

APPLICATION FOR ZONING VARIATION
Village of River Forest Zoning Board of Appeals

Address of Subject Property: _____

Applicant:

Name

Address

Phone (Daytime)

Fax

E-Mail

Relationship of Applicant to Property (owner, contract purchaser, legal counsel, etc.)

Architect/Contractor:

Name

Address

Phone (Daytime)

Fax

E-Mail

Date of Application: _____

Application requirements: Attached you will find an outline of the other application requirements. Please read the attached carefully, the applicant will be responsible for submitting all of the required information.

Also attached for your information are the Zoning Board of Appeals "Rules of Procedure" for their public hearings.

Application Deadline: A complete variation application must be submitted no later than the 15th day of the month in order to be heard by the Zoning Board of Appeals in the following month. The Zoning Board of Appeals meets on the second Thursday of each month.

SIGNATURES:

The undersigned hereby represent for the purpose of inducing the Village of River Forest to take the action herein requested, that all statements herein and on all related attachments are true and that all work herein mentioned will be done in accordance with the ordinances of the Village of River Forest and the laws of the State of Illinois.

Owner: _____ Date: _____

Applicant (if other than Owner): _____ Date: _____

Application Fee: A non-refundable fee of **\$650.00** must accompany every application for variation. Checks should be made out to the Village of River Forest.

Address of Subject Property: _____

Zoning District of Property (circle one): R1 R2 R3 R4 C1 C2 C3 PRI ORIC

Please check the type(s) of variation(s) being requested:

Zoning Code

Building Code (fence variations only)

Summary of Requested Variation(s):

<u>Applicable Code Section (Title, Chapter, Section)</u> <i>Example:</i> 10-8-5, lot coverage	<u>Code Requirement(s)</u> <i>Example:</i> no more than 30% of a lot	<u>Proposed Variation(s)</u> <i>Example:</i> 33.8% of the lot (detailed calculations an a separate sheet are required)

THE APPLICANT IS REQUIRED TO SUBMIT DETAILED LONG HAND CALCULATIONS AND MEASUREMENTS FOR ALL APPLICABLE ZONING PROVISIONS. APPLICATIONS WILL NOT BE CONSIDERED COMPLETE WITHOUT THESE CALCULATIONS AND MEASUREMENTS.

APPLICATION REQUIREMENTS FOR MAJOR VARIATIONS

A. General Requirements.

1. A complete copy of the application shall be submitted to the Zoning Administrator for processing. The written application form, bound together with supplementary exhibits shall contain at least the following information:
 - a. The name, address and phone number of the applicant.
 - b. If the applicant is not the owner of the property in question, (i) the name, address and phone number of the owner, (ii) the interest of the applicant in the subject property, (iii) proof of consent by the owner to the filing of the application, and (iv) any beneficiaries of the owner or developer.
 - c. The date of the application.
 - d. Identification of the property in question by street address. If there is no street address, the applicant must provide a description of the location of the property in relation to surrounding streets and properties.
 - e. A short, written description of the nature of the proposed variation, development or re-development, and the proposed use(s).
 - f. A plat of survey of the property which includes the location and dimensions of all existing or planned easements, land subject to covenant, rights-of-way, scale and north arrow.
2. In addition, the applicant shall submit drawings which graphically explain the site's present conditions and how they would be affected if the proposed variance were granted. Information should include, but not be limited to, the proposed structure's relation to the property line, nearby trees, and other existing structures on both the applicant's and the neighbor's properties. Information on the proposed structure's height, type of construction and depth of eaves should be provided. All drawings should be dimensioned and to scale. A copy of the plat of survey with this information noted on it would be sufficient.
3. **Submit one (1) hard copy of the completed application - initially. Once the application has been reviewed by Village Staff, and after the applicant makes all necessary changes, the applicant will then submit a total of nine more hard copies and one electronic copy of the completed application.**

B. In addition to the requirements identified in Section A, the following additional information shall also be provided on the drawings accompanying an application for a variation:

1. The height in stories and feet, gross floor area, lot coverage (footprint area of the proposed structures in relation to the area of the site, expressed as a percentage), and floor area ratio of all existing or proposed buildings located on the lot where the development is to take place.

2. If the development is a multiple-family residential development, the number of one-, two-, three-, or four-bedroom dwelling units proposed for construction.
 3. Dimensions of the development site, indicated along the property line. Distances to all buildings, structure, freestanding signs, on adjoining properties.
 4. The location of freestanding signs on the site.
 5. Identification of vehicular areas including parking areas, loading areas, and circulation areas, and showing the layout and size of parking spaces, aisles and direction of travel on or in lanes, aisles, or driveways.
 6. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities.
 7. It is also recommended that the application include photographs of the subject property/building, and written testimony/letters from neighboring property owners indicating support of proposed project.
- C. No order of the Village Board of Trustees permitting a variation from the provisions of the Zoning Code shall be valid for a period longer than nine months, unless such use or structure is initiated within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for erection or alteration is obtained within such period of nine months and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

A variation shall be deemed to authorize only the particular construction or development which was applied for. A variation shall automatically become null and void if such construction or development is removed and not replaced within nine months following such removal.

STANDARDS FOR MAJOR VARIATIONS (SECTION 10-5-4F)

A major variation shall be recommended by the Zoning Board of Appeals only if it makes findings, based upon the evidence presented to it, that each of the following standards has been met:

1. The physical surroundings, shape or typographical conditions of the specific property involved with bring a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out;
2. The aforesaid unique physical condition did not result from an action of any person having an interest in the property, but was created by natural forces or was the result or was the result of governmental action, other than the adoption of this Zoning Ordinance, for which no compensation was paid;
3. The conditions upon which the petition for variation is based may not be applicable generally to other property within the same zoning classification;
4. The purpose of the variation is not based predominantly upon a desire for economic gain;
5. The granting of the variation shall not be detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the property is located;
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood;
7. That the granting or the variation would not unduly tax public utilities and facilities in the area;
8. That there is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Applicants are required to provide detailed written responses to each of the eight above standards.

Rules of Procedure for the Zoning Board of Appeals

Adopted 6/16/04

General Rules

- Rule 1 Prior to each regular meeting of the Zoning Board of Appeals, (“board”) the village staff shall cause an agenda to be prepared.
- Rule 2 The ayes and nays shall be taken and recorded in the minutes in the case of the passage of all motions. A concurrence of a majority of all members present shall be necessary to the passage of same, unless otherwise required by law. In all cases where a motion is entered into the minutes, the names of the member moving and seconding shall be entered.
- A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered.
- Rule 3 Except during the portion of the meeting dedicated to public participation, no person (other than village staff or consultants to the board) may address the board without the consent of a majority of board members then present.
- Rule 4 These rules, except rule 2, may be temporarily suspended by a vote of two-thirds of the members present.
- Rule 5 The chairman shall be the presiding officer. In the absence of the chairman, the board members present shall elect a chairman *pro tem*. The presiding officer shall decide all questions of order.
- Rule 6 Four members shall constitute a quorum. Except as provided in this rule, no motion shall be considered or voted on without a quorum present. A member shall be considered “present” when available and participating in accordance with the rules governing participation by electronic means. A motion to recess to a future specified date may be considered and passed by less than a quorum of members.
- Rule 7 Any party to a hearing may arrange for the proceedings to be recorded and transcribed by a certified shorthand reporter at the party's expense. A copy of any transcript prepared shall be filed with the board. The board, at its discretion, may direct that the proceedings be recorded at the expense of the party initiating the action ("applicant") which is the subject of the hearing and may require the applicant to deposit funds sufficient to defer the cost of such recording.
- Rule 8 At any hearing, the applicant or any interested party may appear on his or her own behalf or may be represented by an attorney or agent.

Rule 9 In addition to the applicant, any person having an interest in the action which is the subject the hearing ("interested parties") may appear at the hearing to give testimony. The village shall be deemed an interested party in every case, and need not appear. Every interested party wishing to testify at the hearing shall submit to the Chairman of the Board, in writing, his or her name and address. The Chairman may impose reasonable limitations on evidence or testimony presented by interested parties, such as time limits and banning repetitious, irrelevant or immaterial testimony.

Rules Governing the Taking of Evidence

Rule 10 All evidence from the applicant and any interested persons shall be taken during the portion of the meeting dedicated to public participation. The order of presentation of evidence shall generally be as follows, but may be modified by the chairman:

- a. Testimony by applicant's witnesses.
- b. Report by staff and consultants.
- c. Board examination of applicant's witnesses.
- d. Cross-examination of applicant's witnesses.
- e. Testimony by interested party witnesses.
- f. Board examination of interested party witnesses
- g. Applicant's cross-examination of interested party witnesses.
- h. In some cases re-examination may be allowed.
- i. Summary/rebuttal by applicant.

At the conclusion of the portion of the meeting dedicated to public participation, the board shall begin to deliberate or continue the hearing to a date, time and location certain. During deliberations, the board members may question any person present regarding his/her previous testimony.

Rule 11 [Cross-examination of witnesses shall be limited to applications for a special use permit - ZBA only] Only the applicant, an interested party entitled to notice pursuant to the Village Zoning Code, member of the board or attorney for the board shall be permitted to cross-examine witnesses. In the event the applicant or any interested party is represented by an attorney, the attorney may conduct any cross-examination.

The chairman may impose reasonable conditions on cross-examination of witnesses, including, but not limited to, requiring persons to register with the chairman in advance and demonstrate that they fall within the class of persons allowed to cross-examine; restricting the subject matter on which cross-examination will be allowed and identifying those witnesses who may be cross-examined. Any such conditions shall be published in advance of the hearing.

Rule 12 Persons permitted to cross-examine a witness may, at the time indicated by the chairman, direct questions to the witness from a location chosen by the chairman. The opportunity for questioning a witness shall not be used by the questioner to offer testimony or evidence.

Rule 13 All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the board. Testimony may be given only from a location chosen by the chairman.

Rule 14 The board shall not be bound by strict rules of evidence; however, irrelevant, immaterial, argumentative, or repetitious evidence or questioning shall not be allowed. The chairman shall rule on all questions related to the admissibility of evidence, which ruling may be overruled by a majority of the board members present.

Rule 15 The chairman may take such actions as are required to permit an orderly and civil hearing.

Rules for the Conduct of Meetings by Electronic Means

Rule 16 Whenever possible, members of the board who cannot be physically present at a public meeting and who wish to attend via electronic means shall give notice to the Village Administrator not less than two business days before the meeting date.

Rule 17 When it is known two business days in advance of such meetings that any board member will attend through use of electronic means, a notice shall be posted stating the names of the members of the board who will be attending in that manner, and the type of medium through which they will attend.

Rule 18 When it is not possible for a member of the board to give two business days notice, and the member is unable to be physically present at a meeting, and wishes to attend through the use of electronic means on the date of the meeting, prior to convening the meeting, the presiding officer shall announce such method of attendance to the public and the reason.

Rule 19 If the chairman attends the meeting through the use of electronic means, he or she shall vacate the chair and a member who is physically present shall preside.

Rule 20 When one or more members attend a meeting via electronic means, all votes shall be by roll call.

Rule 21 No more than two members of the board may attend a meeting through the use of electronic means from the same remote location.

Rule 22 At least four board members must be physically present to constitute a quorum.

Rule 23 When speaker phones are used to allow a member of the board to attend a meeting without being physically present, the member using the speaker phone must, each time he or she wishes to speak, identify himself or herself by name and be recognized by the presiding officer before speaking.

Rule 24 The board, in its sole discretion, by majority vote, may authorize village staff, or consultants, to participate in the proceedings by electronic means.

Rule 25 All notices sent to interested parties and required by ordinance shall include a copy of these Rules and the following statement: All meetings of the board are held at Village Hall beginning at 7:30 P.M. unless otherwise stated in the attached notice, or announced by the board at the time of any recess.