



## **Village of Lake Bluff, Illinois Joint Plan Commission and Zoning Board of Appeals (PCZBA)**

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### **Purpose and Function**

The Village, similar to many communities, has a system of zoning and land use rules that reasonably restrict how land owners may use and improve their property. The Plan Commission and Zoning Board of Appeals (PCZBA) is an advisory body to the Village Board that promotes safety, health, convenience, comfort, morals, prosperity and general welfare of the public through these regulations. The PCZBA considers changes to the Village's zoning and land use rules and, where required by these rules, evaluates applications concerning specific development proposals. Most developments in the Village do not require prior review by the PCZBA, and most applications that are initially reviewed by the PCZBA are ultimately subject to approval by the Village Board of Trustees.

### **Public Hearings**

When the PCZBA undertakes its final action on an application, such as when it issues an approval or makes a recommendation to the Village Board, it is typically done in the context of a public hearing. Applicants and members of the public may appear on their own behalf or be represented by counsel. Other professionals such as architects, engineers, and land use planners often appear on behalf of an individual or in support of a particular application.

In Lake Bluff, public hearings commonly are conducted as follows:

- 1. Staff presentation.** Village Staff provide a brief introduction and explanation of the application in view of the Village's zoning rules.
- 2. Applicant presentation.** The applicant presents their case and all evidence supporting their request. The applicant must demonstrate that the application meets each of the standards applicable to the type of relief requested.
- 3. Board questions Applicant (no deliberation).** The PCZBA will question the applicant about their application. There is no deliberation at this point in the hearing.
- 4. Testimony from the public.** Any person attending the hearing may present regarding the application. (Testimony may also be submitted in writing prior to the meeting.)
- 5. Applicant answers objections and responds to testimony.** PCZBA members and members of Staff may also ask questions and make comments regarding the application under consideration.
- 6. Deliberation by PCZBA.** Upon conclusion of the presentations, unless a continuance is granted, the PCZBA deliberates and renders a decision. Decisions on each type of relief are by separate motion. A decision on more than one request of the same type may be made by a single motion.

### **Public Notice**

The Village provides notice on behalf of applicants between 30 and 15 days prior to the date of a hearing. Notice is given by publication in the *Lake County News-Sun* and, where an application concerns a specific property, by notifying all property owners within 300 feet of the subject property based on the listed owner in Lake County's property tax records. The Village also routinely publishes hearing notices on the Village website ([lakebluff.org](http://lakebluff.org)), in the Village's weekly e-newsletter, and at Village Hall.

## **Common Applications Heard by the PCZBA**

*(More detail is presented in the Staff memorandum accompanying each application.)*

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### **Variations**

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 must arise from the circumstances of the property or structure, and *not* the personal situation of the current owner.

The PCZBA cannot grant a variation unless it finds that the application meets specific standards, including if the requested variation: (1) establishes a particular hardship or a practical difficulty; (2) does not create a special privilege; (3) is in harmony purpose of the Village’s zoning rules and (4) does not impair public health and safety. The burden of proof is on the Applicant to demonstrate that their application meets the standards.

### **Special Use Permits**

In each of the Village’s zoning districts, many common uses of land (such as for houses or retail stores) are permitted uses that may be undertaken without any special review. However, certain uses are considered **special uses**. While these uses are potentially appropriate and compatible with their surroundings, the Village has determined that their nature requires additional review. The Village issues special use permits to authorize these uses subject to certain conditions on their operation.

The PCZBA cannot approve a special use unless it finds that the application meets specific standards, including if the requested special use: (1) does not harm adjacent property, the character of the area, or the public health, safety, and general welfare; (2) will not dominate or interfere with the use and development of nearby property; (3) will be served adequately by public services; (4) will not create undue traffic; (5) will not damage or destroy natural, scenic, or historic features; (6) will comply with the Village’s zoning rules; and (7) is in harmony with the purpose of the Village’s zoning rules. The burden of proof is on the Applicant to demonstrate that their application meets the standards.

### **Subdivisions and Planned Developments**

**Subdivision** is the process of dividing land into lots for future development; it may also involve adjusting existing lot lines or consolidating multiple lots. Subdivision hearings typically focus on whether the newly created lots will objectively comply with the Village’s zoning rules as well as Village rules specific to subdivisions such as the width of streets, location of infrastructure and utilities, etc.

Less commonly, the Village has established three different types of **planned development** tools. Generally speaking, these tools allow the Village to modify or waive some of its zoning rules in order to enable creative developments which create public benefits that are not otherwise required.

Subdivisions and planned developments are often complex and involve many specific standards. The burden of proof is on the Applicant to demonstrate that their application meets the applicable standards.

### **Text and Map Amendments**

The Village accepts applications from interested parties to change its zoning rules, whether by altering their text or by changing the zoning classification applicable to a particular property. The PCZBA evaluates these requests for **text and map amendments** in its legislative discretion and has established guidelines to help it evaluate these requests. The burden of proof is on the Applicant to demonstrate that any proposed amendment is in the best interest of the Village.