



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 COMMUNITY DEVELOPMENT 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: Plan Commission _____ Zoning Board of Appeals _____

Board of Trustees _____ Board of Trustees (Approval of Ordinance) _____

SIGNED - VILLAGE CLERK _____ Date _____

NAMES OF SURROUNDING PROPERTY OWNERS

Following are the names and addresses of all surrounding property owners from the property in question for a distance of approximately 250 feet in all directions. The number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250-foot requirement. Said names are as recorded in the office of the County Recorder of Deeds (or the Registrar of Titles of the County) and as they appear from the authentic tax records of this County within 30 days of the filing of this application. **Provide a mailing label for each Property Owner listed** and applicant.

Note: The people on this list will be notified by mail with the information about your request and the meeting schedule.

NAME OF PROPERTY OWNER	MAILING ADDRESS OF PROPERTY OWNER	PROPERTY ADDRESS	PARCEL NUMBER

(Attach additional sheets if necessary)

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	_____ Signature of Applicant
_____ Date	_____ 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 **"14 copies"** of all plats of survey, site plan, 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 and 2 copies)
2. **LEGAL DESCRIPTION** – NOT REQUIRED FOR TEXT AMENDMENT (3 copies) The Legal Description is also to be submitted in a Word Document format and emailed to: cchiarelli@oak-brook.org and rvondrasek@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 and 3 copies)
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** (3 copies). 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:

DuPage County Planning & Zoning	York Township	Downers Grove Township
Paul Hoss	1502 Meyers Road	4340 Prince Street
421 County Farm Road	Lombard, IL 60148	Downers Grove, IL 60515
Wheaton, IL 60187	630-627-3354 (8-4:30 M-F)	630-968-2100
630-407-6756 or 630-514-0628		

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 and 2 copies) 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** (Original and 2 copies). 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. (4 copies folded)
8. Detailed and dimensioned **SITE PLAN** illustrating the proposed project. (14 copies 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 rvondrasek@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. (14 copies)
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 and 2 copies)

Note: The following documents may be required and/or helpful. If submitted **14 copies of each** 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. (Original and 2 copies) 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/Rebecca to schedule a meeting, which may include the Director, Tony Budzikowski, Rebecca Von Drasek 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 Zoning Board of Appeals 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 Rebecca VonDrasek (630-368-5120 – rvondrasek@oak-brook.org).

Note: The Zoning Ordinance can be accessed through this Link: [Zoning Regulations](#)

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 Community Development to discuss the details of your situation.

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

ZONING BOARD OF APPEALS - Public Hearing

After proper public notice (newspaper) and notice by mail to your neighbors, a Public Hearing is held before the Zoning Board of Appeals. 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.

**EXCERPTED FROM THE VILLAGE OF OAK BROOK CODE
TITLE 13, ZONING REGULATIONS, Chapter 14, Section 6**

(13-14-6) Variations

- (A) Authority:** The Board of Trustees shall decide all applications for variations of the provisions of this Title after a public hearing held before the Zoning Board of Appeals on such notice as shall be required by the Illinois Compiled Statutes. The Zoning Board of Appeals shall hold public hearings upon all applications for variations and shall report its recommendations to the Board of Trustees as to whether a requested variation would be in harmony with its general purpose and intent, and shall recommend a variation only where it shall have made findings of fact specifying the reason or reasons for recommending the variations. Such findings shall be based upon the standards prescribed in subsection D of this Section. No variation shall be granted by the Board of Trustees without such findings of fact. In the case of a variation where the Zoning Board of Appeals fails to recommend the variation, it can only be adopted by ordinance with the favorable vote of two-thirds (2/3) of the Trustees.
- (B) Initiation:** An application for a variation shall be in triplicate and may be made by any governmental office, department, board, bureau or commission, or by any person having a freehold interest, a possessory interest entitled to exclusive possessory interest applicable to the land, or land and improvements described in the application for a variation.
- (C) Processing:** An application for a variation shall be filed with the Village Clerk who shall forward one copy of such application to the Zoning Board of Appeals for processing in accordance with applicable Statutes of the State and one copy to the Board of Trustees.

(D) Standards:

- (1)** The Zoning Board of Appeals shall not recommend a variation of the provisions of this Title as authorized in this Section unless it shall have made findings of fact based upon the evidence presented to it on the following specific issues that:
- (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.
 - (b)** The plight of the owner is due to unique circumstances.
 - (c)** The variation, if granted, will not alter the essential character of the locality.
- (2)** For the purpose of supplementing the above standards, the Zoning Board of Appeals, in making the determination whether there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence that:
- (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 regulations were to be carried out.
 - (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.
 - (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.
 - (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.
 - (e)** That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.
 - (f)** That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

**EXCERPTED FROM THE VILLAGE OF OAK BROOK CODE
TITLE 13, ZONING REGULATIONS, Chapter 14, Section 6**

- (3) The Zoning Board of Appeals may recommend and the Board of Trustees may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Title.
- (E) ***Unauthorized Variations:*** The variation procedure shall in no case be used to accomplish a result which could otherwise be achieved by a rezoning of the property involved, such as, but not limited to, establishment or expansion of a use not permitted in a residence district; authorizing the construction of residences in other than residence districts; nor authorizing other than single-family detached residences in the R1, R2, R3, and R4 Districts.
- (F) ***Re-applications:*** Any person having been denied a variation to the provisions of this Title respecting a specific parcel of property may not reapply for a like variation on said real property until the period of one (1) year has elapsed since the denial of the application for variation by the Village President and Board of Trustees. (Ord. No. G-60, 3-22-1966; Ord. G-137, 9-14-71)