

ZONING BOARD OF APPEALS PUBLIC HEARING PROCESS

The Planning Division in the Department of Community Development is located at 1150 Half Day Road. Office hours are Monday – Friday, 8:00 A.M. to 4:30 P.M. The main planning division line is 847-432-0867. It is ideal for potential applicants to meet in advance of submitting an application with the Planning Division’s Planner of the Day to determine whether a variation is necessary.

The Zoning Board of Appeals typically meets on the 1st and 3rd Thursday of every month.



STEP 1

COMPLETE THE APPLICATION

Application packets are available at <http://www.cityhpil.com/DocumentView.aspx?DID=415> or pick up in person from the Planning Division.



STEP 2

SUBMIT YOUR APPLICATION

- ✓ Include all necessary supporting documents noted on the Application Checklist by the deadline noted on the enclosed “**Schedule of Hearings**”
- ✓ Only **complete** applications with all application materials will be accepted

The application deadline is 35 days prior to the Hearing Date. Scheduling of cases is limited to four new cases for each meeting. Due to scheduling limitations, submitting an application by the deadline does not guarantee that your case will be considered on that date. It is important that you speak with the Planning Division about the status of upcoming ZBA agendas.

Additional information may be required, depending on the relief requested and your individual property’s condition (see also: Legal Lot of Record, Steep Slope, Compere Referral)



STEP 3

CHECK APPLICATION STATUS

A Planning Division staff member will review your application for completeness and accuracy. Please submit any additional information requested by staff. A letter will be mailed to you that confirms your hearing is on a Zoning Board of Appeals’ agenda.



STEP 4

COMPLETE THE NEIGHBOR NOTIFICATION

It is the applicant’s responsibility to notify all adjacent neighbors of your variation request. The enclosed handout “Four Steps to Proper Legal Notification” provides details about this process. Instructions will also be mailed to you with a copy of your Legal Notice. Neighbor notification must be completed no more than 30 and no fewer than 15 days prior to the hearing date for which your case is scheduled. Failure to meet this requirement will delay the hearing.

The Planning Division will draft and submit the Legal Notice, which details the relief you are requesting, to a local newspaper for publication between 30 and 15 days prior to the scheduled hearing date. They will also inform City staff to post a ZBA Public Hearing sign on your property as part of the required notification. It is your responsibility to ensure that the sign is visible from the street. If your sign is stolen or missing, please contact the Planning Division at 432-0867.



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ZONING BOARD OF APPEALS PUBLIC HEARING PROCESS (cont.)

STEP 5

SUBMIT PROOF OF NOTIFICATION

Proof of neighbor notification should be received by the Planning Division at least 15 days prior to the hearing date. Proof of Notification can be provided by submitting either postmarked certified mail receipts or copies of the Legal Notice that have been signed and dated by all adjacent property owners.

STEP 6

ATTEND THE PUBLIC HEARING

The Petitioner, or representative as listed on the Application, must attend the Public Hearing. In addition, applicants have the option to bring their architect, general contractor, neighbors, expert witnesses, or attorney to the meeting so they are available to answer questions from the Board.

Note: Not all Public Hearings are completed in one meeting. Occasionally, requests are continued to the next available hearing date for various reasons. Please speak to the ZBA staff liaison if you have any questions or concerns.

STEP 7

DECISION BY THE ZONING BOARD OF APPEALS

After the public hearing is concluded (including all continuations of your case), the Zoning Board of Appeals will vote to Approve or Deny your request, based upon the Standards for a Variation.

If your Variation request is approved, the Planning Division staff will draft an Approval Order. This order will be brought forth to the Zoning Board of Appeals at the next meeting for ratification as an omnibus item. Please note:

- ✓ Approval Orders expire 12 months from the date the variance was approved.
- ✓ Should your plans change subsequent to final disposition of your case, reapplication to the Zoning Board of Appeals may be required.
- ✓ **It is the responsibility of the applicant to file a complete building permit application prior to the expiration of the Approval Order.** Failure to do so results in a void Approval Order, and reapplication will be necessary.

If you Variation request is denied, the Planning Division staff will draft a Denial Order. This order will be brought forth to the Zoning Board of Appeals at the next meeting for ratification as an omnibus item.

Final Orders are mailed by the Planning Division Staff to the Petitioner, as well as all interested parties in accordance with Section 150.1102 (F) of the Zoning Ordinance.

STANDARDS FOR GRANTING A VARIATION

All of the following Standards should be addressed in your *Letter of Situation and Hardship* as part of your Application.

The Zoning Board of Appeals or the City Council, as the case may be, shall not vary the regulations of the Zoning Code unless they can make findings of fact based upon the evidence presented at the public hearing that shows each and all of the following, as taken from [Section 150.1205](#) of the Zoning Ordinance:

- The property in question cannot yield a *reasonable* return if permitted to be used *only* under the conditions allowed by the regulations of the zoning district in which it is located. This, however, does not mean that granting the variation is based solely on whether the owner can make money from the property.
- The plight of the petitioner, (a hardship which would result from the strict interpretation of the regulations of the zoning code), is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, *but will alleviate some demonstrable and unusual hardship which is not generally applicable to other properties within the same zoning district.*
- The particular physical surroundings, shape, or topographical condition 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, or the application of the Zoning Code to the subject property has a discriminatory effect.
- The alleged hardship *has not been created by any person presently having a proprietary interest* in the subject property.
- The proposed variation will not be materially detrimental to the public welfare or injurious to other properties or improvements in the neighborhood.
- The proposed variation will not impair an adequate supply of light and air to adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety or substantially diminish or impair property values in the neighborhood.
- The proposed variation will not alter the essential character of the neighborhood.
- The proposed variation is in harmony with the spirit and intent of the Zoning Code.

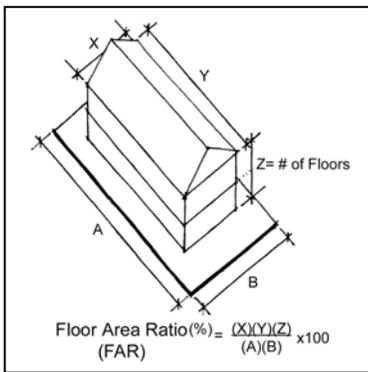
USEFUL DEFINITIONS

CALCULATING FLOOR AREA RATIO (FAR)

All residential structures in the R1 – R7 Zoning Districts must comply with the FAR regulations noted in Section 150.703.3 of the Zoning Ordinance. The simplest way to determine maximum FAR for a property is to visit the Floor Area Calculator on the City’s website at <http://www.cityhpil.com/index.aspx?nid=436>. Note: Properties which require a variation for construction are not eligible for Bonus FAR.

Floor Area of a Building for the Purposes of Calculating F.A.R.

The sum of the gross horizontal area of the several floors of a building measured from the exterior face of the exterior walls, without deduction for hallways, stairs, closets, thickness of walls, columns, interior balconies and mezzanines, atriums, or similar interior features. Such area shall exclude any cellar. Such area shall include parking decks, garages (attached or detached – either above, below, or partially below grade) and other below grade parking areas not open to the sky, attic areas, and any roofed structure (principal or accessory use). If an interior space has a ceiling height of 14’-0” or greater, the floor area of that space shall be counted twice for the purpose of F.A.R. calculation. If an interior space has a sloped ceiling, only that portion of the floor having a ceiling height of 14’-0” or greater shall be counted twice for the purpose of F.A.R. calculation and only that area having a ceiling height of less than 7’-0” shall not be counted for the purpose of F.A.R. calculation.



Floor Area Ratio (FAR)

The floor area of a building divided by the area of the legal lot of record on which it is located.

DETERMINING AREAS OF STEEP SLOPE

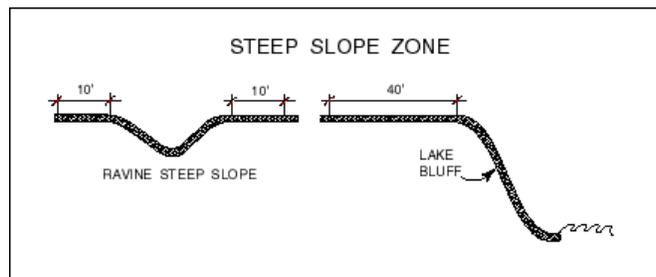
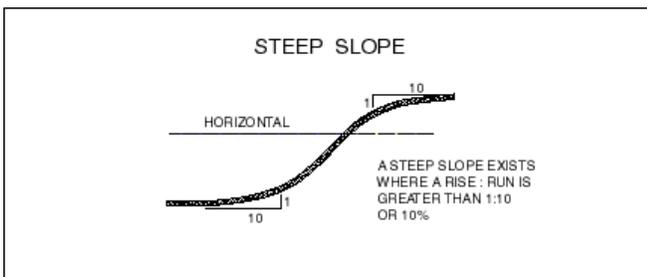
Step Slopes have a unique set of regulations that limit construction only to activities that are permitted in [Section 150.1906](#) of the Zoning Ordinance. Variations to the Steep Slope regulations require a hearing with the Lakefront Commission in addition to the Zoning Board of Appeals.

Step Slope

Land comprising or adjacent to a ravine or lake bluff where the slope in ascent or descent exceeds ten (10) percent from the horizontal.

Step Slope Zone

All land which lies between the bottom of a ravine steep slope and a line being farthest from the bottom of a ravine steep slope and ten (10) feet from the top edge of a ravine steep slope; and all land which lies between the bottom of a bluff steep slope and a line being farthest from the bottom of a bluff steep slope and forty (40) feet from the top edge of a bluff steep slope.



USEFUL DEFINITIONS (cont.)

DETERMINING MAXIMUM STRUCTURE HEIGHT

Structure height is calculated by measuring from *existing* grade, which is calculated by averaging several elevation points on the property.

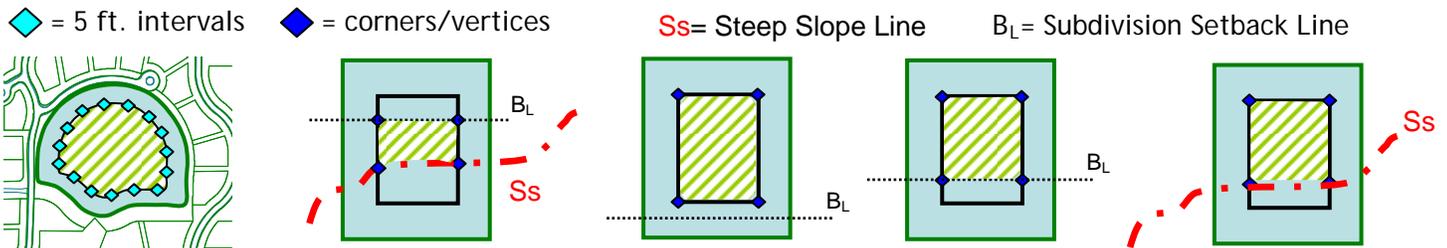
Height, Maximum

For structures located in the R1-R7 zoning districts, inclusive, the vertical distance measured from grade to the highest point of a roof; in all other zoning districts height shall be measured as the vertical distance in feet of a building measured from grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean level between the eaves of the ridge of a gable, hip or gambrel roof, or to the highest point of a shed roof; provided that antenna towers with a maximum height of sixty (60) feet and antenna tower structures (including mast and antenna) having an overall height of not more than seventy (70) feet; and aesthetic design features (including dormer windows), equipment penthouses, steeples, chimneys, etc., or other towers shall not be counted in measuring the height of buildings.

Grade or Grade Level

The average elevation at the corners of the smallest polygon formed by the intersecting lines of: the minimum required front yard, rear yard, side yard, subdivision setback lines, and steep slope setback lines (excluding established front yard setback lines) on a legal lot of record; and, which polygon is entirely outside of a steep slope zone. If the required yards and subdivision setback lines do not intersect to form “corners” (e.g., as in a circular shaped lot), then grade shall be the average elevation measured in five-foot intervals along the smallest continuous boundary of buildable area formed by required yards, subdivision setback, and steep slope, excluding established front yard setback lines. Grade shall be established prior to any development, demolition, or issuance of a drainage and grading permit or tree removal permit.

Polygons used for determining Grade



USEFUL DEFINITIONS (cont.)

CALCULATING ESTABLISHED BUILDING SETBACK

In any single family residential zoning district, if the Established Building Setback is greater in depth than required for front yards for such zoning district, no new structure or addition to an existing structure shall be erected closer to the street than the Established Building Setback.

Established Building Setback

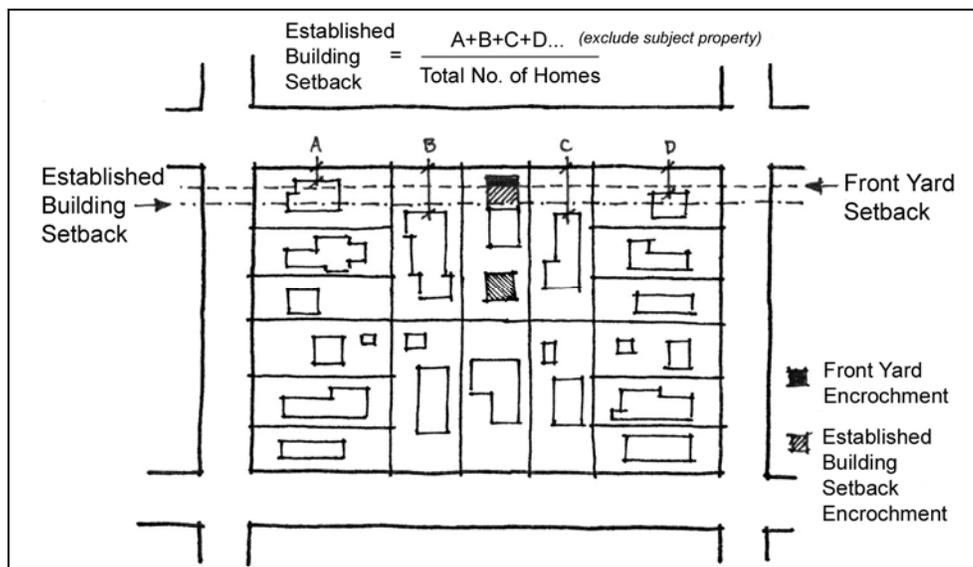
In a block containing three (3) or more single family residences, in the event fifty percent (50%) or more of the lots fronting on one side of such block are improved with principal buildings that have setbacks greater in depth than required for such given zoning district in this Chapter, upon each such improved lot (exclusive of the lot for which a building permit is sought) the distance to the front lot line thereof from the foundation of the principal or accessory building closest to the front lot line shall be the existing setback.

In the R5, R5A, R6, and R7 zoning districts, the established building setback is the lesser of (i) the average of the existing setbacks of such foundations on such block, and (ii) 150% of the minimum front yard setback set forth in the bulk regulations of the applicable zoning district. In all other zoning districts, the established building setback is the average of the existing setbacks of such foundations on such block.

When a lot has more than one front lot line, the Established Building Setback regulations shall not apply on the side of the lot with the longest front lot line, unless either (1) the lot depth of the lot, measured on that side, is greater than 125 feet, or (2) the lot is a through lot. In no event shall the Established Building Setback be less than the required front yard for the zoning district.

Block

A tract of land bounded by streets or cul-de-sacs, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, ravines, corporate boundary lines of municipalities, or the shoreline of Lake Michigan.



USEFUL DEFINITIONS (cont.)

DETERMINING PROOF OF LOT OF RECORD

Properties requesting relief from the zoning ordinance must meet the City's definition of Legal Lot of Record. If the subject property is not a Legal Lot of Record, a Subdivision may be required prior to the issuance of a building permit.

Legal Lot of Record

A lot or tract of land that meets each of the following requirements:

1. The lot or tract of land is either (a) part of a subdivision, the plat of which has been recorded in the Office of the Lake County Recorder of Deeds, or (b) a parcel of land separately described in a recorded deed; and
2. The lot or tract of land was created by either (a) a plat of subdivision, or (b) a deed recorded prior to May 8, 1960; and
3. The lot or tract of land, at the time it was created, complied with all applicable ordinances and regulations; and
4. The lot or tract of land was not created by the sale or transfer of property that resulted in either (a) the creation of a lot or tract of land that did not comply with the lot area, depth, and width regulations applicable at the time of such sale or transfer; or (b) the increase in the degree of nonconformity of any existing nonconforming lot or tract of land; and
5. If the lot or tract of land does not comply with the requirements for lot area, then it must have remained in separate and individual ownership from adjoining lots or tracts of land continuously at all times since May 8, 1960. For purposes of this requirement, a lot or tract of land shall be deemed to have been owned separately and individually from adjoining lots and tracts of land since May 8, 1960, so long as the owner of such lot or tract of land did not, directly or indirectly, have legal title to or enjoy beneficial interest in the lots or tracts of land contiguous to such lot or tract of land at any time after that date.

USEFUL DEFINITIONS (cont.)

SETBACKS FOR RESIDENTIAL ZONING DISTRICTS

Use the following chart to determine the minimum requirements for residential structures. To determine your zoning district, please visit our online interactive mapping program at <http://www.mgpinc.com/mapoffice/Default.aspx>, type in the address, and click on "Parcel Summary".

LOW DENSITY RESIDENTIAL REGULATIONS

ZONING DISTRICT		R1	R2	R3	R4	R5	R5A*	R6	R7
LOT DIMENSIONS	Minimum Area for Single-Family Residence	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Area for Two-Family Residence	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	10,000 sq. ft.
	Average Width	250 ft.	200 ft.	100 ft.	85 ft.(a)	75 ft.	70 ft.	50 ft.(b)	50 ft.
DENSITY	Minimum Lot Area per Dwelling Unit, Single-Family	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Lot Area per Dwelling Unit, Two-Family	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	5,000
YARDS (c)	Minimum Front Yard	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.	25 ft.	25 ft.	25 ft.
	Minimum Side Yard	50 ft.	25 ft.	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 15 feet	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 12 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 9 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet (b)	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet
	Minimum Rear Yard (Whichever is Less)	50 ft.	50 ft. or 20% of Lot Depth	40 ft. or 20% of Lot Depth	35 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth
BULK	Maximum Height of Principal Structure	35 ft.	35 ft.	35 ft.	32 ft.	32 ft.	30 ft.	30 ft.	30 ft.
	Maximum Height of Accessory Structure	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
	Floor Area Ratio (F.A.R.)*	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+

*In the R2-R7 zoning districts, when the area of a lot in any given zoning district equals or exceeds the minimum lot area required in the next lower zoning district, then the F.A.R. shall be calculated as the F.A.R. of the next lower zoning district. (Deleted by Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

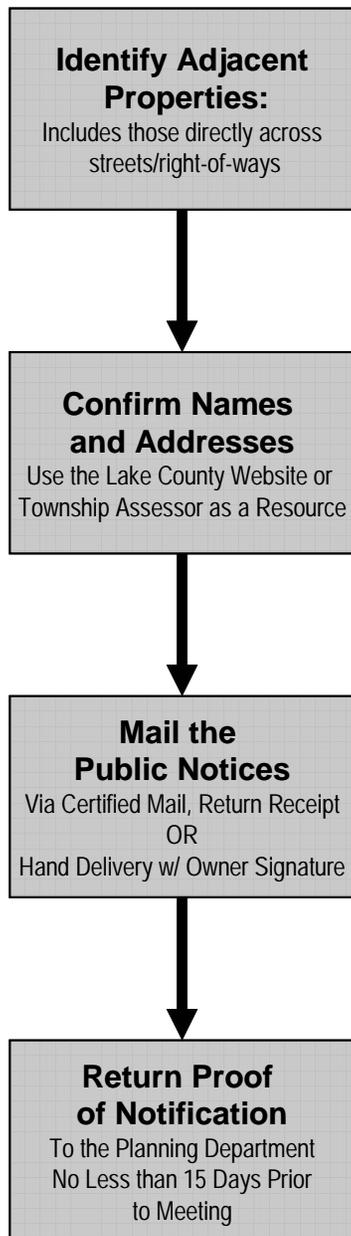
(a) In addition to all other applicable regulations, the subdivision of any lot in the LFOZ Overlay Zone for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations shall comply, where applicable, with the "minimum area for a single family residence," "average width," and "minimum lot area per single-family dwelling unit" requirements set forth in Section 150.703.1 of this Code. (Ord. 33-01, passed 5/29/01)

(b) In addition to all other applicable regulations, lots existing in the SLOZ Overlay Zone on January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations, shall, to the extent applicable, comply with the "minimum area for a single family residence," "average width," "minimum lot area per single-family dwelling unit," and "minimum side yard" requirements set forth in Section 150.703.2 of this Code. (Ord. 32-01, passed 5/29/01)

(c) No air conditioning systems or units (as defined in Section 50.900 of the Code) installed after June 29, 2004, being the effective date of this regulation, shall be installed in any required yard; provided, however, that air conditioning systems and units that were located in a required yard with or without authority prior to June 29, 2004, may be replaced in the same location without a variation. (Ord. 45-04, J. 30, p. 173-174, passed 6/28/04)

+ (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

Variations – Four Steps to Proper Legal Notification



Step 1: Identify Adjacent Properties

Adjacent property is defined as every neighbor that shares a property line with the subject property as well as those neighbors across any street or alley. We will supply you with the addresses of properties we have determined to be adjacent, but it is ultimately your responsibility to ensure that all adjacent neighbors are notified. If there is any question as to whether or not a property is adjacent, it is in your best interest to notify that neighbor. It's better to "over-notify" than "under-notify."

Step 2: Confirm the Names and Addresses

Notices may not be addressed to generic names such as "Owner" or "Occupant." Ownership information can be obtained by submitting your address on the Lake County website at:

<http://www.lakecountyil.gov/Assessor/AssessmentInformation/PropertyTaxAssessmentInfo/Default.htm>

Click on the link to "show other properties on the same street" to see the owner names with addresses.

Please note that property owners do not necessarily live at properties they own. Tax billing/mailing information should be confirmed on the Lake County Treasurer's website at:

<http://www.lakecountyil.gov/Treasurer/payments/CurrentPaymentStatus.htm>.

Alternatively, property information can be obtained from your township tax assessor's office. By calling and giving them your address, they can provide you the necessary information. See reverse for contact information.

Step 3: Mail the Public Notice

We will send you a copy of the Public Notice sent to the local newspaper to use in your notification. No sooner than thirty (30) days and no fewer than fifteen (15) days prior before the meeting, do one of the following:

a) *Mail via Certified Mail with Return Receipt.* From the post office or the U.S. Post Office website (www.usps.com), send each adjacent property owner a copy of the public notice via Certified Mail with a Return Receipt requested. The names obtained from the Township Assessor's Office or the Lake County website must be used (see Step 2). Retain proof of notification (the original, stamped certified mail receipts from the post office or the e-mail confirmation) for submittal to the Planning Division (Step 4).

b) *Hand Delivery.* Hand deliver a copy of the public notice to each adjacent property owner; make sure the owners sign, date and address their copies of the public notice. Submit these signed notices as your proof of notification (Step 4). Keep in mind, this option gives you the chance to discuss your Variation request with your neighbor prior to the public hearing.

Step 4: Return Proof of Notification to the Planning Division

Whichever method of notification you choose, make sure that all certified mail receipts and/or signed copies of the Public Notice are returned to Planning Division at the Public Services Building at 1150 Half Day Road no later than fifteen (15) days prior to your scheduled hearing date. *Noncompliance with this requirement will force the Zoning Board of Appeals to continue your hearing until proof that all adjacent property owners have been notified in the timeframe specified.*

Contact Information

Moraine Township Assessor's Office
777 Central Avenue
Highland Park, IL 60035
(847) 432-2100

web: <http://www.morainetownship.org/assessor.html>

West Deerfield Township Assessor's Office
601 Deerfield Road
Deerfield, Illinois 60015
(847) 945-3020

web: http://www.westdeerfieldtownship.org/property_assessment.htm

Planning Division
City of Highland Park
Department of Community Development
1150 Half Day Road
Highland Park, IL 60035
(847) 432-0867

web: <http://www.cityhpil.com>