



VILLAGE OF GLEN ELLYN

---

## **Sign Variation Application Packet**

*Planning & Development Department  
535 Duane Street – Glen Ellyn, IL 60137 – Telephone 630.547.5250 – Fax 630.547.5370*

**VILLAGE OF GLEN ELLYN, ILLINOIS**  
**Planning & Development Department**  
**535 Duane Street**  
**Glen Ellyn, Illinois 60137**  
**(630) 547-5250**

**SIGN VARIATION APPLICATION PACKET**

---

Contents

1. Information Sheet for Potential Sign Variation Requests and Related Options.
2. Sample Schedule for a Sign Variation.
3. Description of the Sign Variation Request Process and Instructions.
4. Application for Sign Variation Form.

## VILLAGE OF GLEN ELLYN, ILLINOIS

### INFORMATION SHEET FOR POTENTIAL SIGN VARIATION REQUESTS AND RELATED OPTIONS

---

Note: This Information Sheet should be provided to each person who has been advised by a staff member of the Village Planning & Development Department, acting in his or her official capacity, that the project proposed by such person requires the granting of one or more variations from the Glen Ellyn Zoning Code.

---

This Information Sheet lists options available to you now that you have been officially advised by the staff of the Planning & Development Department that your proposed project requires the granting of one or more variations from the Glen Ellyn Sign Code (Ord. 3995, 3-8-1993, as amended). The options listed below are not intended to be exhaustive nor are they mutually exclusive. For example, you could decide to proceed under options 1 and 2 below as alternatives.

- OPTION 1 - You could (1) decide not to revise your proposed project to reduce or eliminate the required sign variation(s); and (2) apply for the required sign variation(s). If this option is chosen, you will need to apply for approval of a sign variation.
- OPTION 2 - You could (1) revise your proposed project to reduce the number and/or degree of the required sign variation(s); and (2) apply for the required sign variation(s) for your revised proposal.
- OPTION 3 - You could revise your request to eliminate the need for a sign variation.
- OPTION 4 - You could decide not to revise or proceed with your proposed project.
- OPTION 5 - You could appeal the Village staff's interpretation of the Sign Code. Per Section 4-5-14 of the Sign Code, all appeals are reviewed by the Village Board. The Building and Zoning Official will take no further action on the matter pending the Village Board's decision, except for unsafe signs which present an immediate and serious danger to the public.

Regardless of the option you choose, members of the Village staff will be available to continue working with you in an effort to bring your request to a conclusion.

**VILLAGE OF GLEN ELLYN, ILLINOIS**  
**SAMPLE SCHEDULE FOR A SIGN VARIATION**

---

1. Two (2) copies of the application packet are submitted to the Village
2. Staff will attempt to review the application and get comments back to you within 2 weeks of receipt (30 days if the request is associated with additional applications/requests)
3. After the application is determined complete, it is placed on next available Architectural Review Commission (ARC) Agenda
  - 15-30 days before the public hearing a notice is published in the local newspaper and a sign is placed on the property
  - Usually about 6 weeks from the date of submittal to the public hearing
4. Public hearing before ARC
5. Minutes/Transcripts from hearing prepared and forwarded to the Village Board
6. Sign Variation considered by the Village Board

Steps 1 – 6: Approximately 60 to 90 days

Please Note: The above table is for sign variation requests that are submitted by themselves. Sign variation requests that are submitted in association with other applications such as a Special Use Permit, Subdivision, Planned Unit Development or Exterior Appearance application will take longer to process than what is represented in the above sample schedule.

VILLAGE OF GLEN ELLYN, ILLINOIS

DESCRIPTION OF THE SIGN VARIATION REQUEST  
PROCESS AND INSTRUCTIONS

---

I. OVERVIEW

- A. Introduction. In general, the sign variation process involves the following three steps (each of which is described in more detail below):

STEP 1: Application. Sign variation requests are initiated by filing a completed Application for Sign Variation form, together with other supporting documents and materials, with the Director of the Village Planning & Development Department.

Prior to completing the Application for Sign Variation form, applicants and their representatives, if any, are strongly encouraged to carefully review the Glen Ellyn Sign Variation Request Package and to become familiar with the applicable provisions of the Sign Code.

STEP 2: Public Hearing before the ARC and Recommendation to the Village Board. After notice has been published, a public hearing on the requested sign variation(s) will be held before the ARC. Based on the evidence presented at the hearing by or on behalf of the applicant or by others, the ARC is required to make specific findings of fact to support its recommendation to the Village Board regarding the requested sign variation(s). See I.B. below for a brief description of the findings/standards that must be met to receive approval of a sign variation.

STEP 3: Village Board Action. After the minutes or transcript of the public hearing containing the Commission’s findings of fact and recommendation have been delivered to the Village Board, the Village Board will consider the requested sign variation(s). Under the Sign Code, the Village Board has the final authority to act on the requested sign variation(s).

Questions regarding the sign variation process should be directed to the Planning & Development Department at (630) 547-5250.

- B. Required Findings of Fact/Standards for a Variation: Set forth below is a short summary of the principal findings of fact or standards which must be met in order for the ARC to recommend, and the Village Board to grant, a requested variation

from the Sign Code. This summary is a simplified version of the Statement of Purpose in Section 4-5-2 of the Sign Code and the variation standards in Section 10-10-12(C) of the Zoning Code, which the applicant is referred to for the governing legal language.

All of the following findings of fact or standards must be established and met to support a requested sign variation (since #3 below consists of two alternatives, only one of the two is required; however, the applicant may present evidence on both alternatives):

1. The request complies with the stated purpose of the Glen Ellyn Sign Code; and
2. There would be a practical difficulty or particular hardship for the applicant/owner resulting from the characteristics of the property in question if strict compliance with the Sign Code were required (i.e., if no sign variation were granted); and
3. Either:
  - (A) The property in question cannot yield a reasonable return without the requested sign variation, or
  - (B) The plight of the applicant/owner is due to unique circumstances relating to the property in question; and
4. Granting the requested sign variation will not alter the essential character of the locality of the property in question.

Applicants are also referred to Section 10-10-12(D) of the Zoning Code for a list of supplemental findings. The primary purpose of both the Application for Variation form and the public hearing before the ARC is to elicit evidence related to these findings of fact or standards upon which the ARC and the Village Board can base their actions on the requested sign variation(s).

## II. APPLICATION FOR SIGN VARIATION AND RELATED MATTERS

- A. Application for Variation: The following items must be submitted with a request for approval a sign variation. The required submittals list may alter depending on the type and scope of the proposed project. Staff may, at its discretion, waive any of the following submittal requirements if additional plans or material are deemed relevant to the request. Prior to submitting a formal application, the applicant may wish to contact the Planning and Development Department to obtain a checklist of items required to be submitted with a specific sign variation request.

1. A properly completed Application for Sign Variation form.

2. An application fee must be paid at the time the application is made. Staff will inform the Petitioner of the amount. An escrow (amount to be determined by the Planning and Development Director) will also be required to pay out of pocket Village expenses related to public notice costs, recording costs and other items related to the application.
  3. Proof of ownership from the most recent title insurance policy, deed or commitment covering the property in question.
  4. Disclosure of Interest, identifying all parties with 5% or more interest in the property (form attached).
  5. If the property is owned by an individual or organization other than the applicant, an affidavit of authorization must be submitted, giving the applicant the right to file the application on behalf of the owner (form attached).
  6. Plat of Survey.
  7. Table indicating the type and size of all existing and proposed signs (see attached).
  8. A sign plan (at a scale of no less than 1 inch = 100 feet) showing:
    - Property lines – existing and proposed
    - Major site features – building footprints, parking lots, drive aisles, etc.
    - Location of all signs
    - Setback(s) of all proposed signs
    - Other data that may be necessary for the review of the application
  9. If the sign is proposed to be placed on a building wall, a building elevation drawn to scale showing the proposed sign(s) and indicating its mounting height must be submitted.
  10. Sign elevations, dimensioned and drawn to scale, and including information about the total square footage of any proposed sign.
- B. Village Review: Village staff attempts to review all applications within two (2) weeks of receipt. When the Application for Variation and accompanying items appear to be complete and in good order, the requested sign variation(s) will be scheduled for consideration at a public hearing before the ARC. If the sign variation application is submitted with an exterior appearance application, the requests will be reviewed simultaneously.

- C. Public Hearing Notices and Related Matters: Village staff will produce a legal notice of the public hearing before the ARC to be published not more than 30 or less than 15 days before the beginning of the hearing in one or more newspapers generally circulated within the Village. Such legal notice will state the time, date and location of the hearing and the particular location of the property in question and briefly describe the requested sign variation(s).

The Planning & Development Department will forward the Sign Variation Application and all accompanying and related items to the ARC for the public hearing. Applicants are advised that members of the ARC and Village Board may visit the property in question to inspect it for themselves prior to the hearing.

### III. PUBLIC HEARING BEFORE THE ARCHITECTURAL REVIEW COMMISSION

- A. Time, Date and Location: Regularly scheduled meetings of the ARC are on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at 7:30 p.m. on the third floor of the Civic Center at 535 Duane Street, Glen Ellyn, Illinois.
- B. Public Hearing: The public hearing before the ARC is typically divided into five separate stages (which are described in more detail below) – (1) Staff Presentation, (2) Petitioner’s Presentation, (3) Public Participation, (4) Commission Deliberation, and (5) Findings of Fact & Recommendation by the Commission.
1. Staff Presentation: The Village staff will present a general overview of the applicant’s request based on the applicant’s submittals and/or adherence to the Village’s Sign Code.
  2. Petitioner’s Presentation: After the Village staff’s presentation, the applicant is given the opportunity to present his or her case. It is the responsibility of the applicant and/or his or her representatives to present evidence supporting the requested sign variation(s) in a complete and logical manner and to have all supporting documentation available at the hearing.
  3. Public Participation: The purpose of the public participation portion of the hearing is to give the public an opportunity to testify and to present evidence related to the requested sign variation(s). Pursuant to State law, all testimony by witnesses in the hearing must be given under oath.
  4. Commission Deliberation/Findings of Fact: The Commission then discusses whether the evidence presented at the hearing is sufficient to establish and meet the findings/standards required to support a requested sign variation. (See I.B. above for a short summary of the requisite findings/standards for a variation). Following this discussion, the Commission makes its recommendation and findings of fact, based on the evidence presented during the public participation portion of the hearing to the Village Board concerning the requested sign variation(s).

5. Vote: An affirmative vote of a majority of ARC members present at the meeting is necessary to recommend the granting of a requested sign variation to the Village Board.

The Commission may recommend to the Village Board a lesser variation than the requested sign variation. In addition, the ARC may recommend to the Village Board such conditions and restrictions upon the property in question as may, in the opinion of the Commission, be necessary (1) to comply with the standards for a variation or to reduce or minimize the injurious effect of the variation upon other property in the neighborhood.

#### IV. VILLAGE BOARD ACTION

After a record of the public hearing containing the Commission's findings and recommendations has been delivered to the Village Board, the Village Board considers the requested sign variation(s) against the findings/ standards required for a variation. The Village Board may choose to consider the requested sign variation(s) at a workshop meeting before the request is considered at the regular meeting of the Village Board. The Village Board has final authority to act on the requested sign variation(s).

The Village Board holds its meetings on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Mondays of every month at 8:00 PM. Pre-Board Workshops precede these meetings an half-hour to an hour before. On the third (3<sup>rd</sup>) Monday of the month, the Village Board holds a workshop, where it discusses various requests but does not act on any applications.

Without further public hearing, the Village Board may grant, deny or amend the recommendation for variation or refer the requested sign variation back to the ARC for further consideration.

A sign variation may only be granted by an ordinance which is duly passed and approved by the Village Board and President. After final action by the Village Board, the Village Clerk will notify the applicant and the Planning and Development Department of the decision of the Village Board.

Applicants should note that unless a sign permit is applied for within 18 months after the approval of an ordinance granting a sign variation, the ordinance granting the sign variation becomes null and void (unless the 18-month time limit is expressly extended by the Village Board by ordinance).

**VILLAGE OF GLEN ELLYN**  
**535 Duane Street**  
**Glen Ellyn, Illinois 60137**  
**(630) 547-5250**

**APPLICATION FOR SIGN VARIATION**

---

Note to the Applicant:      This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

---

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Sign Code, as described in this application.

I.      **APPLICANT INFORMATION**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Ownership Interest in the Property in Question: \_\_\_\_\_  
Name and address of the legal owner of the property (if other than the applicant):  
\_\_\_\_\_  
\_\_\_\_\_

II.     **PROPERTY INFORMATION**

Common address: \_\_\_\_\_ Permanent tax index number: \_\_\_\_\_  
Zoning classification: \_\_\_\_\_ Present use: \_\_\_\_\_

III.    **INFORMATION REGARDING THE VARIATION(S) REQUESTED**

List of the variation(s) requested, including identification of the Sign Code provisions from which the variation is sought:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. EVIDENCE RELATING TO SIGN CODE STANDARDS FOR A VARIATION

The following items are intended to elicit information to support conclusions by the ARC and the Village Board that the required findings/standards for a variation have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested

1. Indicate how you believe the request variation conforms to the Statement of Purpose in Section 4-5-2 of the Sign Code:

---

---

---

---

---

2. Provide evidence that there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Sign Code:

---

---

---

---

---

3. (a) Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Sign Code (i.e., without one or more variations):

---

---

---

---

OR

- (b) Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

---

---

---

---

4. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

---

---

---

---

B. For the purpose of supplementing the above standards, the ARC, in making its recommendation that there are practical difficulties or particular hardships, may also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Sign Code were to be carried out:

---

---

---

---

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

---

---

---

---

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

---

---

---

---

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

---

---

---

---

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

---

---

---

---

6. Provide evidence that the proposed variation will not:

a. Impair an adequate supply of light and air to adjacent property;

---

---

b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

---

---

c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

---

---

d. Diminish or impair property values within the neighborhood;

---

---

e. Unduly increase traffic congestion in the public streets and highway;

---

---

f. Create a nuisance; or

---

---

g. Results in an increase in public expenditures.

---

---

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.

---

---

---

---

8. Please add any additional comments which you believe may assist the ARC in reviewing this application.

---

---

---

---

VIII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Sign Variation Request Package and applicable provisions of the Glen Ellyn Sign Code.

I (We) understand that this application will not be submitted to the Review Boards and Commissions until all items on the attached list are reviewed by Village staff.

---

---

Signature of Applicant(s)

---

Date filed

**OWNERSHIP BY A CORPORATION**

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

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

Legal Description: \_\_\_\_\_

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

**LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ % \_\_\_\_\_

**OWNERSHIP BY LAND TRUST**

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

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

Legal Description: \_\_\_\_\_

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

TRUSTEE: \_\_\_\_\_ TRUST NO. \_\_\_\_\_

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

**LIST ALL BENEFICIARIES:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**AFFIDAVIT OF AUTHORIZATION**

I, \_\_\_\_\_ owner of the property described as

---

---

---

verify that \_\_\_\_\_  
is duly authorized to apply and represent my interests before the Glen Ellyn Architectural Review Commission, Plan Commission, Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
NOTARY

**SIGN TABLE**

**- ALL EXISTING AND PROPOSED SIGNS -**

**Conforms**

<u>Key Words</u> <u>Yes/No</u>	<u>Height</u>	<u>Size</u>	<u>Sq. Ft.</u>	<u>Existing</u> <u>or</u> <u>Proposed</u>	<u>Type</u> <u>as per</u> <u>Village</u> <u>Sign Code*</u>	<u>Village</u> <u>Sign</u> <u>Code</u>
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____
_____	_____	_____	' X _____ ' = _____	_____	_____	_____

**LOCATE ALL SIGNS (Existing & Proposed) ON ATTACHED SITE PLAN AND A FAÇADE DRAWING.**

**\*Primary = P**

**Shopping Center = SC**

**Incidental = I**

**Other = O – Identify as per the Village Sign Code**

**Glen Ellyn Project Submittals List**

**Item Required (X)**

- |     |                                  |       |
|-----|----------------------------------|-------|
| 1.  | Application                      | _____ |
| 2.  | Fee                              | _____ |
| 3.  | Escrow                           | _____ |
| 4.  | Reimbursement of Fee Agreement   | _____ |
| 5.  | Proof of Ownership               | _____ |
| 6.  | Disclosure of Interest           | _____ |
| 7.  | Affidavit of Authorization       | _____ |
| 8.  | Plat of Survey/Legal Description | _____ |
| 9.  | Sign Table                       | _____ |
| 10. | Sign Plan                        | _____ |
| 11. | Building Elevation Drawings      | _____ |
| 12. | Sign Elevations                  | _____ |
| 13. | Other                            | _____ |
| 14. | Other                            | _____ |

**REIMBURSEMENT OF FEES AGREEMENT**

Village of Glen Ellyn Acct: # \_\_\_\_\_

Initial Deposit Amount: \_\_\_\_\_

I. DESCRIPTION OF PROJECT: \_\_\_\_\_

II. OWNER:

A. Owner of Property: \_\_\_\_\_

B. Owner's Address: \_\_\_\_\_

C. Owner's Home Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

D. Owner's Work Phone Number: \_\_\_\_\_

E. Owner's E-mail: \_\_\_\_\_

F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner):

A. Name of Petitioner: \_\_\_\_\_

B. Petitioner's Address: \_\_\_\_\_

C. Petitioner's Home Phone Number: \_\_\_\_\_

D. Petitioner's Work Number: \_\_\_\_\_

E. Petitioner's E-mail: \_\_\_\_\_

IV. LOCATION OF PROPERTY:

A. General Location of Property: \_\_\_\_\_

B. Acreage of Parcel: \_\_\_\_\_

C. Permanent Index Number(s): \_\_\_\_\_

D. Legal Description (Please attach)

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-

pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission or Architectural Review Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$500. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

\_\_\_\_\_  
Petitioner

Village of Glen Ellyn

\_\_\_\_\_  
Owner

By: \_\_\_\_\_  
Planning and Development Director

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

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