



VILLAGE OF OAK BROOK

1200 OAK BROOK ROAD

OAK BROOK, IL 60523

630-368-5106

PETITION APPLICATION for PUBLIC HEARING

ZONING ORDINANCE:

APPEAL (\$300)

VARIATION (\$750)

AMENDMENT (\$750)

SPECIAL USE (\$750)

CERTIFICATE OF APPROPRIATENESS (\$500)

STORMWATER: VARIATION (\$750)

PUBLIC HEARING SIGNS (\$50- each lot frontage) - Enter Number of Street Frontages/Per Parcel

APPLICANT TO COMPLETE

NOTE: ALL APPLICATIONS ARE TO BE RECEIVED BY THE DIRECTOR OF DEVELOPMENT SERVICES AND AFTER AN INITIAL REVIEW WILL BE FILED WITH THE VILLAGE CLERK.

LOCATION OF SUBJECT PROPERTY _____ PERMANENT PARCEL NO* _____ - - -

LOT NO. _____ SUBDIVISION _____ LEGAL ADDRESS* _____

ZONING DISTRICT _____ ZONING ORDINANCE SECTION _____ ACTION REQUESTED _____

PROPERTY INTEREST OF APPLICANT: OWNER CONTRACT PURCHASER AGENT

OWNER(S) OF RECORD _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

BENEFICIARY(IES) OF TRUST _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

NAME OF APPLICANT (and Billing Information) _____ PHONE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

Contact Name and E-mail Address(s) _____

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief. I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the above subject property as described in the Village Code. In addition to the above fees, applicant agrees to reimburse the Village for publication costs within 30 days of billing.

Signature of Owner

Date

Signature of Applicant

Date

DO NOT WRITE IN THE SPACE BELOW - FOR OFFICE USE ONLY

Date Filed _____ Fee Paid \$ _____ Receipt No. _____ Received By _____

Board of Trustees (Referral) _____ Notice Published _____ Newspaper Daily Herald Adj. Property Owners Notified _____

PUBLIC HEARING DATES: Planning & Zoning Commission _____

Board of Trustees _____

Board of Trustees _____
(Approval of Ordinance)

SIGNED - VILLAGE CLERK _____ Date _____

Certification Surrounding Property Owners

I (we) certify that the names and addresses of all the surrounding property owners including mailing labels submitted with this application are located within a minimum distance of 250 feet in all directions from the perimeter of the subject property and that the number of feet occupied by all public roads, streets, alleys, and public ways has been excluded in computing the 250-foot requirement.

Said names and addresses are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. The property owners as listed have been obtained from within 30 days of the filing of this application.

The surrounding property owners list as submitted herewith and supporting attachments are true to the best of my (our) knowledge and belief.

I (we) give permission to the Village to install public hearing sign(s) on the lot frontages of the subject property as described in the Village Code. In addition to the required application fees, applicant/owner agrees to reimburse the Village for publication costs, recording fees, and any other associated costs or fees within 30 days of billing.

Printed Name of Owner	Printed Name of Applicant		
Signature of Owner	Date	Signature of Applicant	Date

BILL TO INFORMATION:

Print Name/Company	Contact Person	Contact Phone
Address To be Billed		Alternate Phone

NOTE: If the applicant/owner has not complied with these requirements and notification has not been sent to a neighboring property owner within the 250-foot requirement less than 10 days prior to the scheduled hearing, the hearing on this matter will be postponed to the next regular meeting, or until such time as all neighbors within the 250-foot requirement have been sent proper notification.

Subject Property Verification

(Complete a separate form for each P.I.N.)

1. Permanent Index Number (P.I.N. from Real Estate Tax Bill): _____
2. Common Address: _____
3. Type the Complete Legal Description Below. (Attach a separate page if longer than the area provided)
4. Email the Legal Description to cchiarelli@oak-brook.org

The Permanent Index Number, Common Address and Legal information provided has been verified as follows:

DuPage County Records/Research Room: (630-407-5401) Contact Person: Date called:

I verify that the information provided above is accurate. _____

Printed Name

Signature

Date: _____

Relationship to Applicant: _____

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

Legal Description Review

Corrections Required Yes _____

No _____

Approved By: _____

Date _____

**COMPLIANCE WITH
“AN ACT TO REQUIRE DISCLOSURE OF ALL BENEFICIAL INTERESTS”**

765 ILCS 405/1, ET AL (1993)

NAME OF TRUSTEE: _____

PPN #: _____

PROPERTY ADDRESS: _____

NAME & ADDRESS OF BENEFICIARIES:

1. _____

2. _____

3. _____

The above and foregoing is a complete disclosure of all beneficiaries and/or holders of any beneficial interest in the above named trust.

STATE OF ILLINOIS)

) SS

COUNTY OF DUPAGE)

)

_____ Being first sworn on oath deposes and states that he/she has read the above and foregoing disclosure of beneficiaries of a land trust by him/her subscribed, knows the contents thereof and that the same are true and correct.

Signature

Subscribed and sworn to before me this _____ day

of _____, 20____.

(SEAL)

Notary Public

PUBLIC HEARING SUBMITTAL DOCUMENTS GUIDELINE

In general, the following documents are required for all requests. Please submit all plats of survey, site plans, architectural plans, photographs, etc., exceptions are noted in parenthesis below. **Do NOT submit any documents until they have been submitted and reviewed by email first, must be PDF format. Some supporting documents may not be required for a TEXT AMENDMENT.**

1. Completed **APPLICATION**. (Submit the signed original)
2. **LEGAL DESCRIPTION** – NOT REQUIRED FOR TEXT AMENDMENT The **Legal Description is also to be submitted in a Word Document format and emailed to: cchiarelli@oak-brook.org and rraman@oak-brook.org**)
*Note: Permanent Index No. (P.I.N.- Tax Parcel Number on tax bill), Legal Description and Common Address MUST all coincide. See Property Verification Form in this packet. Contact DuPage County: Records Room– 630-407-5401 to cross-check and verify the accuracy of the PIN number, legal and common address.
3. **PROOF of OWNERSHIP or STANDING STATEMENT** – If the applicant is **NOT** the property owner, written authorization is required from the owner(s) approving the filing of the application by the applicant (Original)
4. **One COPY of the current real estate tax bill for each tax parcel**. If owner is not listed on the real estate tax bill, provide proof of ownership.
5. **DISCLOSURE OF BENEFICIAL INTERESTS**. If the property is not in trust. – write on the form “property not in trust - not applicable.”
6. List of **SURROUNDING PROPERTY OWNERS, VERIFICATION and CERTIFICATION forms**. – **NOT REQUIRED FOR TEXT AMENDMENT** (Submit original and 2 copies). Follow the instructions carefully. The information needed for the Surrounding Property Owners list may be obtained from the applicable Office:

York Township 1502 Meyers Road Lombard, IL 60148 630-627-3354 (8-4:30 M-F)	Downers Grove Township 4340 Prince Street Downers Grove, IL 60515 630-968-2100
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If in doubt regarding whether or not to include a property on this list, it is advised that you include it. **Provide a mailing label for each Property Owner listed – also include labels for the owner/applicant/attorney.** – labels not required for a text amendment.
7. Payment of Required **FEES** plus **\$50** for **each** required **Public Hearing Sign** – **NOT REQUIRED FOR TEXT AMENDMENT** – Determine how many street frontages and parcels on the subject property/ies. Include that number on the application form.
8. **LETTER OF EXPLANATION/Narrative**. (Original). This document should provide the background/history of your request describing the proposed plan in details, summarize the relief being requested and why the relief is necessary for the property. **Review the specific section/s of the ordinance that you are seeking relief**. If you are seeking a variation, please review the “Variation Commentary” and ordinance requirements pertaining to variations.
6. **STANDARDS or FACTORS**. Respond to the standards, see the sample provided. This must be addressed in writing if Variation, Map Amendment, Text Amendment or Special Use.
7. Current **PLAT OF SURVEY** showing all improvements on the property. (folded)
8. Detailed and dimensioned **SITE PLAN** illustrating the proposed project. (folded – or 11x17, if all details are legible)- Area of variation or special use should be easily identified or clouded on the plans.
9. Email in PDF format the following (**as applicable**): Plat of Survey, Site Plan, Preliminary Plat, Final Plat, Conceptual Drawings, Elevation Plans, Landscape Plans, Pictures, etc. PDF of each is to be emailed to

chiarelli@oak-brook.org and rman@oak-brook.org and after staff review will be required to be submitted with the application.

10. **All Color Renderings** and any other submittal that cannot be copied on 8 ½ x 11 paper.
11. **Provide a list of persons testifying at the hearing or a Business card for each.** Tentative list to be provided with the application. The List should include, name, company, address, phone, fax and e-mail address.
12. **STANDING** – If the applicant is NOT the property owner, obtain written authorization from the owner(s) to apply for the relief you are seeking. (Original)

Note: The following documents may be required and/or helpful. If submitted **copies** are required unless otherwise noted (all documents are to be emailed in pdf format first for staff review):

- ★ Existing and proposed floor plan. □ Topographical surveys. □ Photographs illustrating the situation.
- ★ Architectural Plans – including Elevations views of the proposed structure.
- ★ Letters of approval from neighboring property owners. While neighbor approval or disapproval is not legally relevant in most cases, it can be helpful in the overall evaluation of a petition. Keep in mind that the neighbors are NOTIFIED of the public hearing date and if there are questions or concerns it may help you to evaluate any issue or address concerns prior to the public hearing. It can be helpful for the Commissions and Boards in their evaluation of the petition.

Note: DO NOT SUBMIT ANY hard copies UNTIL Staff has reviewed the documents by EMAIL. The signed original application and filing fee will be required by the submittal deadline date.

The Zoning Ordinance is Title 13 of the Village Code.

https://codelibrary.amlegal.com/codes/oakbrookil/latest/oakbrook_il/0-0-0-1

When you access the Village code Scroll to Title 13 for the Zoning Ordinance.

IMPORTANT INFORMATION:

Prior to submittal of the application and documents it is advisable to meet with the Development Services staff, if you have not already done so.

Call Cathy/Rama to schedule a meeting, which may include the Director, Rebecca Von Drasek Rama Raman and Cathy Chiarelli at 630-368-5106 or 630-368-5103)

Review the applicable **ORDINANCE TEXT** of the Zoning Regulations to which you are seeking relief.

FOLLOW the **PUBLIC HEARING SUBMITTAL DOCUMENTS GUIDELINES** in order to ensure all requirements have been met.

VARIATION INSTRUCTIONS

For Public Hearing Application

1. Review the **VARIATION COMMENTARY** and applicable **ORDINANCE TEXT**.
 - a) A copy of the specific Ordinance you are asking to vary has been included in the email along with a link to the Sterling Codifier website.

2. Meet with **Planning & Zoning staff**

Before proceeding with the following steps, it is advisable, at this point, to meet with staff, if you have not already done so and we will assist you in answering any questions that you may have.

3. **LETTER OF EXPLANATION**. Please pay special attention when preparing your letter of explanation. In order to justify the granting of a variation, it is necessary for the Planning & Zoning Commission and the Board of Trustees to find that you have a **hardship and/or unique circumstance** which warrants the requested zoning relief

4. **STANDARDS** Use copy provided and respond to each item .

5. FOLLOW the **PUBLIC HEARING SUBMITTAL DOCUMENTS GUIDELINES** in order to ensure all requirements have been met.

6. Be sure to include any additional documentation necessary to meet the special use criteria, which could include, but not limited to the following:
 - a. Existing and proposed floor plans
 - b. Topographical surveys.
 - c. Photographs illustrating the situation.
 - d. Letters of approval from neighboring property owners. (While neighbor approval or disapproval is not legally relevant in most cases, it can be helpful in the overall evaluation of a petition. Keep in mind that the neighbors are NOTIFIED of the public hearing date and if there are questions or concerns it may help you to evaluate any issue or address concerns prior to the hearing)
 - e. Architectural Plans – including views and elevations of the proposed structures

For assistance, please feel free to contact Cathy Chiarelli (630-368-5106 – cchiarelli@oak-brook.org) or Rama Raman (rraman@oak-brook.org).

VARIATION COMMENTARY

A Variation is zoning relief, which permits deviation from zoning district requirements where strict observance of these requirements is not reasonably due to the unique circumstance(s) involved or where undue hardship would result.

The power to vary the Zoning Ordinance is restricted and regulated by the State of Illinois statutes. The Village's Ordinance is based on the criteria set forth in these statutes. Please review the ordinance text, a copy of which is included in this packet on pages 9 through 11.

In addition to the above, the following may help you better understand when a variation may or may not be granted.

MAY BE GRANTED:

1. When lot size, shape, or topography present unusual difficulties to the construction necessary.
2. When pre-existing conditions, which are not of the present owners making, cause problems in complying with the requirements.
3. When adherence to the requirements would prevent or reduce unreasonably the ability to gain a fair rate of return.
4. When a hardship exists, due to unusual lot shape or topography, hazards due to flooding potential, and hazards due to neighboring property usage.
5. When the proposal is in accordance with the intent of the regulations and when the essential character of the neighborhood will not be damaged.

MAY NOT BE GRANTED:

1. Where the justification is solely based on the possibility for profit.
2. Where conditions put forth are essentially the same for most other properties. The remedy for this situation is to seek amendment to the zoning ordinance itself.
3. Where the request is based on personal conditions of your own making.
4. Where the variation, if granted, would be detrimental to neighboring properties.
5. Where the variation would restrict adequate light, ventilation, and/or fire separation for neighboring properties.
6. Where the variation would negatively alter the character of the area.

VARIATION COMMENTARY (continued)

Before preparing a petition, it is recommended that you meet with the Director of Development Services to discuss the details of your situation.

Once a petition has been received, the following meetings are scheduled.

Planning & Zoning Commission - Public Hearing

After proper public notice (newspaper) and notice by mail to your neighbors, a Public Hearing is held before the Planning & Zoning Commission. Your attendance at this meeting is required. You may be represented by counsel if you so wish. You may bring expert witnesses such as architects or engineers, and anyone that you feel may help you in your presentation.

BOARD OF TRUSTEES

The Board of Trustees will consider your request at one of their regular meetings. If they wish to approve it, they will authorize the Village Attorney to draft the necessary ordinance, which will be voted on for approval at their next meeting.

If your request is approved, the ordinance approving it will be filed with the Recorder of Deeds. You will be billed for the recording fee and will be provided with a copy of the recorded document when it is returned from the Recorder's Office.

VARIATION STANDARDS

1. a. 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.

RESPONSE:

1. b. The plight of the owner is due to unique circumstances.

RESPONSE:

1. c. The variation, if granted, will not alter the essential character of the locality.

RESPONSE:

2. a. The particular physical surroundings, 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.

RESPONSE:

2. b. The condition upon which the petition for variation is based would not be applicable generally to the other property within the same zoning classification.

RESPONSE:

2. c. 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.

RESPONSE:

2. d. 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.

RESPONSE:

2. e. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

RESPONSE:

2. f. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

RESPONSE