

**ZBA**

# VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

## ZONING VARIATION APPLICATION

It is recommended that all variation requests be discussed with Village staff prior to submittal. In preparation for submittal, the applicant, architect and other project representatives should direct attention to the "Standards for Granting of Zoning Variations" (attached).

### ***Important notes regarding variation applications***

1. A maximum of five (5) zoning requests will be considered at each public hearing of the Zoning Board of Appeals. Submittal by the application deadline does not assure placement on the next agenda.
2. The Zoning Board of Appeals meets on the second Monday of each month. Please refer to the attached schedule of meetings and submittal deadlines. Questions regarding upcoming meeting calendars and schedule availability may be directed to Ann Klaassen, Senior Planner, at 847.716.3525 or [aklaassen@winnetka.org](mailto:aklaassen@winnetka.org).
3. Variations, if granted, require initiation of construction 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 (3) types of variations: Minor, Standard and Major. Minor variations are considered by the Zoning Administrator, Standard variations are considered by the Zoning Board of Appeals (ZBA) and Major variations are first considered by the ZBA, with the Village Council having final jurisdiction on such requests. Following submittal of a variation application, Village staff will review the application materials and inform the applicant which type of variation is required.

Applicants and/or their representative are required to attend the Zoning Board of Appeals meeting in order to present their request and address issues raised by Board members. Major variations require final approval by the Village Council, which meets on the first and third Tuesday of each month. Please refer to the following schedule of Zoning Board of Appeals meetings and submittal deadlines:

<b>ZONING BOARD OF APPEALS</b>	
<b>MEETING DATE</b>	<b>SUBMITTAL DEADLINE</b>
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February 11, 2019	January 9, 2019
March 11, 2019	February 6, 2019
April 8, 2019	March 6, 2019
May 13, 2019	April 10, 2019
June 10, 2019	May 8, 2019
July 8, 2019	June 5, 2019
August 12, 2019	July 10, 2019
September 9, 2019	August 7, 2019
October 14, 2019	September 11, 2019
November 11, 2019	October 9, 2019
December 9, 2019	November 6, 2019

## REQUIRED MATERIALS FOR SUBMISSION

The Applicant must provide 1 hard copy and 1 electronic copy (.pdf), of the following information. (Email electronic copy to [aklaassen@winnetka.org](mailto:aklaassen@winnetka.org)).

- Complete application form (attached);
- Written application materials. Explanation of requested variation(s). Narrative shall address the eight (8) “Standards for Granting of Zoning Variations” (attached);
- Deed proving ownership. (Note: Applications involving property held by a land trust must be signed by the trust officer of the institution holding the trust as 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 the property owner, in addition to the above described proof of ownership.

- Zoning calculations. Lot coverage and gross floor area calculation worksheets (attached);
- Plat of survey. The plat must be full size (to scale), accurate and prepared by an Illinois licensed land surveyor. The plat shall not be more than five (5) years old and must show the lot area, legal description, and all current improvements on the property.
- Project plans. Provide one full size set (to scale) showing the following minimum details:
  - Existing floor plans - fully dimensioned showing all levels of the structure or structures on the subject property. All rooms shall be identified and dimensioned.
  - Existing exterior elevations – elevations must be provided of the existing building elevations that would be changing. All elevations must be fully dimensioned.
  - Site plan – Show and dimension all proposed additions and/or new structures and dimension all distances between the proposed additions and/or structures and the property lines.
  - Proposed floor plans – fully dimensioned of all levels of the structure where changes are proposed. All rooms shall be identified and dimensioned.
  - Proposed exterior elevations – elevations must be provided of all building elevations that are proposed to change. All elevations must be fully dimensioned.
  - Reduced set of plans. A reduced set (8½ x 11) of plans. This reduced set of plans does not need to be to scale, but it must be legible. Please limit one building detail, plan or image to each page.
- Minimum application fee: \$250.00. Final fee is determined upon complete review of application by Village staff, with any balance due prior to the initial hearing. Fee schedule is as follows:
  - Minor Variation: \$250.00
  - Standard Variation: \$400.00
  - Major Variation: \$800.00

VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING VARIATION APPLICATION

Case No. \_\_\_\_\_

**Property Information**

Site Address: \_\_\_\_\_

**Owner Information**

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

Primary Contract: \_\_\_\_\_

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

Phone No. \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Email: \_\_\_\_\_

Date property acquired by owner: \_\_\_\_\_

**Architect Information**

**Attorney Information**

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

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

Primary Contact: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

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

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

City, State, ZIP: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone No. \_\_\_\_\_

Phone No. \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Nature of any restrictions on property: \_\_\_\_\_

Brief explanation of variation(s) requested (attach separate sheet providing additional details): \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# V I L L A G E O F W I N N E T K A , I L L I N O I S

## DEPARTMENT OF COMMUNITY DEVELOPMENT

### 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 hardship, please direct your comments and evidence to each of the following standards:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allow by regulations in that district;
2. The plight of the owner is due to unique circumstances. 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 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; and
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

Attached are 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.

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

Failure to prove a practical difficulty or particular hardship requires 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 conformation 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 GFA 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 increase and additional nonconformities will not be created.

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**Architect Information**

**Attorney Information**

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

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

Primary Contact: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

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

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

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