



VILLAGE OF GLEN ELLYN

Administrative Zoning Variation Application

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

VILLAGE OF GLEN ELLYN, ILLINOIS

Procedures and Checklist

Any minor variation to the Village's bulk regulations for existing single family, detached structures including lot coverage variances less than or equal to 10% of the lot coverage ratio requirement on structures subject to a 20% lot coverage ratio and/or yard setback variances less than 20% of the setback requirement may be heard and decided by the Director of Community Development as an administrative variation.

A. Procedures:

1. Pre-Application Meeting. The applicant meets with the Director of Community Development or his/her designee to discuss the proposal.
2. File Application. The applicant files a complete application with the Director of Community Development (see Section B for application requirements).
3. Staff Review. The Director of Community Development shall review the application against the Variation Standards contained in Section C.
4. Neighbor Notification. If the Director of Community Development finds that the requested variation meets the standards of the Village Code, the Village will send notice to neighbors within a one property radius (excluding the right of way). The notice will be sent with a copy of the variation application by certified mail. If there are no written objections filed with the Director of Community Development within 15 days of the postmarked date of the mailing, the administrative variation will be granted. If an administrative variation is denied, the applicant may file for a variation to be heard before the Zoning Board of Appeals.
5. Approval Letter. After approval, the applicant will be issued an approval letter. A copy of this letter will be recorded in the office of the Recorder of Deeds of DuPage County. The variance will be valid for 24 months from the date of issuance of the approval letter.
6. Building Permit. The applicant may apply for a building permit through the Community Development Department. A copy of the variance approval letter must be submitted with the building permit application. *A variance application does not initiate a building permit application.*

B. Application Checklist:

1. Application Form. Filled out by the applicant (form attached). ____
2. Fee. \$250. The fee for administrative variation includes staff time to review the request, the cost to notice the surrounding property owners by certified mail of the variation request and the cost to record the approval letter with the Recorder of Deeds of DuPage County. No portion of the fee will be refunded if the variation is not approved. ____
3. Narrative Statement. Document addressing the standards applicable to zoning variations by answering all 8 of the variation evidence factors as contained in Section C. **All standards must be individually addressed in narrative format to explain why the variance is warranted.** An administrative variation may be granted by the Director of Community Development only if the standards applicable to variations are addressed. ____
4. Evidence of Ownership. Documentation of applicant's ownership of or interest in the property (deed, title policy or current tax bill). ____
5. List of Adjoining Property Owners. A list of all property owners and addresses within a one property radius in all directions of the subject property, including across the street. ____
6. Plat of Survey. One (1) copy of a current Plat of Survey of the property made by a registered Illinois Professional Land Surveyor, including all existing structures located on the property. ____
7. Site Plan. Two (2) folded copies, plus one (1) reduced copy of a Site Plan, showing the location and dimensions of the proposed improvements. This can be drawn on a copy of the Plat of Survey. ____
8. Building Plans. If the project involves a building addition, include two (2) folded copies, plus one (1) reduced copy of:
 - Preliminary floor plan (detailed architectural plans not required) ____
 - Simple elevation plan or design drawing ____
9. Affidavit Affirming No Conflict of Interest Filled out by the applicant (form attached). ____
10. Supporting Materials. (Optional) Photographs or any other information deemed necessary by the applicant to support the application. ____

An application will not be accepted and processed until all of the applicable items required above have been submitted with the application.

Any questions pertaining to the Village's administrative variation application procedures should be directed to the Community Development Department at (630) 547-5250.

C. Variation Standards:

The Director of Community Development may grant administrative variations from certain regulations of the zoning ordinance when such variations are in harmony with the general purpose and intent of the zoning ordinance. The Director of Community Development may grant an administrative variation only if the applicant seeking the variation demonstrates and establishes the following:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and that the variation, if granted, will not alter the essential character of the locality; or
2. The plight of the owner is due to unique circumstances; and that the variation, if granted, will not alter the essential character of the locality;

Variation Evidence. For purposes of demonstrating and establishing the above standards applicable to zoning variations, the applicant must address each of the following:

1. The particular physical surroundings shape or topographical condition of the property involved prevents compliance with the strict application of the regulations of the zoning ordinance rather than causing a mere inconvenience if there is compliance with the strict application of the regulations of the zoning ordinance.
2. 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. The purpose of the variation is not based primarily upon a desire to enhance the monetary value of the property.
4. The alleged practical difficulty or particular hardship has not been created by any person presently having any interest, whether financial, beneficial, legal or other, in the property or by the applicant.
5. The granting of the variation will not be detrimental to the public welfare, injurious, in any way whether economic, aesthetic or otherwise, to other property or improvements in the neighborhood or inconsistent with the general character of the area or neighborhood.
6. The proposed variation will not:
 - a) Impair an adequate supply of light and air to adjacent property;
 - b) Substantially increase hazard from fire or other dangers to said property 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 public streets and highways; Create a nuisance;
or
 - f) Result in an increase in public expenditures
7. That the variation is the minimum variation that will make possible the reasonable use of the land, building or structure;
 8. In the case of a planned unit development, that the granting of the variation will not significantly compromise the character and concept of the planned unit development.

*No single factor recited above shall be controlling or determinative. All applicable factors shall be weighed and evaluated in an overall determination of whether the standards applicable to zoning variations have been satisfied. **The Community Development Director is not required to approve the full variation requested when a variation of less extent than that contained in the request is more appropriate.***

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

APPLICATION FOR ADMINISTRATIVE ZONING VARIATION

For the property at _____ Glen Ellyn, IL 60137

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

You may attach separate sheets of paper as needed to answer any of the following questions.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: _____

Address: _____

Phone No.: _____

Fax No.: _____

E-mail: _____

Ownership Interest in the Property in Question:

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

Is the property in question subject to a contract or other arrangement for sale with the fee owner? (MARK "Yes" or "No")

YES

NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (MARK "Yes" or "No")

YES

NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: _____

Permanent tax index number: _____

Legal description:

Zoning classification: _____

Lot size: _____ ft. x _____ ft. Area: _____ sq. ft.

Present use:

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

Estimated date to begin construction: _____

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

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

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning 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:

3. 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, Village staff, in making their decision that there are practical difficulties or particular hardships, shall 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 Zoning 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 comments which may assist Village staff in reviewing this application.

VI. 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 Zoning Administrative Variation Application and applicable provisions of the Glen Ellyn Zoning Code.

| | | |
|-------|------------|------------------------|
| _____ | _____ | _____ |
| Date | Print Name | Signature of Applicant |
| _____ | _____ | _____ |
| Date | Print Name | Signature of Applicant |
| _____ | _____ | _____ |
| Date | Print Name | Signature of Applicant |

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as:

verify that _____ is
duly authorized to apply and represent my interests for approval of an administrative zoning
variation with the Glen Ellyn Village staff. Owner acknowledges that any notice given applicant is
actual notice to owner.

OWNER SIGNATURE

Subscribed and sworn to before me this
_____ day of _____, 20____

Notary Public

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: _____ % _____

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: _____

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Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Affidavit Affirming No Conflict of Interest

The undersigned, being duly sworn and under oath, states as follows:

1. My name is _____, and I hold the position of _____ for _____ (“*Applicant*”).
2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the Applicant to make the representations and statements in this Affidavit on the Applicant’s behalf in support of the application for development approval (“*Application*”) the Applicant filed with the Village of Glen Ellyn (“*Village*”).
4. To the best of my knowledge, and as of the Application’s date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
5. To the best of my knowledge, and as of the Application’s date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the Applicant, the Application, or the project proposed by the Applicant.
6. I will immediately notify the Village if the Applicant learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: _____

Title: _____

Applicant’s Name: _____

Subscribed and sworn to me this

_____ day of _____, 20__.

Notary Public