

Village of



419 Richmond Road
Kenilworth, IL 60043

Phone: 847-251-1666
Fax: 847-251-3908

E-mail: info@vok.org

Zoning Board of Appeals Application

General Information

Date: _____

Zoning Board of Appeals Jurisdiction

- Zoning Variations
- Special Uses
- Text Amendments
- Zoning Map Changes
- Administrative Appeals

Property Address

Address of Property That is the Subject of this Application : _____

Attach Legal Description of Property that is the Subject of this Application.

Zoning District: _____

Current Use _____

Applicant Information

Applicant

Name _____

Address _____

Email _____

Telephone _____

Owner of Property (if different than Applicant)

Name _____

Address _____

Email _____

Telephone _____

Primary Contact Person for Applicant

Name _____

Address _____

Email _____

Telephone _____

Applicant's and Primary Contact's Relationship to Property:

Ownership Details

Check appropriate category and attach proof of ownership and all relevant additional ownership information to this application.

- Individual Joint Tenants/Tenants in Common Land Trust Trust
 Corporation Limited Liability Company Partnership

If property is held in a trust, also include a certified copy of the trust agreement or a simple affidavit (under oath before a notary) as to who are the beneficiaries of the trust.

Consultants (as applicable)

List any additional consultants and their contact information on additional sheets of paper and attach.

Architect

Name _____

Company _____

Address _____

Phone _____

E-mail _____

Attorney

Name _____

Company _____

Address _____

Phone _____

E-mail _____

Requested Action

Check all that apply and provide on this form or attach on separate sheets all information required by the Sections of the Zoning Ordinance listed below for the types of relief requested:

____ Zoning Variation(s) for _____

____ Special Use for _____

____ Zoning Ordinance Text Amendment

____ Rezoning from _____ to _____ - Zoning Map Amendment

____ Administrative Appeal

____ Other (describe): _____

Filing Fees

All Applications require payment of a non-refundable fee; in addition, applications for special uses, text amendments, and zoning map require additional funds that are held in escrow for recovery of actual costs pursuant to Sections 153.290 – 153.293 of the Zoning Ordinance.

Please attach a check with your application and indicate below the amount of fee submitted:

_____ \$ 350.00

- Zoning Variations
- Special Uses
- Text Amendments
- Zoning Map Changes
- Air Conditioning
- Fences
- Administrative Appeals

Kenilworth Code of Ethics

On a Separate Sheet of Paper, list and attach the name, address and nature and extent of any current or potential interest that any village officer or employee may have in or with respect to the owner, the Applicant or the property.

If none, Check here: _____

Repeat Application

Has any other application for this property been submitted to the Village that seeks similar relief and has been denied within the last two years? _____ Yes _____ No

If yes, attach a statement of the ground Applicant believes justifies reconsideration.

Application/Owner Acknowledgments

By execution of this application in the space provided below, the applicant and owner(s) do hereby certify, acknowledge, agree and affirm to the Village of Kenilworth that:

1. The Village and its representatives have the right, and are hereby granted permission and license, to enter upon property, and into any structures located therein, for the purposes of conducting any inspections that may be necessary in connection with this application.
2. I (We) have carefully read this application, the Kenilworth Zoning Ordinance and fully understand the terms and provisions of each.
3. I (We) waive any rights to exemption from disclosure under the Illinois Freedom of Information Act of any and all documents and information submitted in connection with this application.
4. I (We), in accordance with the requirements of the Kenilworth Zoning Ordinance agree to pay all applicable filing fees and be responsible for the payment of all reimbursable expenses associated with the processing of this application.
5. The Information contained in this application is true and correct.

Applicant's Signature(s)

Signature: _____

Printed Name: _____

Date: _____

Signature: _____

Printed Name: _____

Date: _____

Signature: _____

Printed Name: _____

Date: _____

Signature: _____

Printed Name: _____

Date: _____

Required Materials

Submit a completed application with 9 copies of the following materials:

___ **Drawings**, if applicable, to Variance Application:

1. Existing Floor Plans - provide floor plans of all levels of the existing building
2. Demolition Floor Plans – provide floor plans of all levels of the existing building and indicate existing parts to be removed
3. Proposed Floor Plans - provide floor plans of proposed additions to the existing building
4. Existing Exterior Elevations – provide elevations of all existing exterior elevations that are to change
5. Proposed Exterior Elevations - provide elevations of all elevations that are altered

___ **Plat of Survey & Parcel(s) Legal Description**, no more than 5 years old

___ **Title Policy** or Deed.

___ Certified Copy of Trust Agreement, if applicable.

___ Simple Affidavit identifying Trust beneficiaries, if applicable.

___ Written **Explanation of Request**, on separate sheets of paper. Address the standards and requirements for the relief requested, and how they are satisfied by the request.

___ **Filing Fee** - payable to the Village of Kenilworth.

After this application and all necessary materials are submitted, the application will be put on the docket for a Zoning Board of Appeals Meeting. It is recommended that the application for any matter requiring public notice be submitted 45 days prior to the Zoning Meeting. The Village will provide Applicant with a notification packet containing a notice is to be delivered to all property owners living within 250 feet of property. The Zoning Board of Appeals meets once every other month. In general, applicants should expect a hearing within 60 days of submitting an application. Any party may appear at the hearing in person or by agent or attorney. The concurring vote of 4 members of the Zoning Board shall be necessary to grant a variation or to reserve any order, requirement, decision or determination of the Village, or to decide in favor of an applicant for relief. No order granting a variation shall be effective for a period longer than six months unless a building permit is obtained and the construction, alteration, or moving of the building covered by the order is started within such period. All Applicants are encouraged to read Sections 153.240 – 153.249 of the Village of Kenilworth Zoning Ordinance.

Authorized Variations

- To vary any of the requirements with respect to minimum sizes of lots, maximum height of buildings and other structures, maximum and minimum size of buildings, maximum lot coverage by structures and other impervious surfaces, and minimum depth and width of yards per Section 153.244.
- To vary any of the regulations contained in Sections 153.075 – 153.086 (Supplemental Regulations Applicable to all Residential Districts).
- To vary any of the regulations contained in Section 153.185 – 153.192 (Off-Street Automobile Parking Requirements).
- To vary Sign Code regulations per Section 153.244

Standards for Variations

For Zoning Variations, please respond to the applicable standards listed below in the written explanation of the request.

(1) The Board shall not grant a variance from any of the regulations of Chapter 153: Zoning, as authorized by Subsection 153.244(D), unless it shall make a finding of fact, based upon the evidence presented to it in a particular case, that:

- (a) In the case of property the principal use of which is for business purposes, the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations applicable to the district in which it is located;
- (b) The plight of the owner is due to unique circumstances; and
- (c) The variation, if granted, will not alter the essential character of the locality.

(2) For the purposes of supplementing the above standards, the Board, in making its determination whether the plight of the owner is due to unique circumstances and whether the variation, if granted, may alter the essential character of the locality, shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant by the Board:

- (a) The particular physical surroundings, shape, or topographical condition of the property in question would result in a practical difficulty or particular hardship upon the applicant for the variation, as distinguished from a mere inconvenience, if the strict letter of the regulation were enforced;
- (b) The conditions upon which the application for variation is based would not be applicable generally to other property in the same district;
- (c) The request for the variation is not based exclusively upon the desire to make more money out of the property;
- (d) The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- (e) The variation will not impair an adequate supply of light and air to adjacent properties or substantially increase the runoff of storm water onto adjacent properties or public streets, or substantially increase congestion in the public streets or increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

(3) For the purpose of further supplementing the above standards and factors in connection with requests for variations from the requirements of Section 153.068, the Board, in making its determination, may also take into consideration the following factors, among other factors deemed relevant by the Board, to the extent they are established by the evidence and deemed relevant by the Board:

- (a) The effects of the proposed construction on the overall appearance of the size and bulk of the existing structures on the property when viewed from streets abutting the property and from adjacent properties;
- (b) The proximity of the proposed construction to streets abutting the property and to adjacent properties;
- (c) The relative proximity of the proposed construction to streets abutting the property and to adjacent properties in comparison with the relative proximity of existing structures on other properties in the same vicinity;
- (d) The magnitude of the variation requested in absolute terms and in proportion to the floor area and/or impervious surfaces allowed if the strict letter of the regulation were enforced;

- (e) The need for other variations in connection with the proposed construction and the nature and extent of those other variations;
- (f) The need for the variation to allow the owner or occupant of the property to make reasonable use of a structure, the design of which otherwise fails to conform to generally accepted or prevailing standards of the Village for the use and enjoyment of a structure as a residence for a family;
- (g) The efficient and advantageous use of existing structures and the degree to which the proposed construction makes efficient, economical, and advantageous use of existing and proposed floor area and impervious surfaces; and
- (h) The reasonableness of the variation requested in light of the purposes served by the proposed construction and the design problems of the existing structure intended to be alleviated by the proposed construction.

(4) For purposes of supplementing the above standards and factors in connection with requests for variations from the requirements of Section 153.067, the Board, in making its determination, may also take into consideration the following factors, among other factors deemed relevant by the Board, to the extent they are established by the evidence and deemed relevant by the Board:

- (a) The **height** and location of existing and proposed structures on the property and adjacent properties;
- (b) The need to maintain the **height** of the proposed structure in relation to the height of an existing structure in order to enable the existing and proposed structures to present a pleasing appearance reflecting architectural integrity and harmony among separate structural elements; and
- (c) The need to maintain a particular **height** of a proposed addition to a structure in order to observe sound structural design and accommodate good building practices in the construction of the proposed addition.

(5) For the purpose of supplementing the above standards with regard to **variations for signs**, the Board, in making its determination shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant to the Board:

- a) In the case of a commercial message sign, strict application of the Kenilworth Sign Code would render the applicant unable to yield a reasonable return from its property.
- b) The variation will not endanger the public safety or substantially diminish or impair property values within the neighborhood;
- c) The variation would not result in a sign or master sign plan as required by the Kenilworth Sign Code that:
 - 1. Would not be in harmony with the general and specific purposes for which the Kenilworth Sign Code and the provisions from which a variation is sought were enacted;
 - 2. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of adjacent property or improvements;
 - 3. Would substantially increase congestion in the public streets due to parking or traffic;
 - 4. Would create an unnecessary distraction to vehicle and pedestrian traffic; and
 - 5. Would result in a sign that is not aesthetically consistent with the environment, or not proportional or architecturally compatible with existing land uses and buildings and with any adjacent residential neighborhood.

Standards for Special Uses

For Special Use requests, please respond to the applicable standards listed below in the written explanation of the request.

(G) Standards. No special use shall be recommended by the Board of Appeals or the Plan Commission, as the case may be, or authorized by the Board of Trustees unless the Board of Appeals or the Plan Commission, as the case may be, and the Board of Trustees shall have taken into consideration the following factors to the extent deemed relevant to the proposed special use and the principal structure and each accessory structure used for or associated with the proposed special use:

- (1) The necessity for the public convenience at the particular proposed location;
- (2) The effects of the proposed design, location and operation on the public health, safety and welfare;
- (3) Injury to the value of other property in the neighborhood in which it is proposed to be located;
- (4) Interference with the use and enjoyment of neighboring properties;
- (5) Compatibility with permitted uses in the district in which it is proposed to be located;
- (6) Increased traffic congestion on public ways or increased parking required on public ways;
- (7) Damage to or destruction of natural scenic or historic features of significance to the village or the immediate neighborhood; and
- (8) In the case of playground equipment, in addition to the foregoing applicable factors, its proximity to and effect on neighboring properties, its expected intensity of use, and the consistency of the equipment and its expected use with play equipment customarily associated with a residential use.