

# APPLICATION

## ZONING BOARD OF APPEALS OF ARLINGTON HEIGHTS



VILLAGE OF ARLINGTON HEIGHTS - 33 SOUTH ARLINGTON HEIGHTS ROAD  
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
ARLINGTON HEIGHTS, ILLINOIS 60005  
Phone: (847) 368-5200  
Fax: (847) 368-5988

REVISED 7/13/20

## TYPICAL ZONING BOARD OF APPEALS PROCESS

1. The project applicant (petitioner) first meets with the Zoning Board of Appeals Staff Liaison to discuss the proposal. A conceptual plan consisting of scaled sketches, existing and proposed site data and preferably a site photograph should be brought to the meeting.
2. Some projects will require Design Commission (DC) review. **Projects requiring Design Commission review must have completed that process prior to appearing before the Zoning Board of Appeals.**
3. Upon completion of the application packet and petition for variation, the petitioner shall submit a complete application package (items 1-8 listed on the petitioner's checklist on the following page) 30 days prior to the meeting to the Department of Planning & Community Development.
4. Once a complete application has been submitted, a date for the public hearing will be assigned. A pencil date letter will be sent to the petitioner outlining the scheduled hearing date and the deadlines for public notification. **The complete application (items 1-8 listed on the petitioner's checklist on the following page) must be submitted 30 days prior to the meeting date.**
5. All public notice requirements must be fulfilled by the petitioner in accordance with Village requirements. Please refer to page 6 of the application packet for notification requirements. If the public hearing notification has not been completed or is not acceptable, a new hearing date will be scheduled.
6. The Zoning Board of Appeals holds a public hearing to review the proposal. At the hearing, the petitioner or a designated representative makes a formal presentation to the Board and answers any questions posed by the Board or the public concerning the proposal. Please refer to the attached Section 12 of the Zoning Ordinance for more information on the Zoning Board of Appeals' requirements and the criteria by which the Zoning Board will make a determination on requested variations.
7. The Zoning Board of Appeals has final authority on variations. If the petition is approved, the petitioner may move through the permit process. Approval shall be deemed valid for only a period of one year, unless a building permit is obtained and construction has commenced in accordance with the terms of said permit.

If you have any questions about the Zoning Board of Appeals process, please contact the Department of Planning & Community Development at (847) 368-5200.

# PETITIONER'S CHECKLIST

## TO BE SUBMITTED AT THE TIME OF APPLICATION

1. Application & Petition - detailing the nature of the variation being requested, and responding to the hardship criteria enumerated in Section 12.1c of the Zoning Ordinance. **Three printed copies of Application & Petition** are required.
2. Application Fee:
  - Single Family ..... \$200.00
  - Multi Family..... \$350.00
  - Commercial..... \$500.00
  - Institutional..... \$330.00
3. Proof of Ownership: - **One printed copy** is required, and can be in one of the following forms:
  - a. Warranty Deed,
  - b. Trust, or
  - c. Title Policy
4. Site Visit Authorization – **One printed copy** is required. (Refer to page 10 of the application packet)
5. Current Plat of Survey - **Three printed copies** are required.
6. Detailed Plans - **Four printed copies** (1 full size set & 3 sets of 11" x 17" size) of all detailed plans of the variation requested, elevation drawings and floor plans showing proposed and existing layout, photos, etc, are required. If the variation is for a fence, the proposed placement, height, and type of fence must be shown on the Plat of Survey.
7. Single Family Zoning Worksheet (See pages 11 & 12 of this application packet) - **Three printed copies** are required. This applies to petitions involving principal and accessory buildings such as new houses, house additions detached garages and sheds.
8. Example of Public Hearing Sign and Letter – **One printed copy** of each is required. (Refer to pages 7 & 8 of this application packet)
9. **Electronic (pdf) files of all submittal documentation (Items 1 thru 8, excluding fee) submitted on a non-returnable USB flash drive (thumbdrive) or CD-Rom.**

## TO BE SUBMITTED NO LATER THAN 15 DAYS PRIOR TO THE HEARING.

1. Notification Affidavit.
2. List of property owners within 250-feet, excluding street right-of-ways, of subject property. List name, address and tax number.
3. Sample Notification letter that was mailed.
4. Photo(s) of sign(s) on property.

**INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED**

**PETITIONER'S APPLICATION**  
**ZONING BOARD OF APPEALS, VILLAGE OF ARLINGTON HEIGHTS**

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

ZBA Case #: \_\_\_\_\_

Subject Property Address: \_\_\_\_\_

Subject Property PIN: \_\_\_\_\_

**REQUEST:**

Variation from Chapter 28, Section \_\_\_\_\_ of the Arlington Heights Municipal Code

Brief statement of Variation Request: \_\_\_\_\_

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

**PETITIONER/CONTACT INFORMATION**

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

Signature: \_\_\_\_\_

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

City, State, Zip: \_\_\_\_\_

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

Fax #: \_\_\_\_\_

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

**OWNER INFORMATION (IF DIFFERENT FROM PETITIONER)**

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

Signature: \_\_\_\_\_

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

City, State, Zip: \_\_\_\_\_

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

Fax #: \_\_\_\_\_

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

**IT IS ESSENTIAL TO COMPLETE THE FOLLOWING QUESTIONS:**

- HAVE YOU EVER APPLIED FOR A VARIANCE FOR THIS PROPERTY?    YES        NO
- IF YES, WHAT WAS THE VARIANCE FOR? \_\_\_\_\_
- DATE YOU APPEARED BEFORE THE ZONING BOARD: \_\_\_\_\_
- WAS THE VARIANCE:    APPROVED        DENIED

VILLAGE OF ARLINGTON HEIGHTS - 33 SOUTH ARLINGTON HEIGHTS ROAD  
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
ARLINGTON HEIGHTS, ILLINOIS 60005  
PHONE: (847) 368-5200  
FAX: (847) 368-5988

# PETITION

The following petition form shall be used when submitting a petition for a variation from Chapter 28 of the Arlington Heights Municipal Code. This must be submitted with a fully executed application to the Zoning Board of Appeals. Please refer to Section 12 of Chapter 28 if the Arlington Heights Municipal Code for information regarding the criteria by which the Zoning Board of Appeals will evaluate variation requests. (Attached to this application packet.)

## PETITION

NOW COMES the Petitioner \_\_\_\_\_

being the owner of the property commonly know as: \_\_\_\_\_

and appeals to the Zoning Board of Appeals of the Village of Arlington Heights for a Variation from Section \_\_\_\_\_

Chapter 28, of the Arlington Heights Municipal Code, in order to: \_\_\_\_\_

*I hereby state that the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) were granted (please explain):* \_\_\_\_\_

*I hereby state that the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (please explain):* \_\_\_\_\_

*I hereby state that the proposed variation is in harmony with the spirit and intent of this Chapter (please explain):* \_\_\_\_\_

*I hereby state that the variance requested is the minimum variance necessary to allow reasonable use of the property (please explain):* \_\_\_\_\_

Signed: \_\_\_\_\_  
*Petitioner*

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

## **NOTIFICATION REQUIREMENTS**

### **LETTER**

The Petitioner is required to notify, in writing, all taxpayer or property owners of record within 250-feet of the subject property, excluding street right-of-ways. This notification must be completed no more than thirty (30) days and no less than fifteen (15) days prior to the Public Hearing date. Refer to Page 6 of the application packet for a **sample** layout for the letter. **A copy of the letter must be sent to the Village of Arlington Heights Department of Planning & Community Development** when the letters are sent to the taxpayers of record with 250 feet.

### **TAXPAYER/OWNER OF RECORD LIST**

To obtain a list of taxpayers/owners of record within 250-feet of the property, take your plat of survey, along with the subject property PIN, address and letter from the Village of Arlington Heights assigning your hearing date to the following:

**Wheeling Township Tax Assessors Office** (if you live north of Central Road)  
1616 N. Arlington Heights Road  
Arlington Heights, IL 60004 (847) 259-1515

**Elk Grove Township Tax Assessors Office** (if you live south of Central Road)  
2400 S. Arlington Heights Road  
Arlington Heights, IL 60005 (847) 437-0300

### **SIGN**

The Petitioner is also required to post a Public Hearing Notice sign(s) on the subject property as required by the Arlington Heights Zoning Regulations. **If the subject property has multiple street frontages, one sign shall be installed per street frontage.** The posting of the public notice sign must be done no more than thirty (30) and no less than fifteen (15) days prior to the Public Hearing date. Please refer to page 7 of the application packet for more information.

### **NEWSPAPER**

The Village places a public hearing notice in a local newspaper of general circulation no more than thirty (30) and no less than fifteen (15) days prior to the public hearing date.

### **PROOF OF NOTIFICATION**

The applicant shall submit to the Department of Planning and Community Development, no later than fifteen (15) days prior to the Public Hearing date, the Notification Affidavit, a photocopy of the mailed notice, and a photograph of the public notice sign(s), and a copy of the list of tax payers of record that received the mailed notice.

**FAILURE TO COMPLY WITH THE NOTIFICATION REQUIREMENTS WILL CAUSE THE PUBLIC HEARING TO BE POSTPONED.**

# LETTER

Below is the **sample** letter to be mailed by the petitioner or petitioner representative not more than thirty (30) nor less than fifteen (15) days before the hearing.

This notice is to be sent First Class Mail with a proper return address on the envelope.

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

## NOTICE OF PUBLIC HEARING

We (I) \_\_\_\_\_  
(Insert name)

being the legal owner (s) of \_\_\_\_\_  
(Insert address)

are scheduled to appear before the Zoning Board of Appeals of the Village of Arlington Heights on Monday, \_\_\_\_\_ 20\_\_\_\_ At 7:00 P.M. in the Buechner Room, which is located on the 1<sup>st</sup> floor of the Village Hall, 33 S. Arlington Heights Road, Arlington Heights, Illinois. The purpose of this request is for a variance from the Arlington Heights Municipal Code, Chapter 28, (Zoning Regulations), Section \_\_\_\_\_ in order to:

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and any other variations which may be required by the Zoning Board of Appeals.

This hearing is open to the public and comments from the public on the proposal are invited.

\_\_\_\_\_  
Signature

Persons with disabilities requiring auxiliary aids or services, such as an American Sign Language interpreter or written materials in accessible formats, should contact David Robb, Disability Services Coordinator, at 33 S. Arlington Heights Road, Arlington Heights, IL 60005 (847) 368-5793 (Voice) or 847-368-5980 (Fax) or drobb@vah.com

# SAMPLE SIGN

Size to be approximately 30" high by 48" wide.

Letters and Spaces must be 1" and 1.5" minimum size.

1.5" in Height {		<b><u>NOTICE OF PUBLIC HEARING</u></b>	
1" in Height {	Hearing for:		
1.5" in Height {	Hearing Location:	Village of Arlington Heights 33 S. Arlington Heights Road	
1" in Height {	<b>DATE:</b>	<b>TIME:</b>	
	<b><u>PUBLIC ATTENDANCE &amp; COMMENTS INVITED</u></b>		
1" in Height {	For details call:	Or:	
	_____	Village of Arlington Heights Department of Planning and Community Development Phone: (847) 368-5200	
	(Petitioner's Name & Phone #)		

1. Sign must state current zoning action requested, date, time, and place of hearing.
2. Sign must be posted on private property facing adjacent roadway(s) fifteen (15) days prior to the hearing date, (i.e. if corner lot, one sign must be provided facing each adjacent roadway).
3. Sign must be removed by ten (10) days after the first hearing.
4. Photo must be taken of sign (s).



# NOTIFICATION AFFIDAVIT

I, \_\_\_\_\_ hereby certify as follows:

1. That on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, affiant caused to be mailed in the Post Office of \_\_\_\_\_, copies of the attached Notice of Public Hearing to all listed taxpayers of real estate within 250 feet, excluding all Public Right-of-Ways of the subject property and to the owners, or representatives, of property listed as exempt.
2. That the parties to whom said notice was mailed are set forth on the attached.
3. That the petitioner stated that the required sign(s) were erected as required by the Village of Arlington Heights.

\_\_\_\_\_  
Signature

Subscribed and Sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

## SITE VISIT AUTHORIZATION

I hereby grant employees of the Village of Arlington Heights, their agents, and members of the Arlington Heights Zoning Board of Appeals permission to enter on the property located at the following: \_\_\_\_\_

\_\_\_\_\_

Visual inspection of the site must be accomplished during reasonable hours. This permission is granted in regards to Arlington Heights Zoning Board of Appeals Petition for the above cited property.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date



**Village of Arlington Heights  
Department of Planning and Community Development  
Single Family Zoning Worksheet**



**APPLICANT AND SUBJECT PROPERTY INFORMATION**

Contact Name: \_\_\_\_\_  
 Contact Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Subject Property Address: \_\_\_\_\_  
 PIN #: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
 Lot Dimensions: \_\_\_\_\_ Lot Area: \_\_\_\_\_

**PRINCIPAL STRUCTURE FLOOR AREA CALCULATIONS**

*Please refer to Section 5 of the Zoning Ordinance for more information*

**Total Allowed** \_\_\_\_\_ **Square Feet**

**Proposed (including Existing)**

First Floor Area: \_\_\_\_\_ Square Feet  
 Second Floor Area: + \_\_\_\_\_ Square Feet  
 Basement Floor Area: + \_\_\_\_\_ Square Feet  
 Attic or Volume Area: + \_\_\_\_\_ Square Feet  
 Garage Area (over 400 SF): + \_\_\_\_\_ Square Feet  
**Total Proposed:** = \_\_\_\_\_ **Square Feet**

**Basement**

*The basement is included in the Floor Area Calculation if 50% or more of the basement height is above the established curb level or finished lot grade level.*

**Volume/Attic Space**

*All volume or attic space that has headroom of 7-feet or more is included towards the Floor Area Calculation.*

**BUILDING LOT COVERAGE CALCULATIONS**

*Please refer to Section 5 of the Zoning Ordinance for more information*

**Total Allowed** \_\_\_\_\_ **Square Feet**

**Proposed (including Existing)**

First Floor Area: \_\_\_\_\_ Square Feet  
 Garage Area: + \_\_\_\_\_ Square Feet  
 Accessory Structures: + \_\_\_\_\_ Square Feet  
**Total Proposed:** = \_\_\_\_\_ **Square Feet**

**BUILDING HEIGHT**

*Please refer to Sections 3 and 5 of the Zoning Ordinance for more information*

Existing Building Height: \_\_\_\_\_ Proposed Building Height: \_\_\_\_\_

*Building Height is measured per guidelines set forth in Section 3.2-28 of the Zoning Regulations.*

**ACCESSORY BUILDING INFORMATION**

*Please refer to Section 6 of the Zoning Ordinance for more information*

Garage Type: *Detached*  *Attached*

*If Attached:* Total Area: \_\_\_\_\_ Square Feet

*If Detached:* Total Area: \_\_\_\_\_ Square Feet

Garage Height: \_\_\_\_\_ Feet

Detached Shed Height: \_\_\_\_\_ Feet

Total Shed Area: \_\_\_\_\_ Square Feet

Garage Impact on Floor Area

*All garage space in excess of 400 square feet is counted towards the Floor Area of the principal structure. However, if the proposed garage is detached, it may qualify for the Floor Area Bonus for Detached Garages. Please refer to Section 6.5-7 of the Zoning Ordinance for more information.*

**IMPERVIOUS COVERAGE CALCULATIONS**

*Please refer to Section 5 of the Zoning Ordinance for more information*

Total Allowed: Subject Property: \_\_\_\_\_ Square Feet Front Yard Only: \_\_\_\_\_ Square Feet

Proposed: Subject Property

Proposed: Front Yard Only

First Floor Area: \_\_\_\_\_ Square Feet

Total Proposed: = \_\_\_\_\_ Square Feet

Garage Square Footage: + \_\_\_\_\_ Square Feet

Accessory Structures: + \_\_\_\_\_ Square Feet

Other Impervious Coverage: + \_\_\_\_\_ Square Feet

Total Proposed: = \_\_\_\_\_ Square Feet

**PROPOSED SETBACKS AND BUILDING HEIGHT**

*Please refer to Section 5 of the Zoning Ordinance for more Information*

Front\*: Required: \_\_\_\_\_ Feet Proposed: \_\_\_\_\_ Feet Direction: N S E W

Side: Required: \_\_\_\_\_ Feet Proposed: \_\_\_\_\_ Feet Direction: N S E W

(Ext.\*) Side: Required: \_\_\_\_\_ Feet Proposed: \_\_\_\_\_ Feet Direction: N S E W

Rear: Required: \_\_\_\_\_ Feet Proposed: \_\_\_\_\_ Feet Direction: N S E W

*\* Please refer to the attached form that explains the calculation of the required front yard and exterior side yard setbacks.*

**ARCHITECT'S STATEMENT OF ACCURACY**

I, \_\_\_\_\_, hereby certify that the information provided on this form is a correct representation of the proposed modifications to the subject property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_

*(Signature)*

# Arlington Heights Zoning Regulations

## CHAPTER 28, SECTION 12 - ZONING BOARD OF APPEALS

Please read Section 12.1c of the Zoning Regulations, which explain the criteria by which the Zoning Board of Appeals will make a determination on the requested variations:

The Zoning Board of Appeals shall have the following powers and it shall be its duty to:

Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of building or structures or the use of land will impose upon him unusual practical difficulties or particular hardship, such variation of the strict application of the terms of this ordinance as are in harmony with its general purposes and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this ordinance, and at the same time the surrounding property will be protected.

In its consideration of the standards of practical difficulties or particular hardships, the Board of Appeals shall require evidence that (1) the proposed use will not alter the essential character of the locality and will be compatible with existing uses and zoning of nearby property if the variation(s) (2) the plight of the owner is due to unique circumstances, which may include the length of time the subject property has been vacant as zoned (3) the proposed variation is in harmony with the spirit and intent of Chapter 28 (4) the variance requested is the minimum variance necessary to allow reasonable use of the property. A variation shall be permitted only if the evidence, in the judgment of the Board of Appeals, sustains each of the four conditions enumerated.

In consideration of all appeals and all proposed variations to the ordinance the Board shall, before making any variation from the ordinance in a special case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village of Arlington Heights. The concurring vote of four members of the Board is necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant any manner upon which it is required to pass under this ordinance or to effect any variation in this ordinance. Every variation shall be accompanied by findings of fact specifying the reason or reasons for making the variation.