND PROPERTY OWNERS

Applicants for Variances shall have the following rights, in addition to any others they may possess in law, at any hearing before the Zoning Administrator.

1. To have subpoenas issued for persons to appear at the Zoning Administrator hearings and for the examination of documents by the person requesting the subpoena either before or at the variance hearing in accordance with the provisions and limitations provided in State Statute.
2. To cross examine all witnesses testifying.
3. To present witnesses on their behalf.
4. Property owners who object to the zoning application may, upon request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the Zoning Administrator.

APPLICANTS MUST PRESENT EVIDENCE THAT THE PROPERTY IS AFFECTED BY SPECIAL CIRCUMSTANCES OR UNUSUAL CONDITIONS BASED ON THE PRECEDING CRITERIA. THE ZONING ADMINISTRATOR MUST ABIDE BY THE APPLICABLE STATUTES OF THE STATE OF ILLINOIS AND THE GLENDALE HEIGHTS ZONING ORDINANCE.

PROCEDURES

The Owner/Applicant must initiate the procedure by submitting the following to the Department of Community Development. All written documents must be on standard 8 1/2 X 11" letter size paper. No legal size paper will be accepted. All blue prints or other drawings must be folded separately.

I DOCUMENTS AND FEES TO BE SUBMITTED TO THE VILLAGE

- 1) The completed and signed application form (Attachment I).
- 2) Evidence of applicants ownership of or interest in the subject property and complete disclosure of interest. (See Attachment II for additional information)
- 3) Application fee: Fences - \$25.00/All others - \$250.00
- 4) An applicant other than one applying for a variance for an individual single family residential lot shall also pay a \$1000.00 cash deposit to be applied against any additional costs incurred by the Village necessary for the processing of the application, such as consulting engineering services, consulting planning services, or legal services. Any costs incurred in excess of the \$1000.00 cash deposit shall be invoiced by the Village to the applicant who shall be responsible for payment of the invoice upon its receipt. Any remaining balance in the account after final action on the application shall be refunded.
- 5) A typed list of surrounding property owners within 250' of the affected property according to the records of the County Treasurer or Township Assessor. Such list shall include the name, address, and zip code of the record owner.
- 6) A recent plat of survey (one year or less) and legal description of the property prepared by a registered Illinois Land Surveyor showing all improvements thereon as it exists as of the date of application.
- 7) Ten (10) FOLDED copies of the proposed site plan showing all existing and proposed structures, parking and loading areas, open spaces, landscaping, yards, refuse and service areas, utilities, signs, traffic accesses and circulation ways.

The site plan must be drawn to scale, be fully dimensioned, and identify the north point.

- 8) Architectural renderings or sketches illustrating the appearance of buildings or structures.
- 9) Other information the Director of Community Development or Zoning Administrator may require to determine if the variance meets the requirements herein.

THE WAIVER OF REQUIRED DOCUMENTS CAN ONLY BE GRANTED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT PROVIDED THE INFORMATION IS INSIGNIFICANT OR UNNECESSARY.

II. SIGN DISPLAY AND LEGAL NOTICES:

Upon receipt of a complete and accurate application, the Director of Community Development shall schedule a Public Hearing date before the Zoning Administrator. All applications must be received a minimum of 30 days prior to the date of the hearing.

1. **NEWSPAPER PUBLICATION** - No more than 30 days prior to the hearing but no less than 15 days, the Director of Community Development shall publish a legal notice in a newspaper of general circulation in the Village.
2. **WRITTEN NOTIFICATION** - No more than 30 days but not less than 15 days, prior to the hearing, the applicant shall serve written notice on all property owners within 250 feet of the subject property. Such notice shall be delivered in person or by certified mail, return receipt requested. (See attachment III) In either case, the signatures of those receiving the notices must be obtained and filed with the Director of Community Development together with an Affidavit (Attachment IV) stating that all notice requirements have been complied with. The content of the written notice shall be substantially in the form of notice provided by the Director of Community Development.
3. **SIGN DISPLAY** - The applicant shall post a sign (See Attachment III) in the front yard of the affected property, facing a public street and no further than 30 feet therefrom. The signs must be 4 feet by 8 feet and plainly state the type of variance requested, the scheduled date, time, and location of the public hearing. The sign shall be erected no less than 15 days prior to the hearing date and remain continuously in place until the hearing is concluded but no more than 10 days thereafter. The suggested wording for the sign will be provided.

111. PUBLIC HEARING/ZONING ADMINISTRATOR

1. The Zoning Administrator will call the meeting to order.
2. The applicant, or his representative must attend the hearing and will be called upon to present a case supporting his/her request in a complete and logical manner, and to have immediately available all evidence to support the application. All testimony at the hearing shall be given under oath administered by the Zoning Administrator.

3. After the presentation, the Zoning Administrator will open the hearing to questions from the Village Board members, the Village Staff and general public.
4. After the presentation, the Zoning Administrator will allow time for discussion and a recommendation will be made for approval or denial of the application to the Village President and Board of Trustees, OR the application will be referred to a work session for further consideration and a recommendation will be made at a future meeting within 60 days.

IV. VILLAGE BOARD ACTION

- I. After completion of all proceedings of the Zoning Administration, the recommendation and written findings of fact of the Zoning Administration shall be sent to the Village President and Board of Trustees at a committee level for consideration.
2. Upon receiving and considering the recommendations of the Zoning Administrator, the President and Board of Trustees, may adopt by ordinance any proposed variance or may refer it back to the Zoning Administration for further consideration. Any proposed variation which fails to receive approval of the Zoning Administration shall not be passed except by the favorable vote of two-thirds of all members of the Village Board. If a proposed variance received the approval of the Zoning Administrator and the Village Board concurs, a favorable vote of a majority of the members of the Village Board (present at the Board meeting) shall be needed to grant the variation.



ATTACHMENT I

VILLAGE OF GLENDALE HEIGHTS

APPLICATION FOR VARIANCES

The undersigned petitions the President and Board of Trustees of the Village of Glendale Heights, Illinois, to consider the variation of parcel(s) of land described in the application.

PLEASE TYPE OR PRINT CLEARLY - USE BLACK INK ONLY.

Date Filed: _____ Variation Request No. _____

Address Of Property: _____

Legal Description: Attach Exhibit A

APPLICANT

Name: _____ Home Phone (____) _____

Fax Phone (____) _____

Address: _____ Business Phone (____) _____

Applicant's Interest: Owner _____ Lessee _____ Contract Purchaser _____ Other _____

OWNER(S) IF OTHER THAN APPLICANT:

Name: _____ Home Phone (____) _____

Fax Phone (____) _____

Address: _____ Business Phone (____) _____

ATTORNEY'S, ARCHITECT, OR OTHER REPRESENTATIVE:

Name: _____ Telephone No. (____) _____

Address: _____ Fax No. (____) _____

ATTORNEY'S, ARCHITECT, OR OTHER REPRESENTATIVE Continued:

Name: _____ Telephone No. (____) _____

Address: _____ Fax No. (____) _____

Variance Requested: Section No. _____ Explain: _____

Address: _____

Zoning Classification: _____

PLEASE NOTE that the following questions must be answered completely. Your statements will be used to evaluate compliance with the findings of fact necessary for granting a variance.

1. What special circumstances exist that are unique to the property that do not apply generally to other properties in the same zoning district?

Explain: _____

2. Do these special circumstances relate only to the land or buildings for which the variance is sought and not to any business or activity the applicants carry on, or seeks to carry on, nor to the personal, business, or financial circumstances of the applicant or any other party with interest in the property?

Explain: _____

3. Have these special circumstances that are the basis for the variance resulted from an act of the applicant or any other party with interest in the property? (Example: Self Imposed Hardship)

Explain: _____

4. How does the strict application of the zoning regulations result in practical difficulties or particular hardship upon the applicant, as distinguished from a mere inconvenience?

Explain: _____

5. Is the variance necessary to preserve and enjoy a substantial property right possessed by other properties in the same zoning district or does it confer a special privilege ordinarily denied to other properties in the same district?

Explain: _____

6. Is the variance necessary not because it will increase the applicant's economic return but because without a variance the applicant is deprived of any reasonable return and use or enjoyment of the property?

Explain: _____

7. Will the granting of the variance alter the essential character of the neighborhood or substantially impair environmental quality, property values, or public safety or welfare in the vicinity?

Explain: _____

I (We) certify that all of the statements and documents submitted as part of this application are true to the best of my knowledge and belief.

I (We) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Glendale Heights for the purpose of inspection.

I (We) agree to pay the costs incurred by the Village for the review of plans and specifications by the Administrative Staff and Village Engineer including fees for the review by the Village Attorney of documents required to fulfill the provisions of Village Ordinances.

Signature of Applicant

Date

ATTACHMENT 11

DISCLOSURE OF INTEREST

The party signing the application shall be considered the applicant.

An applicant must be the fee owner, trustee, beneficiary, contract purchaser, lessee, or option holder of the affected property or his or her agent or nominee.

- a. If the applicant is not the fee owner of the affected property, the application shall disclose the full names, addresses, and telephone numbers of all owners.

In addition, an affidavit of the fee owner or owners shall be filed with the application stating that the applicant has authority to make the application.

- b. Applicant or Fee Owner Is Corporation

If either the applicant or the fee owner is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, registered agents, and those shareholders owning in excess of five percent of the outstanding stock or interest in the corporation.

- c. Applicant is Trustee

If the applicant is a trustee, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.

- d. Applicant is Beneficiary, Agent, or Nominee

If the applicant is a beneficiary, agent, or nominee, the application must disclose the names, addresses, and telephone numbers of those parties on whose behalf he or she is acting.

- e. Applicant is Option Holder or Contract Purchaser

If the applicant is an option holder or contract purchaser a valid (unexpired, fully executed, enforceable) non-contingent (except for zoning and financing approval) contract or option to purchase the premises for which the application is being filed shall be submitted.

Disclosure of present ownership interests shall be accompanied by a certified statement of proposed ownership of all land.

ATTACHMENT III

NOTICE TO SURROUNDING PROPERTY OWNERS

WRITTEN NOTICE

The applicant shall be responsible for providing written notice of the public hearing to the owners of record of each parcel of real estate within 250 feet in all directions from the boundaries of the property affected by the application. All public right-of-way shall be excluded in calculating the 250 foot notice area.

The owners of record shall be considered those appearing on the records of the County Recorder of Deeds or those who paid property taxes for the most recent year according to the records of the Township Assessor.

The written notice shall be delivered in person or by certified mail, return receipt requested. In either case, the signature of those receiving the notice, in the form of postal return receipt or otherwise, shall be obtained and filed with the Village.

The written notice shall be substantially in the form of a notice provided by the Village and shall contain:

1. The name and address of the applicant.
2. The street address and legal description of the affected property.
3. The type of variance requested.
4. The date, time, and location of the public hearing.

SIGN DISPLAY

The applicant for a variance shall be responsible for posting a sign in the front yard of the affected property, facing a public street and no further than 30 feet therefrom.

The sign shall plainly state the type of variance being requested, and the date, time, and location of the public hearing.

The sign shall have length and width dimensions of at least 4'X 8' and shall be erected not less than 15 days prior to the hearing and remaining continuously in place until the hearing is concluded but no more than 10 days thereafter.

ATTACHMENT IV

VILLAGE OF GLENDALE HEIGHTS

**STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)**

AFFIDAVIT

I (We), _____ being first duly sworn on oath deposes and says that I (we) have served in person or by registered or certified mail, return receipt requested, not less than 15 days nor more than thirty days prior to hearing date, copies of the notice which is attached hereto on the following named persons at the addresses indicated on the list attached hereto, which persons are the owners of record as indicated by the records of the Recorder of Deeds in DuPage County; or the persons, according to the records of the Township Assessor, who paid the general real estate taxes for the last preceding year on each parcel of lot of real estate within 250' of the real estate legally described as follows:

AFFIANT _____

AFFIANT _____

SUBSCRIBED and SWORN to before
me this _____ day of _____ 20

NOTARY PUBLIC