

**ZBA****VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT****APPLICATION FOR  
ZONING VARIATION**

It is recommended that all variation requests be discussed with village staff prior to submittal. Prior to submittal of an application for variation, the applicant, architect and other project representatives should direct attention to the Standards for Granting of Zoning Variations on page 4.

Only completed variation applications will be accepted. Application deadlines and meeting dates are listed below. All Zoning Board of Appeals (ZBA) hearings are held on the 2<sup>nd</sup> Monday of each month.

<b>Zoning Board Regular</b>			
<b><u>Application Deadline</u></b>	<b><u>Meeting Dates</u></b>	<b><u>Application Deadline</u></b>	<b><u>Meeting Dates</u></b>
December 11, 2013	January 13, 2014	December 10, 2014	January 12, 2015
January 8, 2014	February 10, 2014	January 7, 2015	February 9, 2015
February 5, 2014	March 10, 2014	February 4, 2015	March 9, 2015
March 12, 2014	April 14, 2014	March 11, 2015	April 13, 2015
April 9, 2014	May 12, 2014	April 8, 2015	May 11, 2015
May 7, 2014	June 9, 2014	May 6, 2015	June 8, 2015
June 11, 2014	July 14, 2014	June 10, 2015	July 13, 2015
July 9, 2014	August 11, 2014	July 8, 2015	August 10, 2015
August 6, 2014	September 8, 2014	August 12, 2015	September 14, 2015
September 10, 2014	October 13, 2014	September 9, 2015	October 12, 2015
October 8, 2014	November 10, 2014	October 7, 2015	November 9, 2015
November 5, 2014	December 8, 2014	November 11, 2015	December 14, 2015

1. A maximum of five zoning requests will be considered at each hearing. Submittal by the application deadline does not assure placement on the next agenda, therefore it is recommended that applications be submitted as soon as they are complete rather than waiting until the deadline.
2. Questions regarding upcoming meeting calendars and schedule availability may be directed to the Dept. of Community Development Administrative Assistant at 847.716.3527.
3. Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.
4. There are three types of variations, minor, standard and major. Minor variations are considered by the Zoning Administrator, standard variations are considered by the ZBA and major variations are considered by both the ZBA and Village Council. Minor and standard variations require one meeting before either the Zoning Administrator or the ZBA. Major variations require one meeting before the ZBA and two before the Village Council. Following submittal of a variation application village staff will inform you as to the type of variation you will be required to obtain.

**ZONING BOARD OF APPEALS  
APPLICATION REQUIREMENTS**

- \_\_\_\_\_1. Proof of ownership (in the form of a deed) and owner signature on application.

NOTE: Applications involving property held by a **land trust** must be signed as the owner of the property by the trust officer of the institution holding the trust as the owner of the property. The trust beneficiary(ies) and their current address(es) must be disclosed on the application form. The application must also be accompanied by a Certified copy of the Trust Agreement and a letter from the trustee certifying that the beneficiary (ies) shown on the application are correct and disclosing any beneficiary changes or lack thereof during the 12 months immediately preceding the filing of this application. Applications by contract purchasers must be accompanied by a copy of an executed contract and letter of authorization from property owner, in addition to above described proof of ownership.

- \_\_\_\_\_2. One copy of completed Lot Coverage and Gross Floor Area Calculation worksheet (attached).

- \_\_\_\_\_3. One (1) full size copy with complete and thorough dimensions [not reduced or enlarged] and one (1) set of reduced copies (8½" x 11") of the following:

**A. Existing Conditions/Plans**

- i. Plat of Survey. The plat must be an original survey (or complete and legible copy), prepared by an Illinois licensed land surveyor. The plat must be current, showing all improvements as they currently exist. In no case may a plat of survey be more than five (5) years old. The plat must show the lot area, legal description and all current improvements on the property. **Note: building permit requirements have separate more stringent survey requirements, including requirements for topographic information.**
- ii. Floor Plans. The floor plans must be fully dimensioned and show all levels of the structure or structures on the property and all rooms must be fully dimensioned. This information is also used to verify calculation worksheets.
- iii. Exterior Elevations. Elevations must be provided of the existing elevations that will be changing. All elevations must be fully dimensioned.

**B. Proposed Changes**

- i. Site Plan. Show and dimension all proposed additions and/or new structures. Provide dimensioned site plan, showing proximity of improvements to all adjacent property lines.
- ii. Floor Plans. Provide fully dimensioned floor plans of all levels of the structure where changes are proposed.
- iii. Exterior Elevations. Provide drawings of all elevations that are proposed to change. All elevations must be fully dimensioned.

**NOTE:** Limit one building detail, plan or image per page on reduced copies. All copies must be legible. 8 ½" x 11" reductions should maintain a scale of no less than 1/8" to assure legibility. Applications which are incomplete or illegible may be delayed and/or rejected.

- \_\_\_\_\_4. Minimum \$250 Filing Fee, payable to the Village of Winnetka. Final fee will be established upon complete review of application by village staff, with any balance due prior to initial hearing. Fee Schedule is as follows: Minor Variation - \$250; Standard Variation - \$400; and, Major Variation - \$800. (The Filing Fee covers the cost of publishing the legal notice, conducting a zoning analysis, preparation of agenda reports and writing of ordinances).

- \_\_\_\_\_5. Address the "Standards for Granting of Zoning Variations. (See page 4).

CASE NO. \_\_\_\_\_

**APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS**

**Owner Information:**

Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Home and Work Telephone Number: \_\_\_\_\_

Fax and E-mail: \_\_\_\_\_

**Architect Information:** Name, Address, Telephone, Fax & E-mail:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attorney Information:** Name, Address, Telephone, Fax & E-mail:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: \_\_\_\_\_

Nature of Any Restrictions on Property: \_\_\_\_\_

\_\_\_\_\_

Explanation of Variation Requested: \_\_\_\_\_  
(Attach separate sheet if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICE USE ONLY**

Variation Requested Under Ordinance Section(s): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Date: \_\_\_\_\_

## STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

**NOTE:** The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Proof of Ownership is required)

**Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.**

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN DENIED**

Failure to prove a practical difficulty or particular hardship requires a denial of a variation request. The burden of proving such difficulty or hardship rests with the applicant.

**The following do not constitute a practical difficulty or a particular hardship which justify the granting of a variation:**

1. The appearance of the property or neighborhood will be improved;
2. Personal convenience or preference;
3. The property will be more readily saleable or could be sold at a higher price;
4. A physical disability or handicap pertaining to a family member;
5. An increase in the size of a family, the number of people living in the house, or the age of a family member;
6. Lack of awareness of a particular zoning provision;
7. Practical alternatives exist to the proposed request or the proposed improvement(s) can be placed in a conforming location;
8. The fact that neighbors do not object or are in favor of the variation request;
9. The hardship was created by how the property has been developed over time; or
10. It will be more expensive to comply with the zoning ordinance;

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN APPROVED**

**The following may constitute a practical difficulty or particular hardship, which can serve as the basis for the granting of a variation:**

1. Irregular lot shape or topography;
2. The presence of three or more street frontages;
3. Correction of an existing code deficiency;
4. Although a conforming location for an addition to a building exists, a nonconforming location is preferable from a Village Policy standpoint (e.g. a conforming location will require removal of significant trees that are protected under the Village's Tree Ordinance);
5. There is an existing legal nonconformity of a minimal degree, the proposed improvement requires the formalizing of the nonconformity without increasing the degree of nonconformity, the proposed improvement will enhance the utility and value of the property within the context of the established neighborhood, and there is no economically viable alternative that will cure the nonconformity (e.g., the house pre-dates the original zoning ordinance and encroaches 1 foot into the front yard, the owner proposes to extend the second floor to align the first floor to create a master suite, the proposed improvements are still within the FAR limitations and the only way to cure the nonconformity is to demolish the house and build anew); or
6. The lack of an available alternative where the degree of the existing legal nonconformity will not be increase and additional nonconformities will not be created.