

GENERAL GUIDELINES FOR VARIATION APPLICATIONS

This document is intended to be a general guideline to the application process for variations in the Village of Broadview (hereinafter the "Village") and is not intended as legal advice. Therefore, the Applicant should consult the Village Municipal Code ("Code"), Illinois Law and an attorney for a full explanation of the requirements for applying for and requesting a variation. The Village Code section that addresses variances is 10-7-3.

Submitting the Application

In order to initiate the variation process the Applicant must submit and file an application for variation in duplicate and a survey of the Subject Property with the Village Zoning Administrator (hereinafter the "Application"). The Applicant may also submit to the Zoning Administrator any additional evidence which it deems necessary to satisfy the Standards referenced below ("Additional Evidence").

Thereafter, the Zoning Administrator shall process and file the Application and Additional Evidence and forward the same to:

1. The Planning Board and Zoning Board of Appeals ("Zoning Board") for review.
2. The Village Development Review Committee for a review of the Application to ensure completeness and compliance with the Village Code and to confirm that no additional zoning relief is needed. The Applicant is encouraged to work closely with the Development Review Committee to resolve any issues or questions with regard to the Application and the variance process. The use of the Development Review Committee will simplify the hearing process.

Standards for Granting a Variation

In order for a variation to be granted, the Applicant must submit and present sufficient evidence to satisfy certain standards ("Standards"). Specifically, it must be established that:

1. 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.
2. The plight of the owner is due to unique circumstances.
3. The variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above Standards, the Zoning Board, in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts have been established by the evidence:

1. The particular physical surrounding, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
2. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
5. 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 is located.
6. The proposed variation will not impair an adequate supply of light and 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.

Although not required by the Code, to make the process more efficient, the Applicant should provide any evidence that support the Standards prior to the hearing and ideally at the time of the initial submittal. If possible, please address the Standards in the above order in any written submittals and at the Zoning Hearing.

Notice and Publication

As part of the review process, the Zoning Board will conduct a public hearing. The Zoning Administrator shall set the date of the Zoning Hearing (“Hearing”) and shall notify the Applicant, the Village Clerk and the Zoning Board through a memorandum indicating the time, date, location of the Hearing, location of the Subject Property and a brief description of the zoning relief requested. The Village Clerk will publish notice of the Hearing as required by the Code and Illinois law and with the information contained in the memorandum.

The Applicant must also, not less than fifteen (15) days, nor more than thirty (30) days before the public hearing, serve written notice, either in person or by registered mail, return receipt requested, on the owners of all property within two hundred fifty feet (250') in each direction of the Subject Property. The Applicant will be required to furnish, at the Hearing, a written statement certifying that it has complied with this requirement. Attached to the written statement shall be a list of property owners notified in accordance with the above requirements. Further, these sign(s) must be visible from the roadway. For further requirements regarding the Applicant’s responsibility to notify adjoining property owners of the public Hearing please refer to Section 10-7-3(A) “Variations” of the Village Municipal

Code. The Applicant, at Applicant's cost, must also post a readable public sign(s) upon the Subject Property, not less than 15 days prior to the public hearing. These sign(s) must state the action requested, date and time of the public Hearing, a statement that further information can be obtained from the Applicant and the Zoning Administrator, and the phone numbers of each. The words, "NOTICE OF PUBLIC HEARING" must appear at the top of the sign in letters no smaller than 1.5 inches.

Once the Applicant has submitted a complete application, proper notice has been published, a sign has been posted and adjoining property owners within 250' have been notified of the public Hearing, then a public Hearing will be held. At the public Hearing the Applicant will be allowed to present evidence and testimony in support of the Application.

The Hearing

The Applicant shall have an opportunity to present its evidence before the Zoning Board and shall have the opportunity to present experts and testimony that address the Standards. The Zoning Board and the public in attendance will be allowed to ask questions, make comments, and present testimony and evidence.

The Zoning Board's Recommendation and the Board of Trustee's Decision

The Zoning Board shall review the facts of the case and testimony presented at the hearing and upon completion of the review, shall submit a report of its findings and recommendations to the Village Board of Trustees within thirty (30) days of the completed public Hearing. The Zoning Board is only a recommending body and does not make a final decision as it relates to the Application. The ultimate decision to grant or deny the variation rests with the Board of Trustees.

The Zoning Board may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in Section 10-7-3(A) to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of the Village.

Once the Zoning Board has submitted its recommendation to the Village Board of Trustees, the Village Board of Trustees shall make a final determination as to the Application and shall either accept or deny the request for a variation.

*Petitioner
Clerk
Zoning Board
Zoning Administrator*

GENERAL GUIDELINES FOR SPECIAL USE APPLICATIONS

This document is intended to be a general guideline to the application process for special uses in the Village of Broadview (hereinafter the "Village") and is not intended as legal advice. Therefore, the Applicant should consult the Village Municipal Code ("Code"), Illinois Law and an attorney for a full explanation of the requirements for applying for and requesting a special use.

Although there are several sections of the Village Code that relate to special uses a starting point can be found in sections 10-7-4 and 10-4-6 ("Code"). It is obviously in the Applicant's best interest to review all sections of the Code prior to submitting the Application.

Submitting the Application

In order to initiate the special use process the Applicant must submit and file an application for special use in duplicate, along with ten (10) copies of a proposed preliminary development plan and ten (10) copies of a survey for the Subject Property and the applicable fees with the Village Zoning Administrator (hereinafter the "Application"). The Applicant may also submit to the Zoning Administrator any additional evidence which it deems necessary to satisfy the Standards referenced below ("Additional Evidence").

Thereafter, the Zoning Administrator shall process and file the Application and Additional Evidence, and if the Application is complete will forward the same to:

1. The Planning Board and Zoning Board of Appeals ("Zoning Board") for review.
2. The Village Development Review Committee for a review of the Application to ensure completeness and compliance with the Code and to confirm that no additional zoning relief is needed. The Applicant is encouraged to work closely with the Development Review Committee to resolve any issues or questions with regard to the Application and the special use process. The use of the Development Review Committee will simplify the hearing process.

Standards for Granting a Special Use

In order for a special use to be granted the Applicant must submit and present sufficient evidence to satisfy certain standards ("Standards"). Specifically, it must be established that the special use is:

1. Necessary for the public convenience at that location.
2. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

3. Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

In addition, section 10-4-6 of the Code provides additional standards that must be considered and addressed by the Applicant as additional zoning relief may be required.

Although not required by the Code, to make the process more efficient, the Applicant should provide any evidence that support the Standards prior to the hearing and ideally at the time of the initial submittal. If possible, please address the Standards in the above order in any written submittals and at the Zoning Hearing.

Notice and Publication

As part of the review process, the Zoning Board will conduct a public hearing. The Zoning Administrator shall set the date of the public Zoning Hearing ("Hearing") and shall notify the Applicant, the Village Clerk and the Zoning Board through a memorandum indicating the time, date, location of the Hearing, location of the Subject Property and a brief description of the zoning relief requested. The Village Clerk will publish notice of the Hearing as required by the Code and Illinois law and with the information contained in the memorandum.

The Applicant must also, not less than fifteen (15) days, nor more than thirty (30) days before the Hearing, serve written notice, either in person or by registered mail, return receipt requested, on the owners of all property within two hundred fifty feet (250') in each direction of the Subject Property. The Applicant will be required to furnish, at the Hearing, a written statement certifying that it has complied with this requirement. Attached to the written statement shall be a list of property owners notified in accordance with the above requirements. Further, these sign(s) must be visible from the roadway. For further requirements regarding the Applicant's responsibility to notify adjoining property owners of the Hearing please refer to Section 10-7-4 "Special Use" of the Village Municipal Code.

The Applicant, at Applicant's cost, must also post a readable public sign(s) upon the Subject Property, not less than 15 days prior to the Hearing. These sign(s) must state the action requested, date and time of the Hearing, a statement that further information can be obtained from the Applicant and the Zoning Administrator, and the phone numbers of each. The words, "NOTICE OF PUBLIC HEARING" must appear at the top of the sign in letters no smaller than 1.5 inches.

Once the Applicant has submitted a complete Application, proper notice has been published, a sign has been posted and adjoining property owners within 250' have been notified of the Hearing, then a Hearing will be held. At the Hearing the Applicant will be allowed to present evidence and testimony in support of the Application.

The Hearing

The Applicant shall have an opportunity to present its evidence before the Zoning Board and shall have the opportunity to present experts and testimony that address the Standards. The Zoning Board, Village personnel, Village agents and experts, Village attorneys, and the public in attendance will be allowed to ask questions, make comments, and present testimony and evidence.

The Zoning Board's Recommendation and the Board of Trustee's Decision

The Zoning Board shall review the facts of the case and testimony presented at the hearing and upon completion of the review, shall submit a report of its findings and recommendations to the Village Board of Trustees within thirty (30) days of the completed Hearing. The Zoning Board is only a recommending body and does not make a final decision as it relates to the Application. The ultimate decision to grant or deny the special use rests with the Board of Trustees.

The Village Zoning Board of Appeals may recommend, and the Village Board of Trustees may require, such conditions and restrictions upon the construction, location and operation of a special use as may be deemed necessary to promote the general objectives of the Village and to minimize the injury to the value of property in the neighborhood.

Once the Zoning Board has submitted its recommendation to the Village Board of Trustees, the Village Board of Trustees shall make a final determination as to the Application and shall either accept or deny the request for a special use or to send it back to the planning and Zoning Board for further consideration.