



Variation Information and Application Packet

Introduction

This information packet was created to assist anyone who is considering applying for a zoning variation, or zoning variance. The packet presents an overview of the procedures and requirements for variation requests. It also includes all forms and information necessary to compile a complete variation application. However, this packet does not have any statutory standing and should not be considered a substitute for the actual ordinances, codes, or policies of the Village of Campton Hills. At a minimum, those considering a special use request should consult Article 3 of the Village's Zoning Ordinance of 2024. Also, applicants should consider a meeting with the Building and Zoning Department staff prior to submitting a variation application.

What is a Zoning Variation (or Variance)?

The Campton Hills Zoning Ordinance of 2024 establishes zoning regulations for all properties within the Village. These regulations and the official zoning map of the Village divide the municipality's territory into zoning districts. Various standards related to lots and buildings are proscribed for each zoning district. Ordinarily, all properties must adhere to all applicable requirements of the zoning ordinance. When an individual property or property owner would be uniquely and unduly burdened by strict adherence to the requirements of ordinance, the owner may seek a zoning variation. The zoning variation, if granted, allows for certain deviations and departures from specific standards of the zoning ordinance. Examples of such deviations may include changes to minimum building setbacks, maximum building heights, etc. Variations to the permitted and special uses of the adopted zoning districts are not allowed. A rezoning is the appropriate process for changing the allowable uses on an individual lot.

Article 3 of the Zoning Ordinance of 2024 establishes approval processes for various zoning-related requests, including variations. Section 3.5 of Article 3 specifically addresses variations. The Village uses three standards to evaluate zoning variation requests. These standards are listed on the Variation Criteria Worksheet attachment in this information packet. The person applying for a variation (the applicant) is responsible for demonstrating that the variation request meets all three standards.

Application, Review, and Approval Process

To apply for a variation an applicant must submit all the items listed on the attached Variation Application Checklist of Required Materials to the Building and Zoning Department. The Village's zoning officer will review the application for completeness. If the application is incomplete, the applicant will be notified and no further action will be taken by the Village until the application has been completed. If the application is

complete, the zoning officer will schedule a public hearing before the Planning & Zoning Commission.

This public hearing requires a three-part public notice:

- Notice of the hearing published in a local newspaper. Village staff is responsible for this notice;
- A public notice letter mailed to all property owners within 250 feet of the subject property. The Zoning Officer provides the applicant with the text of the letter and the list of owners and their addresses. The applicant is then responsible for assembling the letters and mailing them. The applicant will provide a signed affidavit, verifying that the letters were sent. (Affidavit form provided to the applicant after a complete application is received.)
- A public notice sign placed on the property. The zoning officer will provide details of sign size, location and text. The applicant is responsible for the cost of the sign and placing the sign as instructed.

The Planning & Zoning Commission is an advisory board appointed by the village president. Prior to the public hearing, the applicant must fulfill certain public notice requirements detailed in the attached Variation Public Notice Requirements. Failure to complete the required public notice could result in cancellation or postponement of the public hearing.

At the conclusion of the public hearing, the Planning & Zoning Commission will recommend approval or denial of the variation. The recommendation will be forwarded to the Village Board of Trustees. Additionally, an ordinance authorizing the variation request will be prepared. The Village Board of Trustees will review the request and Planning and Zoning Commission recommendation for approval or denial of the request. Note that the Planning & Zoning Commission's recommendation is not binding; however a negative recommendation will trigger a super-majority of approval votes at the Board level for the ordinance to pass. The Village Board of Trustees will vote to approve or deny the variation request. The decision of the Board is final.

If the ordinance is approved, the applicant may submit building permits or take other action to institute the variation.

Attachments:

1. Variation Application Form
2. Variation Application Checklist of Required Materials
3. Variation Criteria Worksheet
4. Applicant's Agreement with Respect to Fees and Deposits
5. Approval Process Illustration

**BUILDING AND ZONING DEPARTMENT**

40W270 LaFox Road, Suite B
Campton Hills, IL 60175

VARIANCE APPLICATION

APPLICANT INFORMATION

Applicant name:

Company:

Address:

Tel and email:

CHECK ONE OF THE FOLLOWING:

- ☐ Applicant is the owner of the subject property
☐ Applicant is the contract purchaser of the subject property
☐ Applicant is acting on behalf of a beneficiary of a trust
☐ Applicant is acting on behalf of the owner

SUBJECT PROPERTY/PROPERTIES INFORMATION

Address(es):

PINs:

Total area (in acres or sq ft):

Other characteristics (e.g. irregular shape of lot, significant change in topography):

DESCRIPTION OF PROPOSED VARIANCE

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Name and address of legal and beneficial owner of property:

Tel and email:

REQUIRED DOCUMENTS

See Variance Application Checklist for items that must accompany this application.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I may be required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request.

SIGNATURE OF APPLICANT**DATE**

Village of Campton Hills Variance Application Checklist of Required Materials

A complete application for a variance must include all of the following items. Any application that does not include all of the following items will be considered incomplete. The Zoning Officer will not schedule a public hearing before the Planning & Zoning Commission until the application is complete.

SUBMIT DIGITAL COPIES OF ALL REQUIRED DOCUMENTS. ALSO SUBMIT TWO PAPER COPIES OF ALL REQUIRED DOCUMENTS. ALL PLANS SHOULD BE AT LEAST 11X17

_____ **Application form.** Submit the variance application form, signed by the applicant.

_____ **Fees.** A non-refundable filing fee of \$550 is required for variances. If two or more variances are requested for the same property in one application, only one fee of \$550 is due. Checks should be payable to the Village of Campton Hills. Credit card payment option is available—contact Village staff. *(Section 3-3-2 of the Village Code)*

Also note that the applicant may be required to pay a deposit for anticipated Village costs, e.g. consultant reviews of the application. or Village Board review. *(Section 3-2-3 of the Village Code)*

Recent scams involving false invoices for zoning approvals have targeted applicants in Campton Hills and throughout the region. The Village never requests that you wire or otherwise electronically transfer money. If you receive any invoices, inquire with Village staff to ensure the charges are valid.

_____ **Applicant's Agreement with Respect to Fees and Deposits.** (Attached to the Variance Information and Application Packet)

_____ **Proof of ownership and/or authorization.** Submit a copy of a deed that documents the current ownership of the subject property/properties. If the applicant is the owner, this is the only documentation necessary. If the applicant is not the owner, the following are required in addition to a copy of the deed:

- If the applicant is the contract purchaser of the property, or in with the owner for purchase of the property, a statement by the owner shall stating such shall be included with the application.
- If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.

- If the applicant is acting on behalf of the owner, a letter of consent from the owner must be attached.

_____ **Legal description.** Submit a legal description of the properties or properties, including PINs.

_____ **Plat of survey.** Submit a current plat of survey.

_____ **Site plan.** Applications for uses that will require new structures or enlargement of existing structures should submit a site plan showing the location(s) of the changes to the site and its buildings. This plan should include north arrow, scale, and dimensions for all buildings or other features on site. The site plan should indicate, as applicable:

- the area of the entire proposed planned development and its boundaries.
- The size of the entire development, expressed in either acres or square feet.
- Types and locations of land uses and all structures, e.g. detention ponds, trash corals, residences.
- The type of dwelling units and the number of each type, e.g. 24 townhouses, 16 2-bedroom condos.
- General placement of various types of landscaping, e.g. street trees, screening.

NOTE: APPLICANTS MAY INDICATE CHANGES ON A COPY OF THE PLAT OF SURVEY. PLEASE INCLUDE DIMENSIONS TO PROPERTY LINES.

_____ **Architectural elevations.** If applicable, colored architectural elevations of each type of building, indicating height, width and length, and all exterior building materials, including shingle type, should be submitted.

_____ **Variance criteria worksheet.** The applicant must address the standards listed on the attached Variance Criteria Worksheet.

_____ **Other.** Other documents or plans that may be required by the Zoning Officer to explain or clarify the scope and nature of the proposal and its impacts on surrounding properties. The Zoning Officer may waive one or more of the items on this checklist.

Village of Campton Hills
VARIATION CRITERIA WORKSHEET

Applicants for a zoning variation approval should submit a statement that addresses each of the following criteria for a variation. (*Zoning Ordinance of 2024, Paragraph 3.5.F*)

1. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.

2. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

3. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.



Applicant's Agreement with Respect to Fees and Deposits

3-2-1 : FINDINGS:

A. Certain costs are necessarily incurred by the village in processing petitions for annexation, rezoning, planned unit developments, subdivisions, site plans, and other land use matters (the development petition), including, but not limited to, staff costs and fees of planning consultants, engineers, attorneys, building officials, environmental consultants, and other consultants, as well as out of pocket costs of the village such as mailing, photocopying, telephone, publication, recording and other out of pocket costs (collectively "development costs"); and (2013 Code § 1-17-5; amd. 2016 Code)

B. The village board has determined that development costs should be borne by the person filing a development petition ("petitioner") rather than the taxpayers of the village. (2013 Code § 1-17-5)

3-2-2 : TRUST AND AGENCY ACCOUNT:

The village shall establish a trust and agency account (also known as an escrow account): a) for the purpose of accounting for development costs and reimbursement for such costs with subaccounts for each separate petitioner; and b) for the purpose of accounting for other deposits being held in trust from time to time. Such trust and agency account shall be subject to audit as in the case of all other accounts and funds of the village but shall not be part of the budget process of the village. (Ord. O-15-18, 10-6-2015)

3-2-3 : DEPOSIT REQUIREMENTS:

A. Initial Deposit: Whenever the village is asked to consider a development petition, the village administrator, or the designee of the administrator, shall, prior to the time when the village incurs any significant expense for staff or consultants, establish the amount of the petitioner's initial deposit in the trust and agency account of the village (the "initial deposit"). Before any expenses for consultant and out-of-pocket costs are incurred by the village, the petitioner shall pay to the village treasurer the amount of such initial deposit.

B. Second And Subsequent Deposits: Prior to the time when the accrued fees and costs equal the amount of said initial deposit, the village administrator, or the designee of the administrator, shall establish the amount, if any, of a second deposit to the trust and agency account (the "second deposit"). Likewise, prior to the time when the accrued fees and costs equal the amount of said second deposit (and any subsequent deposits), the village administrator, or the designee of the administrator, shall establish the number of subsequent deposits (the "subsequent deposits") to the trust and agency account. (2013 Code § 1-17-5; amd. 2016 Code)

C. Failure To Make Deposits: In the event that the petitioner fails to promptly make the required payments of the initial deposit, the second deposit, or any subsequent deposit, the village may advise all consultants to the village to cease performing any services and incurring any costs relative to the development petition, and the village may postpone or cancel any scheduled hearings, meetings, or considerations of the pending development petition. (2013 Code § 1-17-5)

3-2-4 : INVOICES:

Copies of all invoices submitted to the village by its consultants shall be provided to the petitioner. Any questions as to such invoices must be raised by the petitioner within fourteen (14) days after transmittal of the invoices to the petitioner, and in the absence of such questions within such time, the invoices shall be conclusively deemed acceptable to the petitioner. (2013 Code § 1-17-5)

3-2-5 : REFUNDS:

Whenever it appears that there will not be further development costs incurred relative to a petitioner, the balance in such petitioner's trust and agency account will be refunded to the petitioner. (2013 Code § 1-17-5)

3-2-6 : COPY OF PROVISIONS TOPETITIONER:

At the time that the amount of the initial deposit is established, the petitioner shall be provided with a copy of this chapter and shall deliver to the village the following statement signed by the petitioner: (2013 Code § 1-17-5)



To: Village of Campton Hills

The undersigned, having filed or expecting to file, a development petition with the Village of Campton Hills, certify that I have received a copy of Title 3, Chapter 2 of the Village of Campton Hills Code, have read and understand the same and agree to make the deposits as provided in said Code Chapter, including the following:

Escrow deposit of \$ _____

Check # _____

Dated: _____

Type of Project: _____

Project Name: _____

Project Address: _____

PIN(s): _____

Owner's Name: _____

Owner's Address: _____

Petitioner's Name: _____

Petitioner's Address: _____

Owner's Signature: _____

Petitioner's Signature: _____

Office Use: _____

Received By: _____

Date: _____

Permit#: _____

APPROVAL PROCESS - SPECIAL USE, VARIANCE, REZONING

