



## Zoning Variance Information Sheet

This packet was created to assist those considering a zoning variance application. The packet presents an overview of the procedures and requirements for variance requests and includes all forms and information necessary to compile a complete application. However, this packet does not have any statutory standing and should not be considered a substitute for the actual ordinances of the City of Park Ridge. Those considering a variance application should consult Section 3 and Section 4.4 of the City of Park Ridge Zoning Ordinance. You can find this ordinance at [https://library.municode.com/il/park\\_ridge/codes/zoning\\_ordinance](https://library.municode.com/il/park_ridge/codes/zoning_ordinance).

### What is a Variance?

The City of Park Ridge, like many municipalities, is divided into zoning districts. Each zoning district has specific and unique regulations that govern such things as the size, bulk and placement of buildings on a lot. The same zoning district requirements do not affect all properties in that zoning district equally, yet all properties within Park Ridge must adhere to the applicable standards of the Zoning Ordinance. Through the variance approval process particular standards of the Zoning Ordinance may be relaxed or altered. Examples of such variances may include changes to the maximum allowable height of a building or changes to the minimum yard and setback requirements. Variances to the permitted and special uses of the zoning district are not allowed. An amendment to the zoning map or text would be the appropriate process for changing the allowable uses on a property.

A zoning variance is not intended to merely remove an inconvenience or financial burden that a person may incur by adherence to the standards of the Zoning Ordinance. The applicant for a variance must show that his/her situation is unique, that there is a hardship, and that the variance will not alter the essential character of the area. Section 4.4, Paragraph E of the Zoning Ordinance lists the standards for a variance; these standards are also listed on the *Variation Criteria Worksheet* attachment to this packet. The burden of demonstrating that the variance request meets these criteria rests with the applicant.

### Variance Review and Approval Process

In order for an application to be considered complete and processed, all items listed on the attached checklist must be submitted to the Community Preservation and Development Department. The Department staff will review the application for completeness, and if it is incomplete the applicant or agent will be notified and no further action will be taken by the Department until the application has been completed.

When reviewing the application, the Department staff will also determine if the variance request will be processed as an administrative variance, a minor variance, or a major variance. The distinctions between these variances are based on the nature, extent and potential impacts of the requested approval.

*Administrative Variance.* The Zoning Administrator is authorized to render final decisions on applications for variances regarding certain specified percentages of minimum lot size, off-street parking and loading requirements, and the storage of recreational vehicles in yards. There are public notice requirements that must be satisfied before a decision can be rendered. See Section 4.4, Paragraph D.1 of the Zoning Ordinance for specifics regarding administrative approval.

*Minor Variance.* The Zoning Board of Appeals (or “ZBA,” a commission of unpaid volunteers appointed by the mayor and approved by the City Council) is authorized to render final decisions on applications for minor variances. These types of variances can be summarized as certain specified percentages of: minimum lot size requirements, bulk and yard regulations, off-street parking requirements and the restoration of destroyed or damaged nonconforming properties. The ZBA conducts a public hearing on the application (see below) and upon conclusion of the hearing makes findings and a determination on the application. The ZBA may impose such conditions and restrictions upon the variance approval as it deems appropriate to protect the public interest and adjacent properties. See Section 4.4, Paragraph D.2 of the Zoning Ordinance for more information on minor variances.

*Major Variance.* Major variances are those not defined as administrative or minor variances. As with minor variances, the ZBA conducts a public hearing, but for major variances it does not render the final decision on the application. Instead, it makes a recommendation to the City Council, and the City Council renders the final decision. The Council’s approval is in the form of an ordinance that specifies the details of the application and approval.

The time from application to public hearing is approximately 6-8 weeks. The time from public hearing and recommendation of the ZBA to final City Council approval is normally 2-4 weeks. Thus, an applicant should assume that the total processing and approval time of a variance request could take from eight to twelve weeks. In rare instances when the ZBA determines it does not have adequate information to make a recommendation, the public hearing is continued to the next scheduled ZBA meeting.

### **Public Hearing Notice Requirements**

The purpose of a public hearing is to allow interested parties and stakeholders to comment on the application. Comment is taken into consideration by the ZBA in making its findings and recommendations. In order to ensure the public is aware of the hearing and the opportunity to comment, there are public notice requirements.

Public notice requirements must be properly fulfilled prior to the public hearing. Failure to properly and completely fulfill the notice requirements could result in postponement or invalidation of the public hearing.

Once a complete application is received, the Department staff will schedule a hearing date. Public notice is accomplished after a complete application has been received and 15-30 days prior to the scheduled public hearing. The table below illustrates the public notice requirements for the three types of variances and who is responsible for completing them.

| <b>PUBLIC NOTICE REQUIREMENTS BY TYPE OF VARIANCE</b> |                         |              |              |                          |
|---|-------------------------|--------------|--------------|--------------------------|
| <b>Type of Notice</b>                                 | <b>Type of Variance</b> |              |              | <b>Responsible Party</b> |
|   | <i>Administrative</i>   | <i>Minor</i> | <i>Major</i> |                          |
| Mailed Notice   | Required                | Required     | Required     | Applicant                |
| Sign Notice   | Required                | Required     | Required     | City                     |
| Newspaper Notice                                      | Not Required            | Required     | Required     | City                     |

*Mailed Notices.* The applicant must prepare letters addressed to every property within 250 feet of the subject property. The address list, as well as the format and text of the letter, are provided by City staff. Once the letters are prepared they are provided to staff for mailing. These letters must be sent out not more than 30 days but not less than 15 days prior to the scheduled date of the public hearing. The letters serve to inform nearby residents of the nature, time, date and venue of the public hearing.

*Sign Notice.* The City places a large sign on the subject property advising the public that there is a land use application on the property and listing the Community Preservation and Development Department as a contact for additional information. The sign is placed on the property not more than 30 days prior to the hearing and remains through the scheduled hearing date.

*Newspaper Notice.* The City arranges for a public notice to be published in a newspaper of general circulation within the City. The notice is similar in content and format to the mailed legal notice.