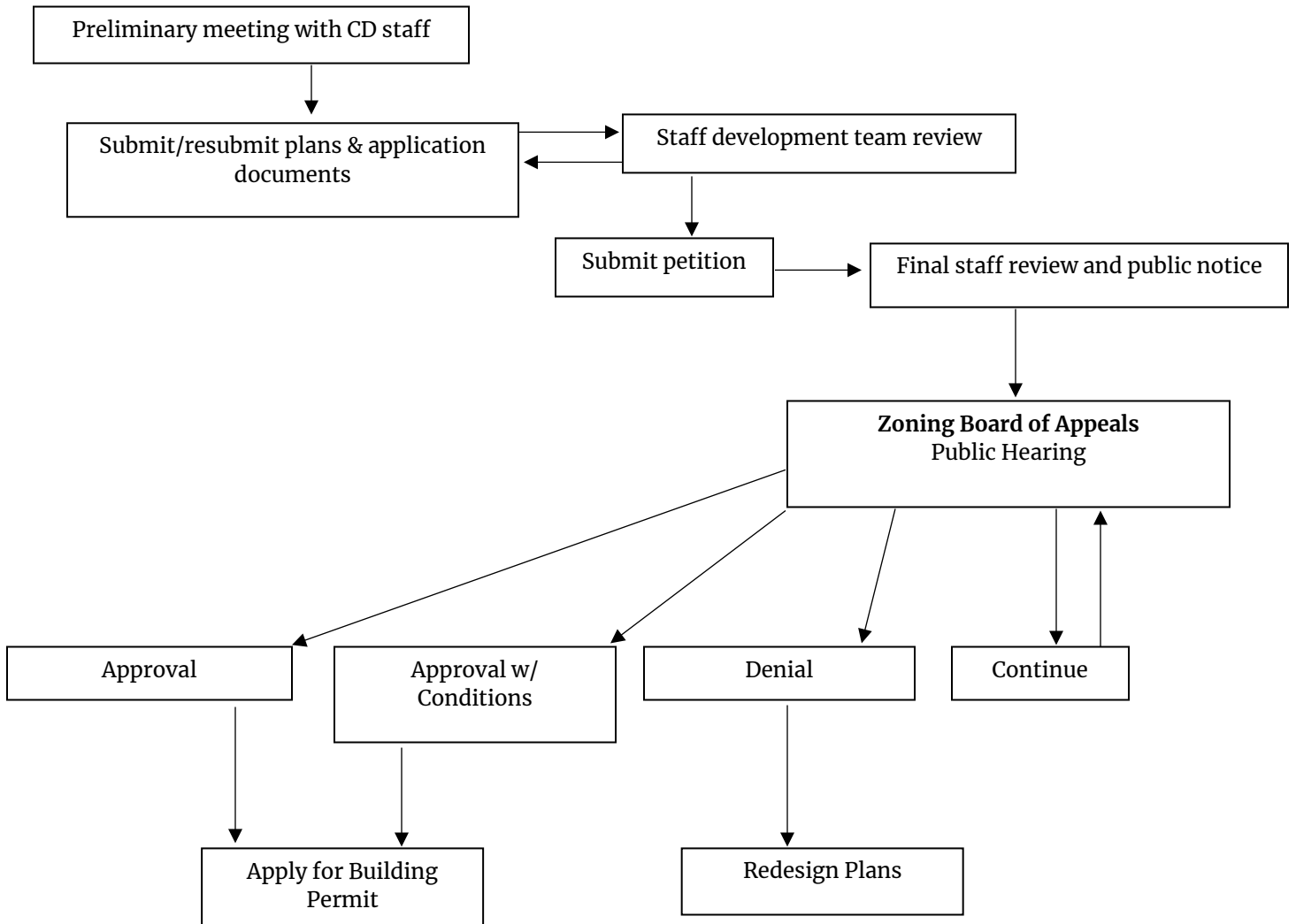




Process - Zoning Board of Appeals

1. **Preliminary Meeting with Community Development Staff:** A preliminary meeting with Department of Community Development (CD) staff should be scheduled to discuss the proposed project and to outline the Zoning Board of Appeals process. At this meeting the petitioner will receive preliminary feedback of the proposal based on the planning documents and policies of the Village of Downers Grove. A concept plan consisting of scaled sketches, existing and proposed site data and a Plat of Survey should be available for review by CD staff.
2. **Submittal for Public Hearing:** Prior to submitting all application materials, the petitioner should submit one complete set of application materials and plans to CD to ensure that they are in compliance with submittal requirements. All plans and supporting documents must be submitted via the Village online portal no less than one month prior to the anticipated public hearing (contact CD staff for exact submittal deadline and agenda availability). Staff will review the plans and request additional information, if necessary, prior to the public hearing.
3. **Zoning Board of Appeals Hearing:** When the proper submittals have been received, a Zoning Board of Appeals hearing is scheduled and noticed. The Village will place a notification sign on the subject property, place a notice in the local newspaper, and mail notification letters to all property owners within 250 feet of the property. The staff report will be available prior to the Zoning Board of Appeals meeting. The Zoning Board of Appeals holds a Public Hearing at which the petitioner makes a formal presentation to the Board and answers any questions concerning the proposal and the standards and review criteria (see General Procedures for Public Hearing). The ZBA will make a motion to approve, approve with modifications or deny the request(s). If the request is approved, the applicant may prepare construction drawings and submit an application for a building permit, as applicable.

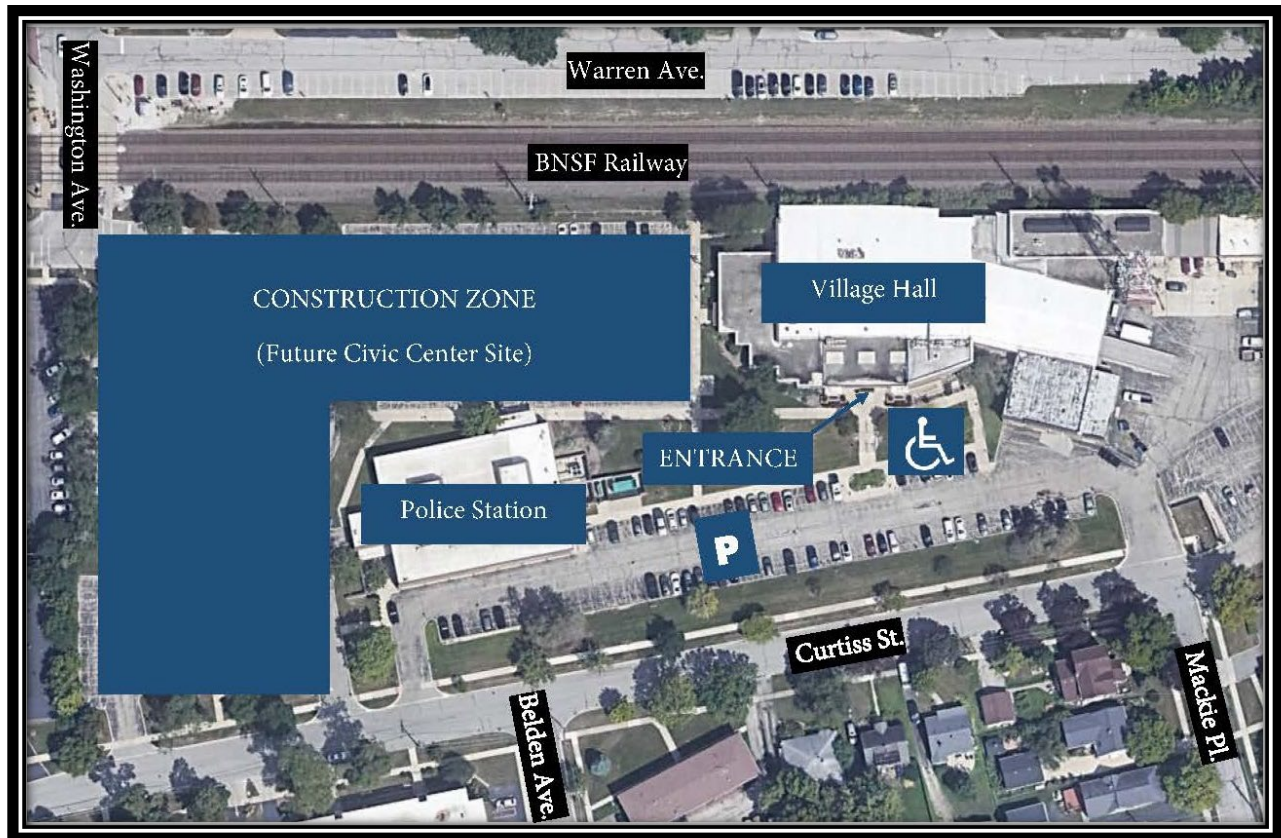
Zoning Relief Process Flowchart



Meeting Schedule

Zoning Board of Appeals

The Village of Downers Grove Zoning Board of Appeals generally meets on the Fourth Wednesday of each month at 7:00 P.M. in the Village Hall Council Chambers, 801 Burlington Avenue, Downers Grove, IL 60515.



General Procedures for Public Hearings

Anyone wishing to speak must be sworn in. Those speaking are asked to use the microphone and to speak clearly. Please begin by stating your name, address and note if you have been sworn in. Being sworn in does not obligate you to speak, but you must be sworn in should you decide to speak tonight.

The Hearing Body (e.g. Plan Commission, Zoning Board of Appeals, Village Council, etc.) may impose reasonable limitations on evidence or testimony, such as time limits and barring repetitious, irrelevant or immaterial testimony. Time limits, if imposed, shall be fair and equally administered.

The following process will be followed for each petition on the agenda:

1. The public hearing will be called to order.
2. Anyone wishing to speak will be sworn in.
3. The Petitioner will present testimony regarding their petition, after which the Hearing Body may question the Petitioner and any of the Petitioner's witnesses.
4. Members of the public may question the Petitioner and/or any of the Petitioner's witnesses and offer any sworn testimony (comments, opinions, etc.).
5. After the public has completed its commentary, the Hearing Body may question any member of the public who has spoken regarding their testimony.
6. The Petitioner may then cross-examine any member of the public who has spoken.
7. Village Staff will present their report regarding the petition, after which the Hearing Body may ask questions of the Staff.
8. The Petitioner is afforded an opportunity to make a closing statement.
9. Motion.
10. Deliberation by the Hearing Body.
11. Clarifying or summary comments by each member of the Hearing Body (optional).
12. Roll Call Vote.

Note: These general guidelines are provided to help those in attendance at public hearings to follow and participate in the process. These guidelines are not binding and may be amended or deviated from as the Hearing Body determines to be necessary.



Zoning Board of Appeals: Administrative Adjustment

Form #ZA1

Section 28.12.070

Project Title and Address: _____

Administrative adjustments provide relatively minor forms of zoning relief and are approved by the Community Development Director. A public hearing is not required for this request, but notices will be mailed to property owners of any property within 100 feet of the subject property.

From the Downers Grove Municipal Code [Chapter 28 – Zoning Ordinance](#), Article 12.070, Administrative Adjustments:

Section 28.12.070.B Authorized Administrative Adjustments

1. The community development director is authorized to grant the following administrative adjustments for principal and accessory buildings or structures:
 - a. a reduction of the minimum required lot area by up to 10%;
 - b. a reduction of the minimum lot width by up to 10%; and
 - c. a reduction of minimum required setbacks by up to 10% or 2 feet, whichever is greater.
2. The community development director is authorized to grant an administrative adjustment reducing minimum required off-street parking or loading requirements by 10% or up to one space, whichever is greater.

The following standards must be addressed in order for the Community Development Director to grant an administrative adjustment.

Section 28.12.070.G Standards and Review Criteria

Administrative adjustments may be approved only when the community development director determines that any specific standards associated with the authorized administrative adjustment and the following general approval criteria have been met:

1. the requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;
2. the requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare; and
3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.



Zoning Board of Appeals: Zoning Exception

Form #ZA2

Project Title and Address: _____

A zoning exception grants relief to specific zoning regulations for non-conformities that would not otherwise meet the standards and review criteria for a variation.

From the Downers Grove Municipal Code [Chapter 28 – Zoning Ordinance](#), Article 12.080, Zoning Exceptions:

Section 28.12.080.B Authorized Exceptions

The zoning board of appeals is authorized to grant the following zoning exceptions:

1. Expansion of non-conforming uses, in accordance with Sec. 11.030.C.2;
2. Re-establishment of an abandoned non-conforming use, in accordance with Sec. 11.030.F.1.d; and
3. Extension of an existing building wall located within a required setback, in accordance with Sec. 11.040.C.2.

The following standards must be addressed in order for the Zoning Board of Appeals to grant a zoning exception.

Section 28.12.080.G Standards and Review Criteria

Zoning exceptions may be approved by the zoning board of appeals only when the board determines that any specific standards associated with the authorized zoning exception and the following general approval criteria have been met:

1. The requested zoning exception is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;
2. The requested zoning exception will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare;
3. The proposed zoning exception will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
4. The proposed zoning exception demonstrates high-quality design and uses construction materials and colors that are compatible with other structures on the property and other properties in the vicinity; and
5. Any adverse impacts resulting from the zoning exception will be mitigated to the maximum extent feasible.

“In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence:”

1. That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
2. That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.
3. That the alleged difficulty or hardship was not created by the current property owner.
4. That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
5. That the proposed variation will not alter the essential character of the area.
6. That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.



Petitioner’s Submittal Checklist: Zoning Board of Appeals

Form #ZA0

Project Title and Address: _____

Submittal Guidelines:

This is a general checklist. Other items pertaining to your case may be necessary. The Zoning Board of Appeals and/or staff may request additional information. All petitioners are urged to review the materials in this packet and Chapter 28 (Zoning) of the municipal code. Petitions for Administrative Adjustment, Zoning Exception and Variation must be filed in accordance with Chapter 28, Articles 12.070, 12.080, and 12.090 of the Municipal Code, respectively.

- Digital application uploaded through the Village’s portal.
- Electronic plans must be uploaded to the Village’s portal in PDF format.
- Applications and supporting documents must be submitted at least one month prior to the anticipated public hearing.
- Each drawing shall include the following basic information:
 - Project name
 - Drawing title and sheet number
 - Scale, both in numerals and graphic
 - North arrow
 - Date of creation and latest revision date, as applicable
 - Name of person(s) preparing the drawing, professional registration or affiliation, address and phone number
 - Name, address, and phone number of the property owner and/or applicant

Attach the following for all petitions (as required):

Required	Not Applicable	
<input type="checkbox"/>	<input type="checkbox"/>	1. <u>Petition for Zoning Board of Appeals</u> This is the online application completed through the Village’s portal.
<input type="checkbox"/>	<input type="checkbox"/>	2. <u>Proof of Ownership</u> A Letter of Authorization from the Owner of Record is required if an agent is designated or if the owner’s signature is not on the petition. A LAND TRUST DISCLOSURE FORM (Form #HP12) must be included, if applicable.
<input type="checkbox"/>	<input type="checkbox"/>	3. <u>Application Fee</u> Fees are listed on the PETITION FOR ZONING BOARD OF APPEALS (Form #ZA1, #ZA2, #ZA3) and are based on the type(s) of request. If the request is modified and re-publication and mailing of the public hearing notice is required, additional fees may apply.

- 4. Legal Registered Surveyor’s Plat of Survey**
 A certified current plat of survey prepared by a surveyor including:

 - a. Legal Description of the site
 - b. Acreage/Site Area
 - c. Dimensioned Boundaries of the Subject Site
 - d. Property lines
 - e. Easements, if any
 - f. Adjacent public rights-of-way
 - g. Overhead and Underground Utilities (sanitary sewer, water main, storm sewer, electric, telephone, gas, cable television and street lights)

- 5. Project Summary/Narrative Letter**
 A written overview of the project and summary of evidence must be submitted in the form of a cover letter that makes reference to submitted plans and exhibits. The letter must contain a written description of any requested relief and include a summary of the evidence which the petitioner proposes to offer in order to demonstrate compliance with the review criteria listed in [Sections 28.12.070.G, 28.12.080.G and or/28.12.090.G of the Municipal Code](#) as well as justification for the request(s).
 All applicants must prove that, due to unique conditions of the property, the strict application of the Zoning Ordinance restricts any reasonable use of the subject property. The standards and review criteria for ADMINISTRATIVE ADJUSTMENT, ZONING EXCEPTION and VARIATION in Sections 28.12.070.G, 28.12.080.G and 28.12.090.G, respectively, must be addressed in the project summary. The following items are NOT conditions that can be considered by the Village for the issuance of a variation:

 - Increase in financial return from the land.
 - Personal hardship – including financial considerations.
 - Hardship resulting from action of the applicant.
 No administrative adjustment, zoning exception or variation that would adversely impact the surrounding property or the general neighborhood shall be granted. Additionally, all zoning relief must be in harmony with the intent and purposes of the Zoning Ordinance.

- 6. Certification of Public Notice Information and List of Surrounding Property Owners**
 A list of property owners within 250 feet (or 100 feet for administrative adjustments) of the perimeter of the site, **not including public right-of-ways less than 150 feet in width**, must be submitted. The list must include the Property Index Number (PIN) of the properties and the billing name and billing address of the owners according to the last available tax records of the County – this information may be retrieved from the respective Township Assessor’s Office. **Mailing labels must be provided if the list includes more than 30 names.** Additionally, the CERTIFICATION OF PUBLIC NOTICE INFORMATION (Form #020) must be completed and submitted with the complete application packet.

- 7. Plan Sets**
 Must include the following:

 - a. Detailed Site Plan indicating all site improvements including items such as sign locations, screened trash container areas, loading docks, fire lanes, area lighting, parking and existing and proposed building and structure setbacks and dimensions.
 - b. Depending on the request, additional items may be required such as FAR, building coverage, parking calculations, and parking dimensions and drive aisle width, etc.
 - c. Engineering Site Plans. *
 - d. Floor Plans. *
 - e. Building elevations indicating height, grade, and building materials. *
 - f. Landscape Plan prepared on a separate sheet, indicating species (Latin and common name), plant location, quantity, size at planting, and spacing.
 - g. Sign Elevations and Details.
 *Architectural plans must be at least schematic drawings. Engineering plans must be at least 75-80% preliminary drawings. Please note additional sets of plans may be required if revisions are requested prior to the ZBA Hearing.

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8. Color Renderings

Color renderings or elevations of a proposed project may be provided prior to Zoning Board of Appeals consideration. This requirement may be waived by Community Development staff for smaller projects.

ZONING BOARD OF APPEALS FEE SCHEDULE	
Administrative Adjustment	(\$260 Residential, \$360 Nonresidential)
Zoning Exception	(\$505 residential, \$610 Nonresidential)
Variation	(\$505 Residential, \$610 Nonresidential)
Appeal of Administrative Decision	(\$610)

If after reviewing this checklist you have additional questions about the Plan Commission process, please call the Department of Community Development at 630-434-5515.



Certification of Public Notice Information

Form #020

Address of Project Site: _____

I, _____, attest, as the petitioner or authorized representative of the petitioner and as part of a complete application for the Village to consider the proposed project at _____ (address/property location), that due care was given to identifying the most current list of property owners that are required to be notified per the [Municipal Code](#) (Section 28.12.010.F), including their respective mailing addresses and Property Index Numbers (PINs), and that this complete and accurate list is hereby transmitted to the Village as an attachment to this Certification in sufficient time to ensure public notification.

Attest:

Printed Name of Petitioner or Authorized Representative

Signature of Petitioner or Authorized Representative

Date



Form #HP12

Land Trust Disclosure

Address of Project Site: _____

The property to which this application relates is/is not the subject of a land trust as defined in Section 765 ILCS 405 of the Illinois Compiled Statutes, "The Land Trust Beneficial Interest Disclosure Act." If the foregoing statement was completed in the affirmative, the following statement shall be completed and verified:

I, _____, as trustee/beneficiary of

Trust Number _____, pursuant to Section 765 ILCS 405 of the Illinois Compiled Statutes, being first duly sworn, hereby state and represent that the person/persons, Body/Bodies Politic, corporation/corporations or other entity/entities below designated is/are the beneficiary/beneficiaries of said land trust, that the beneficiary/beneficiaries designated by a checkmark hold/holds the power of direction created therein, and that no beneficiary holds a beneficial interest as nominee for a person, Body Politic, corporation or other entity not named herein.

NAME	ADDRESS	INTEREST
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sworn and subscribed before me this

_____ day of _____, 20_____

Trustee/Beneficiary

Notary Public