

**Village of Lake Bluff, Illinois  
Zoning Relief Application  
Instructions for Variation (Page 1 of 2)**

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**General Information**

The Village, similar to many communities, has a system of zoning and land use regulations that reasonably restrict how land owners may use and improve their property. However, no set of regulations can anticipate each and every situation that may arise.

The **variation process** allows a property owner to seek relief from the strict letter of these regulations when obeying them would create “a particular hardship or a practical difficulty.” These conditions are based on the circumstances of the property or structure, and *not* those of the owner.

The Village’s Plan Commission and Zoning Board of Appeals (“PCZBA”) is a body of seven residents that reviews variations (among other requests). Your application for a variation will be considered at a public hearing before the PCZBA, and the PCZBA will evaluate your application based on the standards for variation relief. The burden of proof is on the Applicant to demonstrate that they meet the standards.

The variation process differs for minor and major variations. A variation request is subject to fewer steps when it only requests one or more variations that differ less than 25% from the allowable standard (as if the structure were built new). When only minor variations are requested, the PCZBA has the authority to directly approve, approve with conditions, or deny the relief requested. In all other cases, the PCZBA makes a recommendation to the Village Board for final action.

**Process and Public Notice**

- **>25 days before meeting:** Applicant submits application.
- **30-15 days before meeting:** Village publishes notice in the *Lake County News-Sun*. Village mails notice to all owners within 300 feet of subject lot.
- **Friday before meeting:** Meeting packet available online and at Village Hall, including application materials and staff memorandum.
- **Day of meeting:** PCZBA meets at 7 p.m. in the Village Hall Board Room (40 E. Center Ave.) Applications are generally considered in the order they were first received. Staff will provide an overview of the request, and the Applicant will give a brief presentation. Members of the public will be invited to comment, and then the PCZBA will discuss the application’s merits under the standards.

**Only Minor Variations:** The PCZBA may approve, approve with conditions, or deny the relief sought.

**All Other Variations:** The PCZBA may recommend that the Village Board approve, approve with conditions, or deny the relief sought.

**Continuation:** The PCZBA may also choose to continue the hearing at the PCZBA’s next meeting date if they require more information from the Applicant or a third party.

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- **Monday after meeting:** Village Board performs first reading; there is discussion, but no final action. Applicant may request immediate approval for cause. (e.g. economic loss; construction timeline; etc.)
- **2nd Monday of next month:** Village Board performs second reading, votes.

**Fee and Escrow**

You will be initially required to provide an escrow of to cover (in advance) the Village’s costs of considering your application. Some common costs charged to escrow include:

- Legal and public notice
- Printing and reproduction
- Recording (e.g. of real estate instruments)
- Attorney fees paid by the Village

From this escrow, the Village will also collect its application fee. This fee is due whether your application is approved or denied. Any remaining balance in your escrow account will be refunded after all costs are actually paid by the Village, which is generally 60 to 90 days after your last hearing.

When only minor variations are sought, an escrow deposit of **\$1,500** and an application fee of **\$500** applies. In all other cases, a deposit of **\$3,000** and an application fee of **\$750** applies.

**Other Regulatory Review**

Applying for and obtaining a special use permit is **in addition** to other steps you may be required to undertake to complete your project or open your business. Other common steps include:

- Building plan review
- Architectural site plan & signage review
- Utility connections
- Health department inspections

**Checklist**

You **must** include the following with your application:

**Attached Forms:**

- \_\_\_ Applicant Information (signed)
- \_\_\_ Response to Variation Standards
- \_\_\_ Residential Bulk Calculations (for residential zoned property)
- \_\_\_ Regulatory Floor Area Worksheet (If floor area to be affected by work)
- \_\_\_ Escrow agreement (signed)

- \_\_\_ **Provide:** Plat of survey including legal description
- \_\_\_ **Provide:** Evidence of title or contractual interest (e.g. a lease)
- \_\_\_ **Provide:** Scale plans of proposed work (e.g. site plan; floor plan; elevations)

You **may** also consider including:

- \_\_\_ Photographs of the subject property and nearby area
- \_\_\_ Written testimony from nearby neighbors

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Zoning Relief Application  
2021 PCZBA Meeting Calendar**

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<b>Month</b>	<b>Deadline to Apply (Close of Business)</b>	<b>Date of Hearing (7 p.m.)</b>
Jan 2021	Fri, Dec 25, 2020	Wed, Jan 20, 2021
Feb 2021	Fri, Jan 22, 2021	Wed, Feb 17, 2021
Mar 2021	Fri, Feb 19, 2021	Wed, Mar 17, 2021
Apr 2021	Fri, Mar 26, 2021	Wed, Apr 21, 2021
May 2021	Fri, Apr 23, 2021	Wed, May 19, 2021
Jun 2021	Fri, May 21, 2021	Wed, Jun 16, 2021
Jul 2021	Fri, Jun 25, 2021	Wed, Jul 21, 2021
Aug 2021	Fri, Jul 23, 2021	Wed, Aug 18, 2021
Sep 2021	<b>Fri, Aug 27, 2021</b>	<b>Wed, Sep 22, 2021 (Rescheduled)</b>
Oct 2021	Fri, Sep 24, 2021	Wed, Oct 20, 2021
Nov 2021	Fri, Oct 22, 2021	Wed, Nov 17, 2021
Dec 2021	Fri, Nov 19, 2021	Wed, Dec 15, 2021

**For months not listed above:**

*Meetings are typically on the third Wednesday of each month.*

*The deadline is 25 days prior to the meeting date.*

*Please contact us if you need to confirm a specific date.*

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Applicant Information (Page 1 of 2)**

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**Subject Property**

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

PIN: \_\_\_\_\_

Current Use: \_\_\_\_\_

**Owner / Title Holder**

**Joint Ownership (if applicable)**

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

\_\_\_\_\_

**If ownership is other than individual or joint, check below and attach additional information:**

**Corporation**

**Partnership**

**Land Trust**

**Trust**

**Applicant (If Different)**

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

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

Relationship  
to Property: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Are all real estate taxes, special assessments, and other obligations  
paid on the subject property in full? If no, explain.**

**Yes**

**No**



**Village of Lake Bluff, Illinois**  
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**Standards for Variation (Page 1 of 2)**

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The PCZBA is required to base their recommendations on the following standards. It is the burden of the Applicant to establish that they meet each standard. Each standard is printed below. You should provide a statement as to how your application satisfies each standard. You may respond to the questions below on this sheet, or attach a separate typed sheet.

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**Practical Difficulty or Hardship:** No variation shall be granted pursuant to this section unless the applicant shall have established that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

**Unique Physical Condition:** The subject property or structure is exceptional as compared to other lots and structures subject to the same provision by reason of a unique physical condition, including: a) presence of an existing use, structure, or sign, whether conforming or nonconforming; b) irregular or substandard shape or size; c) exceptional topographical features; or d) other extraordinary physical conditions peculiar to and inherent in the subject property or structure that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot or structure rather than the personal situation of the current owner of the lot or structure.

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**Standards for Variation (Page 2 of 2)**

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**Not Merely Special Privilege:** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the granting of an authorized variation.

**Code Purposes:** The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this code and the provision from which a variation is sought were enacted.

**Public Health And Safety:** The variation would not: a) impair an adequate supply of light and air to adjacent property; b) increase the congestion in public streets unreasonably, or increase parking requirements on public streets unreasonably; c) increase the hazard of fire; d) endanger the public safety; e) diminish or impair the value of property within the area surrounding the subject property; or f) in any other respect impair the public health, safety, comfort, morals, and welfare.

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**Residential Bulk Calculations**

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Address or Lot #: \_\_\_\_\_

(“Left” and “Right” are relative to standing on the addressed street and looking towards the property.)

For subdivisions involving existing structures, complete **every** line.  
 For variation requests, complete only those lines affected by the proposed work.

	Existing	Proposed	Conforms or Variation Required
<u>Lot Width</u> <i>(as measured at front setback line)</i>			
Lot Area			
<u>Principal Building Setback</u>			
Front			
Side (Left)			
Side (Right)			
Side (Combined – Sum Sides)			
Rear			
<u>Accessory Building Setback</u>			
<u>Regulatory Floor Area</u>			
<u>Impervious Surface Coverage</u>			
<u>Front Yard Impervious Surface</u>			
<u>Building Coverage</u>			
<u>Maximum Building Height</u>			
<u>Daylight Plane Height Restriction</u> <i>(Start at 12’ at the lot line. Add one foot “up” for each one foot “in” from the lot line. Note if any building element(s) exceed the height plane.)</i>			

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**Regulatory Floor Area Worksheet**

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Address or Lot #: \_\_\_\_\_

[The full rules for calculating Floor Area Ratio can be viewed here.](#)

Allowances vary depending on the size of your lot.

Staff can help calculate your eligibility for these, which adjust your total floor area (grey areas).

You should provide scale plans or drawings to justify your figures.

	Existing (Applicant Completes)	Proposed (Applicant Completes)	Allowance (Staff Completes)
<b>Lot Area</b>			
<b>Gross Floor Area</b> <i>(Include <u>all</u> floors, basements, and detached structures)</i>			
<b>REMOVE</b> Attics less than 6' in height			
<b>REMOVE</b> Attics greater than 6' in height not readily usable for living space			
<b>REMOVE</b> Basements, window wells, and stairwells protruding <u>less</u> than 3' from grade to first floor elevation			
<b>REMOVE</b> Detached structures in rear 27' or 25% of lot ( <i>whichever is greater</i> )			
<b>REMOVE</b> Stoops and decks less than 42" in height			
<b>REMOVE</b> Covered porches less than 42" in height			
<b>ADD</b> Undereaves protruding more than 2' from exterior wall			
<b>ADD</b> Penalty for areas greater than 10' ceiling height			
<b>REGULATORY FLOOR AREA</b> (Staff Completes)			
<b>Non-Conformance / Required Variation</b> (Staff Completes)			

**Village of Lake Bluff, Illinois  
Zoning Relief Application  
Escrow Agreement (Page 1 of 3)**

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THIS AGREEMENT ("**Agreement**") is made and entered into as of \_\_\_\_\_, 20\_\_\_\_,  
by and between THE VILLAGE OF LAKE BLUFF ("**Village**") and  
\_\_\_\_\_  
 ("**Applicant**").

IN CONSIDERATION OF the recitals and mutual covenants and agreements set forth herein, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

**SECTION 1. RECITALS.**

A. The Applicant has submitted to the Village for its review and consideration an application seeking zoning relief necessary to commence a proposed use at or to construct proposed improvements of the real property located at:  
\_\_\_\_\_, Lake Bluff, Illinois ("**Proposal**") that requires one or more of the following actions by the Village:

- i. Approval or amendment of zoning relief pursuant to Title 10 of the Municipal Code, including without limitation: a variation, special use permit, site plan approval, planned residential development, planned commercial development, planned mixed use development, RIO development plan, and/or amendment to the text of Title 10;
- ii. Approval or amendment of a plat of subdivision pursuant to Title 11 of the Municipal Code;
- iii. Approval pursuant to the Village's Watershed Development Ordinance, as adopted by reference in Title 12 of the Municipal Code; or
- iv. The preparation and consideration of amendments to the Village's liquor regulations, contained in Title 3, Chapter 2 of the Municipal Code.

B. Pursuant to Section 1-12-3 of the Village Comprehensive Fee Schedule and Section 10-2-6 of the Village Zoning Regulations ("**Escrow Regulations**"), applications for approval of a variation and a site plan and/or an amendment to a site plan and/or a text amendment to the Village's Zoning Regulations and other zoning relief must be accompanied by the applicable application fee and the applicant is responsible for payment of any additional costs incurred by the Village, including consultant costs and attorneys' fees, but not including normal operating activities such as internal staff time ("**Reimbursement Costs**").

**SECTION 2. CASH DEPOSIT.**

Pursuant to the Escrow Regulations, and in connection with the application for the Development, the Developer agrees to provide a cash escrow deposit to the Village in the amount of **\$3,000** ("**Escrow**") to be used towards Reimbursement Costs incurred by the Village in processing the application for approval of the Proposal.

**SECTION 3. REPLENISHMENT.**

Pursuant to the Escrow Regulations, the Village Administrator shall periodically review the Escrow to ensure that adequate funds are available to satisfy the Reimbursement Costs relating to the Development. The Village Administrator shall notify the Applicant at such times when draws are made against the Escrow towards Reimbursement Costs. Subject to the terms of this Agreement, in the event that the Village Administrator determines that sufficient funds are not available, the Village Administrator shall so notify the Applicant and request a further amount to defray the anticipated additional costs. The Village Administrator shall determine the further amount due based on the nature of the Proposal, its complexity, the anticipated need for additional legal and other consultant services, and the amount of time remaining before the completion of the Proposal. The Applicant shall be given fourteen (14) days to deposit the additional funds. In the event that the funds are not deposited, the Village shall take no further action on the Proposal and shall so advise the Applicant.

**SECTION 4. FINAL DISBURSEMENT.**

Pursuant to the Escrow Regulations, at the completion of the Proposal and after all outstanding Reimbursement Costs incurred by the Village related to the Proposal have been satisfied in full, the Village Administrator shall remit the balance of the Escrow, if any, to the Applicant.

**SECTION 5. DESIGNATED CONTACTS.**

The designated contact persons for the Applicant and the Village concerning this Agreement are as follows:

	<b><u>For Village</u></b>	<b><u>For Applicant</u></b>
<b>Name</b>	Glen Cole	_____
<b>Title</b>	Asst. to the Village Administrator	_____
<b>Organization</b>	Village of Lake Bluff	_____
<b>Address</b>	40 East Center Avenue	_____
<b>City, State, Zip</b>	Lake Bluff, IL 60044	_____
<b>Phone Number</b>	(847) 283-6889	_____
<b>Email</b>	gcole@lakebluff.org	_____

**Village of Lake Bluff, Illinois  
Zoning Relief Application  
Escrow Agreement (Page 3 of 3)**

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**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

**ATTEST**

By \_\_\_\_\_

Its \_\_\_\_\_

**ATTEST:**

By \_\_\_\_\_

Its \_\_\_\_\_

**APPLICANT**

By \_\_\_\_\_

Its \_\_\_\_\_

**VILLAGE OF LAKE BLUFF**

By \_\_\_\_\_

Its **Village Administrator**