

Village of Lake Bluff, Illinois
Zoning Relief Application
Instructions for Variation (Page 1 of 2)

General Information

The Village, similar to many communities, has a system of zoning and land use regulations that reasonably restrict how land owners may use and improve their property. However, no set of regulations can anticipate each and every situation that may arise.

The **variation process** allows a property owner to seek relief from the strict letter of these regulations when obeying them would create “a particular hardship or a practical difficulty.” These conditions are based on the circumstances of the property or structure, and *not* those of the owner.

The Village’s Plan Commission and Zoning Board of Appeals (“PCZBA”) is a body of seven residents that reviews variations (among other requests). Your application for a variation will be considered at a public hearing before the PCZBA, and the PCZBA will evaluate your application based on the standards for variation relief. The burden of proof is on the Applicant to demonstrate that they meet the standards.

The variation process differs for minor and major variations. A variation request is subject to fewer steps when it only requests one or more variations that differ less than 25% from the allowable standard (as if the structure were built new). When only minor variations are requested, the PCZBA has the authority to directly approve, approve with conditions, or deny the relief requested. In all other cases, the PCZBA makes a recommendation to the Village Board for final action.

Process and Public Notice

- **>25 days before meeting:** Applicant submits application.
- **30-15 days before meeting:** Village publishes notice in the *Lake County News-Sun*. Village mails notice to all owners within 300 feet of subject lot.
- **Friday before meeting:** Meeting packet available online and at Village Hall, including application materials and staff memorandum.
- **Day of meeting:** PCZBA meets at 7 p.m. in the Village Hall Board Room (40 E. Center Ave.) Applications are generally considered in the order they were first received. Staff will provide an overview of the request, and the Applicant will give a brief presentation. Members of the public will be invited to comment, and then the PCZBA will discuss the application’s merits under the standards.

Only Minor Variations: The PCZBA may approve, approve with conditions, or deny the relief sought.

All Other Variations: The PCZBA may recommend that the Village Board approve, approve with conditions, or deny the relief sought.

Continuation: The PCZBA may also choose to continue the hearing at the PCZBA’s next meeting date if they require more information from the Applicant or a third party.

Village of Lake Bluff, Illinois
Zoning Relief Application
Instructions for Variation (Page 2 of 2)

- **Monday after meeting:** Village Board performs first reading; there is discussion, but no final action. Applicant may request immediate approval for cause. (e.g. economic loss; construction timeline; etc.)
- **2nd Monday of next month:** Village Board performs second reading, votes.

Fee and Escrow

You will be initially required to provide an escrow of to cover (in advance) the Village’s costs of considering your application. Some common costs charged to escrow include:

- Legal and public notice
- Printing and reproduction
- Recording (e.g. of real estate instruments)
- Attorney fees paid by the Village

From this escrow, the Village will also collect its application fee. This fee is due whether your application is approved or denied. Any remaining balance in your escrow account will be refunded after all costs are actually paid by the Village, which is generally 60 to 90 days after your last hearing.

When only minor variations are sought, an escrow deposit of **\$1,500** and an application fee of **\$500** applies. In all other cases, a deposit of **\$3,000** and an application fee of **\$750** applies.

Other Regulatory Review

Applying for and obtaining a special use permit is **in addition** to other steps you may be required to undertake to complete your project or open your business. Other common steps include:

- Building plan review
- Architectural site plan & signage review
- Utility connections
- Health department inspections

Checklist

You **must** include the following with your application:

Attached Forms:

- ___ Applicant Information (signed)
- ___ Response to Variation Standards
- ___ Residential Bulk Calculations (for residential zoned property)
- ___ Regulatory Floor Area Worksheet (If floor area to be affected by work)
- ___ Escrow agreement (signed)

- ___ **Provide:** Plat of survey including legal description
- ___ **Provide:** Evidence of title or contractual interest (e.g. a lease)
- ___ **Provide:** Scale plans of proposed work (e.g. site plan; floor plan; elevations)

You **may** also consider including:

- ___ Photographs of the subject property and nearby area
- ___ Written testimony from nearby neighbors

**Village of Lake Bluff, Illinois
Zoning Relief Application
2020 PCZBA Meeting Calendar**

Deadline to Apply	Public Notice No Later Than	Date of Hearing (7 p.m.)
Fri, Dec 20, 2019	Tue, Dec 31, 2019	Wed, Jan 15, 2020
Fri, Jan 24, 2020	Tue, Feb 04, 2020	Wed, Feb 19, 2020
Fri, Feb 21, 2020	Tue, Mar 03, 2020	Wed, Mar 18, 2020
Fri, Mar 20, 2020	Tue, Mar 31, 2020	Wed, Apr 15, 2020
Fri, Apr 24, 2020	Tue, May 05, 2020	Wed, May 20, 2020
Fri, May 22, 2020	Tue, Jun 02, 2020	Wed, Jun 17, 2020
Fri, Jun 19, 2020	Tue, Jun 30, 2020	Wed, Jul 15, 2020
Fri, Jul 24, 2020	Tue, Aug 04, 2020	Wed, Aug 19, 2020
Fri, Aug 21, 2020	Tue, Sep 01, 2020	Wed, Sep 16, 2020
Fri, Sep 25, 2020	Tue, Oct 06, 2020	Wed, Oct 21, 2020
Fri, Oct 23, 2020	Tue, Nov 03, 2020	Wed, Nov 18, 2020
Fri, Nov 20, 2020	Tue, Dec 01, 2020	Wed, Dec 16, 2020

**Village of Lake Bluff, Illinois
Zoning Relief Application
Applicant Information (Page 1 of 2)**

Subject Property

Address: _____

PIN: _____

Current Use: _____

Owner / Title Holder

Joint Ownership (if applicable)

Name: _____

Address: _____

Phone: _____

E-mail: _____

If ownership is other than individual or joint, check below and attach additional information:

Corporation

Partnership

Land Trust

Trust

Applicant (If Different)

Name: _____

Address: _____

Relationship
to Property: _____

Phone: _____

E-mail: _____

**Are all real estate taxes, special assessments, and other obligations
paid on the subject property in full? If no, explain.**

Yes

No

Village of Lake Bluff, Illinois
Zoning Relief Application
Standards for Variation (Page 1 of 2)

The PCZBA is required to base their recommendations on the following standards. It is the burden of the Applicant to establish that they meet each standard. Each standard is printed below. You should provide a statement as to how your application satisfies each standard. You may respond to the questions below on this sheet, or attach a separate typed sheet.

Practical Difficulty or Hardship: No variation shall be granted pursuant to this section unless the applicant shall have established that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

Unique Physical Condition: The subject property or structure is exceptional as compared to other lots and structures subject to the same provision by reason of a unique physical condition, including: a) presence of an existing use, structure, or sign, whether conforming or nonconforming; b) irregular or substandard shape or size; c) exceptional topographical features; or d) other extraordinary physical conditions peculiar to and inherent in the subject property or structure that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or structure rather than the personal situation of the current owner of the lot or structure.

Village of Lake Bluff, Illinois
Zoning Relief Application
Standards for Variation (Page 2 of 2)

The PCZBA is required to base their recommendations on the following standards. It is the burden of the Applicant to establish that they meet each standard. Each standard is printed below. You should provide a statement as to how your application satisfies each standard. You may respond to the questions below on this sheet, or attach a separate typed sheet.

Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the granting of an authorized variation.

Code Purposes: The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this code and the provision from which a variation is sought were enacted.

Public Health And Safety: The variation would not: a) impair an adequate supply of light and air to adjacent property; b) increase the congestion in public streets unreasonably, or increase parking requirements on public streets unreasonably; c) increase the hazard of fire; d) endanger the public safety; e) diminish or impair the value of property within the area surrounding the subject property; or f) in any other respect impair the public health, safety, comfort, morals, and welfare.

Village of Lake Bluff, Illinois
Zoning Relief Application
Residential Bulk Calculations

Address or Lot #: _____

(“Left” and “Right” are relative to standing on the addressed street and looking towards the property.)

For subdivisions involving existing structures, complete **every** line.
 For variation requests, complete only those lines affected by the proposed work.

	Existing	Proposed	Conforms or Variation Required
<u>Lot Width</u> <i>(as measured at front setback line)</i>			
Lot Area			
<u>Principal Building Setback</u>			
Front			
Side (Left)			
Side (Right)			
Side (Combined – Sum Sides)			
Rear			
<u>Accessory Building Setback</u>			
<u>Regulatory Floor Area</u>			
<u>Impervious Surface Coverage</u>			
<u>Front Yard Impervious Surface</u>			
<u>Building Coverage</u>			
<u>Maximum Building Height</u>			
<u>Daylight Plane Height Restriction</u> <i>(Start at 12’ at the lot line. Add one foot “up” for each one foot “in” from the lot line. Note if any building element(s) exceed the height plane.)</i>			

Village of Lake Bluff, Illinois
Zoning Relief Application
Regulatory Floor Area Worksheet

Address or Lot #: _____

[The full rules for calculating Floor Area Ratio can be viewed here.](#)

Allowances vary depending on the size of your lot.

Staff can help calculate your eligibility for these, which adjust your total floor area (grey areas).

You should provide scale plans or drawings to justify your figures.

	Existing (Applicant Completes)	Proposed (Applicant Completes)	Allowance (Staff Completes)
Lot Area			
Gross Floor Area <i>(Include <u>all</u> floors, basements, and detached structures)</i>			
REMOVE Attics less than 6' in height			
REMOVE Attics greater than 6' in height not readily usable for living space			
REMOVE Basements, window wells, and stairwells protruding <u>less</u> than 3' from grade to first floor elevation			
REMOVE Detached structures in rear 27' or 25% of lot (<i>whichever is greater</i>)			
REMOVE Stoops and decks less than 42" in height			
REMOVE Covered porches less than 42" in height			
ADD Undereaves protruding more than 2' from exterior wall			
ADD Penalty for areas greater than 10' ceiling height			
REGULATORY FLOOR AREA (Staff Completes)			
Non-Conformance / Required Variation (Staff Completes)			

**Village of Lake Bluff, Illinois
Zoning Relief Application
Escrow Agreement (Page 1 of 3)**

THIS AGREEMENT ("**Agreement**") is made and entered into as of _____, 20____,
by and between THE VILLAGE OF LAKE BLUFF ("**Village**") and

 ("**Applicant**").

IN CONSIDERATION OF the recitals and mutual covenants and agreements set forth herein, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

SECTION 1. RECITALS.

A. The Applicant has submitted to the Village for its review and consideration an application seeking zoning relief necessary to commence a proposed use at or to construct proposed improvements of the real property located at:
_____, Lake Bluff, Illinois ("**Proposal**") that requires one or more of the following actions by the Village:

- i. Approval or amendment of zoning relief pursuant to Title 10 of the Municipal Code, including without limitation: a variation, special use permit, site plan approval, planned residential development, planned commercial development, planned mixed use development, RIO development plan, and/or amendment to the text of Title 10;
- ii. Approval or amendment of a plat of subdivision pursuant to Title 11 of the Municipal Code;
- iii. Approval pursuant to the Village's Watershed Development Ordinance, as adopted by reference in Title 12 of the Municipal Code; or
- iv. The preparation and consideration of amendments to the Village's liquor regulations, contained in Title 3, Chapter 2 of the Municipal Code.

B. Pursuant to Section 1-12-3 of the Village Comprehensive Fee Schedule and Section 10-2-6 of the Village Zoning Regulations ("**Escrow Regulations**"), applications for approval of a variation and a site plan and/or an amendment to a site plan and/or a text amendment to the Village's Zoning Regulations and other zoning relief must be accompanied by the applicable application fee and the applicant is responsible for payment of any additional costs incurred by the Village, including consultant costs and attorneys' fees, but not including normal operating activities such as internal staff time ("**Reimbursement Costs**").

SECTION 2. CASH DEPOSIT.

Pursuant to the Escrow Regulations, and in connection with the application for the Development, the Developer agrees to provide a cash escrow deposit to the Village in the amount of **\$3,000** ("**Escrow**") to be used towards Reimbursement Costs incurred by the Village in processing the application for approval of the Proposal.

SECTION 3. REPLENISHMENT.

Pursuant to the Escrow Regulations, the Village Administrator shall periodically review the Escrow to ensure that adequate funds are available to satisfy the Reimbursement Costs relating to the Development. The Village Administrator shall notify the Applicant at such times when draws are made against the Escrow towards Reimbursement Costs. Subject to the terms of this Agreement, in the event that the Village Administrator determines that sufficient funds are not available, the Village Administrator shall so notify the Applicant and request a further amount to defray the anticipated additional costs. The Village Administrator shall determine the further amount due based on the nature of the Proposal, its complexity, the anticipated need for additional legal and other consultant services, and the amount of time remaining before the completion of the Proposal. The Applicant shall be given fourteen (14) days to deposit the additional funds. In the event that the funds are not deposited, the Village shall take no further action on the Proposal and shall so advise the Applicant.

SECTION 4. FINAL DISBURSEMENT.

Pursuant to the Escrow Regulations, at the completion of the Proposal and after all outstanding Reimbursement Costs incurred by the Village related to the Proposal have been satisfied in full, the Village Administrator shall remit the balance of the Escrow, if any, to the Applicant.

SECTION 5. DESIGNATED CONTACTS.

The designated contact persons for the Applicant and the Village concerning this Agreement are as follows:

	<u>For Village</u>	<u>For Applicant</u>
Name	Glen Cole	_____
Title	Asst. to the Village Administrator	_____
Organization	Village of Lake Bluff	_____
Address	40 East Center Avenue	_____
City, State, Zip	Lake Bluff, IL 60044	_____
Phone Number	(847) 283-6889	_____
Email	gcole@lakebluff.org	_____

**Village of Lake Bluff, Illinois
Zoning Relief Application
Escrow Agreement (Page 3 of 3)**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

ATTEST

By _____

Its _____

ATTEST:

By _____

Its _____

APPLICANT

By _____

Its _____

VILLAGE OF LAKE BLUFF

By _____

Its **Village Administrator**