



CITY OF ELMHURST

Variation Application Packet

Revised: September 2022

PROCESS OVERVIEW

A request for a Variation typically takes three to four months. This process begins with the pre-application conference and submittal of the application, followed by the posting of signs and the notification period. This time also includes a comprehensive review of plans by all City Departments.

The Zoning Board of Appeals will conduct a public hearing. A subsequent meeting of the Zoning Board of Appeals is held to deliberate and recommend approval or denial of the Variation application.

The Development, Planning and Zoning Committee (DPZ) of the City Council then considers the Zoning Board of Appeals recommendation. The DPZ composes a separate recommendation to the City Council.

Finally, the request will go before the full City Council for consideration of the DPZ report and an ordinance to grant the request. This overview is provided only as a summary of the Variation request process. This full packet contains specific information about requirements and expectations for each step in the Variation process.

APPLICANT / PETITIONER RESPONSIBILITIES FOR OBTAINING A VARIATION

- The applicant and property owner must be present at the public hearing of the Zoning Board of Appeals, the Zoning Board of Appeals deliberation, the DPZ Committee meeting, and the initial City Council final approval meeting.
- The applicant must submit a completed application with appropriate exhibits for processing.
- The applicant must respond to requests for additional information or clarification from City Staff
- It is strongly recommended that the applicant speak to the owner of each property that is adjacent to the subject property prior to filing the application.
- The applicant must arrange for the installation of the public hearing sign and the submittal of an affidavit verifying installation within the required notice period.
- At the public hearing of the Zoning Board of Appeals, the applicant must speak before the Board (for the official transcript) addressing specifically each of the standards for Variations.
- **The following standards for Variation must be entered into the record at the public hearing:**
 - a. **The plight of the owner is due to unique circumstances; and**
 - b. **The Variation, if granted, will not alter the essential character of the neighborhood; and**
 - c. **Property in question cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the property if permitted to be used only under the conditions allowed by the regulations in its zone.**

- Again, the applicant and property owner must be present at the public hearing of the Zoning Board of Appeals, the Zoning Board of Appeals deliberation, the DPZ Committee meeting, and the initial City Council final approval meeting to respond to any questions or issues regarding the subject case.

PRE-APPLICATION MEETING

Applicants are encouraged to consult with City of Elmhurst staff on proposed requests for a Variation before submitting an application. Staff is available by appointment at the Community Development Department Monday through Friday from 8:30 a.m. to 5:00 p.m.

This conference will provide the petitioner with an opportunity to present a general concept to staff of the Variation to be requested. This will also allow the Community Development Department Staff to determine what items will be required for submittal of the formal application, and to suggest any necessary adjustments to the request. This step is very important in order to save time, effort, and expense throughout the rest of the process.

COMPLETE APPLICATION SUBMITTAL

The applicant must submit a complete application to the Community Development Department to start the Variation process. The application can either be submitted electronically or on paper. Applications should be submitted at least 45 days prior to the expected public hearing date.

The following items and information are a part of the Variation application:

- 1) Completed Variation application with authorized signatures
- 2) Responses to the Variation standards contained in Section 22.23 of the Elmhurst Zoning Ordinance
- 3) Evidence of ownership such as copy of deed, affidavit, contract purchase, or disclosure of beneficial trust
- 4) Current plat of survey showing lot lines, any buildings on the property and legal description of the subject property (if paper submittal 1 folded copy no smaller than 11" x 17")
- 5) Site plan for proposed development (if paper submittal 1 folded copy no smaller than 11" x 17")
- 6) Accompanying plans for elevations, landscaping, parking, etc. where applicable (if paper submittal 1 folded copy no smaller than 11" x 17")
- 7) Photographs, traffic study, parking study or other materials requested by City Staff

8) Check for \$500.00 Variation application fee, made payable to the City of Elmhurst.

City Staff may request additional exhibits or materials at any time.

Each Variation application is distributed to various City Departments: Building, Engineering, Fire, Police and Public Works for written comment. The Community Development Department staff will forward any comments to the applicant generated from this review.

The applicant is responsible for responding to any and all issues derived from the City's review. This internal process is intended to allow City Staff the ability to review, discuss and resolve site problems and more directly communicate the City's requirements to developers, residents and others. By identifying the applicable codes and ordinances through this process, costly delays from oversights or incomplete applications may be avoided.

After the application has been submitted and all City issues, if any, have been addressed the case will be placed on the next available Zoning Board of Appeals agenda.

PUBLIC NOTIFICATIONS AND SIGNS

- **Public Notice**

Must be published at least once, thirty to fifteen days before the scheduled public hearing, in one or more newspapers with a local circulation. City of Elmhurst Community Development Department Staff will provide this service.

- **Notice to Near-by Property Owners**

Must be sent by first class mail to all owners of property within 500' of any lot line of the property for which the Variation is requested. City of Elmhurst Planning and Zoning Staff will provide this service.

- **Public Hearing Sign**

A sign must be posted on the property by 9:00 a.m. at least 15 days before the public hearing. The applicant must remove the sign within ten days of any final action. Installation and cost of the sign is the responsibility of the Petitioner. City Staff recommends using a local sign company familiar with the specifications of the public hearing sign. The Petitioner must also provide an affidavit stating that the sign has been posted. The sign must meet the following requirements:

Appearance of Sign:

- ✓ Free-standing ground sign, no higher than five feet in overall height
- ✓ Sign face no larger than eight square feet, with no dimension smaller than two feet in length

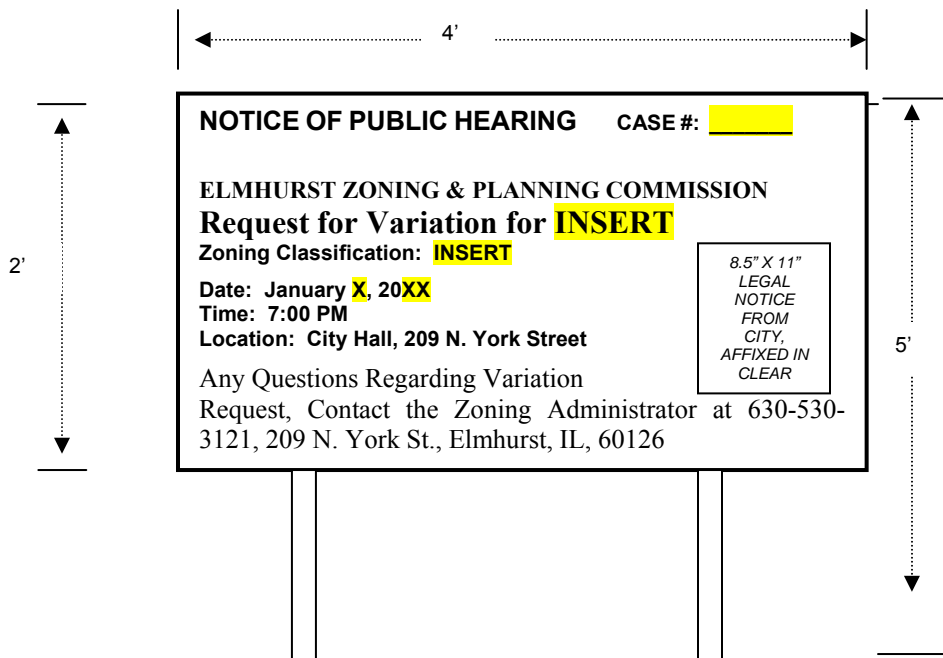
- ✓ White background with black lettering in bold print, the lettering to be no less than 1 inch in height and 3/4 inches wide
- ✓ Setback no less than 12 feet from property line and no closer than 10 feet from any structure on lot

Sign Content Information:

- ✓ Present zoning classification of the property
- ✓ Requested Variation
- ✓ Date, time, and place of public hearing
- ✓ 8½ inch x 11-inch copy of the legal notice from the City of Elmhurst attached to the sign in a clear plastic cover
- ✓ This statement: QUESTIONS REGARDING THE REQUESTED VARIATION SHOULD BE DIRECTED TO ZONING ADMINISTRATOR, 209 N. YORK RD., ELMHURST, IL 60126, (630) 530-3121

NOTE:

THE PUBLIC HEARING SIGN MUST REMAIN POSTED UNTIL THE CITY COUNCIL HAS TAKEN FINAL ACTION. THE SIGN MUST BE REMOVED WITHIN TEN (10) DAYS OF SUCH FINAL ACTION.



ZONING BOARD OF APPEALS

The public hearing is an opportunity for the Zoning Board of Appeals to hear and assemble a record of testimony from the applicant and other concerned parties regarding the requested Variation.

At the public hearing of the Zoning Board of Appeals:

- The applicant and owner must be present. The applicant and owner of the subject property must be present at the public hearing of the Zoning Board of Appeals in order to answer any questions or to respond to requests for further information.
- A court reporter will be present to record all verbal testimony provided at the public hearing, ultimately producing a transcript for each case.
- **The applicant must speak before the Board (for the official transcript) addressing the requested proposal and each of the standards for Variation. The standards for a Variation are as follows:**
 - a. **The plight of the owner is due to unique circumstances; and**
 - b. **The Variation, if granted, will not alter the essential character of the neighborhood; and**
 - c. **Property in question cannot yield a reasonable return or provide the owner or tenants a reasonable enjoyment of the property if permitted to be used only under the conditions allowed by the regulations in its zone.**
- The applicant may have to respond to questions from Board members and/or interested parties in the audience. All communications and responses to questions or issues should be addressed to the Zoning Board of Appeals.
- The Zoning Board of Appeals shall, before making any Variation from the ordinance in a specific case, first determine that there is a practical difficulty or particular hardship, and that the proposed Variation or modification thereof will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Elmhurst.

Typically, the Board members will place the subject case on their next agenda for deliberation and may request further information from the staff and/or applicant.

At their next meeting the Zoning Board of Appeals will deliberate on the case and vote to recommend either approval or disapproval of the request to City Council. In order for the Zoning Board of Appeals to recommend approval of the Variation request, the Board must find that the proposed request meets the standards described above.

DEVELOPMENT, PLANNING AND ZONING COMMITTEE (DPZ)

The recommendation of the Zoning Board of Appeals will be forwarded to the Development, Planning and Zoning Committee. The Committee will consider the information in the Zoning Board of Appeals report and the transcript of the public hearing, as well as any other information the members of the Committee consider relevant in order to develop a recommendation for the full City Council. The Development, Planning and Zoning Committee will forward their recommendation to the full City Council.

The applicant is required to attend the Development, Planning and Zoning Committee meeting, which is held the second and fourth Mondays of each month. The Planning and Zoning staff will inform you when you will be placed on the DPZ agenda.

CITY COUNCIL

In this final step, the City Council will take into consideration all of the information compiled thus far in the process. At the first of the two City Council meetings for each case, they will vote to accept or not accept the report of the Development, Planning & Zoning Committee. It is expected that the applicant attend this meeting, which are held the first and third Mondays of each month.

At the next regularly scheduled Council meeting, the Council will make a decision to either approve or disapprove an ordinance that would allow the requested Variation. After the ordinance is approved and signed by the Mayor and the City Clerk, the applicant must remove the public notice sign from the property.

The applicant will have nine months from the date of approval to begin the building process by applying for a building permit. If no action has been taken in nine months, the ordinance granting the Variation will be revoked.

VARIATION PROCESS

