

Village of Wilmette

Zoning Board of Appeals Handbook

This information has been prepared to assist you as you apply for a variation from the Zoning Ordinance, or as you seek approval for a special use.

Zoning is an instrument utilized by the Village to control the use and development of land so that community health, safety, and welfare is promoted and protected. Zoning controls the density of development, directs where specific uses may be located, and insures that properties can be adequately serviced by infrastructure and public utilities. These purposes are accomplished by regulations and standards contained in the Zoning Ordinance which:

- Regulate the intensity of land use and determine the area of open space;
- Classify, regulate and restrict the location of uses, and the location of structures designed for business, industrial, residential and other specified uses;
- Divide the Village into zoning districts of such character, number, shape and area as are best suited to effect these purposes;
- Prohibit structures or uses in a district incompatible with the character of the district;
- Prevent additions to, alterations to, or remodeling of existing structures in such a way as to avoid the restrictions and limitations lawfully imposed by the ordinance;
- Fix standards to which every structure in a district should conform;
- Provide for the gradual elimination of structures and uses which are incompatible with the character of the districts in which they are located;
- Definite and limit the powers and duties of the Village's administrative officers, boards, and commissions;
- Prescribe penalties for the violation of the provisions of the ordinance.

Zoning has nothing to do with the materials or manner of construction of a building. These issues are regulated by the Building Code, Electrical Code, Plumbing Code, and Fire Prevention Code. Zoning does not regulate the design of streets, the installation of public utilities, and related matters. These items are regulated by the Village Subdivision Ordinance. While matters of aesthetics for commercial and multi-family properties are regulated by the Zoning Ordinance, design review is within the jurisdiction of the Appearance Review Commission, not the Zoning Board of Appeals.

Please read the following information carefully, to avoid any unnecessary delays to your project. Delays can be minimized by complete and timely submittal of all required information and documents. In preparing your application, you should consult the Wilmette Zoning Ordinance and Community Development Department staff for assistance.

Questions in regard to the Zoning Ordinance or your application should be directed to the Department of Community Development at **(847) 853-7550** or at **comdev@wilmette.com**.

Wilmette Zoning Ordinance

General Provisions

The first Wilmette Zoning Ordinance was adopted in 1922. Over the years it has been amended to its present form. The most recent zoning ordinance was adopted in 2014. It contains twenty-three zoning districts, including ten sub-districts, in three general categories:

Residential

R	Single-Family Detached Residence
R-A	Single-Family Detached Residence
R1-A	Single-Family Detached Residence
R1-B	Single-Family Detached Residence
R1-C	Single-Family Detached Residence
R1-D	Single-Family Detached Residence
R1-E	Single-Family Detached Residence
R1-F	Single-Family Detached Residence
R1-G	Single-Family Detached Residence
R1-H	Single-Family Detached Residence
R1-I	Single-Family Detached Residence
R2	Attached Residence
R3	Multi-Family Residence
R4	Multi-Family Residence

Commercial

NR	Neighborhood Retail Business
NR-1	Linden Square Neighborhood Retail
GC1	General Commercial
GC2	Heavy Commercial Business
OR	Office-Research
VC	Village Center

Planned Commercial Districts

PCD1,	Planned Commercial Dev (Edens Plaza)
PCD2,	Planned Commercial Dev (Plaza del Lago)
PCD3,	Planned Commercial Dev (West Lake Plaza)

Within each district the Ordinance establishes Permitted Uses and Special Uses and sets limits to their intensity. *Permitted Uses* are those that may be located within a district as a matter of right. Single family detached dwellings, for example, are classified as a Permitted Use within fourteen of the fifteen residential zoning districts and sub-districts. Some uses may be appropriate within a given district, but may warrant special consideration so as not to adversely impact the use and enjoyment of neighboring property. These uses are classified as *Special Uses*. For example, unusual recreation equipment is a Special Use in residential districts.

In addition to the establishment of uses, the Zoning Ordinance regulates other matters including the “bulk” of improvements permitted on a particular lot. Bulk is a term which incorporates the following regulations: amount of lot area per dwelling unit; lot area and width; building height; building setback; open spaces (yards); lot coverage (maximum footprint); and floor area (maximum building size). The Ordinance also regulates parking requirements, non-conforming structures, accessory structures and temporary uses.

Variations and Special Uses

In some cases, a strict application of the Zoning Ordinance creates practical difficulties or particular hardship for a property owner. In such cases the property owner may seek a variance from the provisions of the Ordinance. Variations are not granted merely to remove *inconveniences* that the Ordinance imposes on a particular property owner. Examples of variation requests include: a variation from the fence regulations to allow the height to exceed the maximum, a variation to the building setback requirements to allow an addition to be closer to the lot line, and a variation to the off-street parking requirements for a business.

Certain uses, because of their unique characteristics, cannot be properly classified in any particular district without consideration as to the impact on neighboring land and/or the public need. Such cases are classified as Special Uses. Prior to their establishment, a Special Use must be obtained, which may include conditions to ensure that the use is appropriate at a particular location.

Zoning Board of Appeals Hearing Timeline and Requirements

PRE-APPLICATION MEETING

Although this step is optional, it is highly recommended that you schedule a meeting with the Department of Community Development to discuss your proposal and familiarize yourself with Village requirements and procedures.

APPLICATION SUBMISSION

The following items must be submitted to the Department. Upon receipt of all required submittals, a public hearing date will be scheduled.

1. Application. An application form is attached to the end of this booklet.
2. Filing Fee. Please consult the department fee schedule.
3. Evidence of Ownership. Suitable evidence of title, such as a copy of your deed, title insurance policy, or real estate tax bill. If you are not the owner, a copy of the contract to purchase and a letter of authorization from the owner is required.
4. Plans. One set of the following plans, which for the purposes of reproduction should be on sheets no larger 11" x 17":
 - A site plan drawn to accurate scale showing lot dimensions, existing and proposed structures, existing and proposed setbacks, distances to structures on adjoining lots, and indicating north.
 - Floor plan(s) drawn to accurate scale with all dimensions indicated.
 - Elevations drawn to accurate scale with all dimensions indicated.

Note: All drawings will be reduced to an 8.5" x 11" format for the report and should be legible at that size. If you wish to provide color copies and/or 11" x 17" copies to the Zoning Board, please provide 8 sets.

5. Plat of Survey. This item must include the following information:
 - Name, signature and seal of the Registered Land Surveyor who prepared the Plat.
 - Legal description of the site.
 - Boundary lines, dimensions, lot numbers and area of the site.
 - Location and dimensions of all existing structures, parking lots and drives, sidewalks and other freestanding structural features.
 - Name and location of all immediately adjacent streets and rights-of-way.
 - Location and dimensions of all building setbacks.
 - Location and dimensions of all existing easements including a statement of their general purpose.

6. Letter to the Zoning Board of Appeals. The letter should contain a brief description of the request and state how the request conforms to the standards of the Zoning Ordinance (please see the examples on pages 7-11 of this packet.)
7. Lot Coverage and Total Floor Area Worksheets. The lot coverage and total floor area worksheets must be submitted with most residential variation requests where exterior modifications are being made. The worksheets are available from the Community Development Department and on the Village's website.
8. Tree Survey. For requests to remove a Heritage Tree or for relief necessary to preserve a Heritage Tree, the applicant should submit a tree survey identifying the location, size, and condition of all trees on the private property. Contact village staff if you are unsure if this requirement applies.
9. Traffic Study. For commercial and multi-family projects, including townhouse developments, the applicant should submit a traffic study for Village review. The Village will have the traffic study reviewed by the Village's consultant at the applicant's expense. The standards for traffic studies are shown on pages 13-14 of this packet.

□ APPLICATION REVIEW

Once all submittals are received, the staff review for completeness and conduct a full zoning review. For projects that require a traffic study, the study will need to be submitted for village review before a Zoning Board date will be set. Commercial, townhouse, and multi-family projects subject to Site Plan Review will be required to have this review completed prior to being assigned a Zoning Board meeting date.

□ NOTICE OF HEARING

Upon completion of the application submittal and review, the Department of Community Development will assign a date for public hearing before the Zoning Board. Public notice of the hearing is required and will be given in the following manners:

1. Publication Notice. The Department will place a legal notice in a publication of general circulation in Wilmette. The notice must be placed not less than 15 days nor more than 30 days in advance of the hearing date and must include the date, time, place, and purpose of such hearing, the name of the applicant, the address of the subject property, and the zoning action.
2. Property Site Notice. The Department will post a notice on the property not less than 15 days nor more than 30 days prior to the hearing. The notice will include the application number, the date, time, and place of the public hearing, and the nature of the application being considered at the hearing. It is the applicant's responsibility to maintain the sign during the required period. If the sign is damaged or lost before the hearing, please contact Community Development so that a replacement sign may be posted.
3. Personal Notice. The applicant is responsible for delivering or mailing notice of the hearing, as follows:

- Persons to be Notified. You are required to provide personal notice to the person to whom the current real estate tax bills are sent for any property that has a part that lies within a 250-foot radius of the property lines of the lot for which an application has been filed. You are also required to notify the occupants of all of these same properties. This includes tenants within apartment units and commercial spaces, such as storefronts.

The Department will furnish you a map showing all properties within 250 feet that are to receive notice of the hearing as well as a list of the relevant property index numbers (PINS) for those properties or a list of the property addresses and tax payer information for those properties. If you have been provided PINS, you may obtain the names and addresses of the property owners from the Cook County Treasurer's office web site at www.cookcountytreasurer.com. Once on the web site, you can search under Payment Status by PIN number.

- Notice Documents. The Department will provide you sufficient copies of the two documents which are to be distributed: the personal notice of the hearing, and the Statement of Policy of the Wilmette Board of Trustees with respect to hearings on variations and special uses (Resolution 75-R-55).
- Method of Notification. Personal notice is to be given by first class mail or by hand delivery.

The notice must be mailed in a plain white envelope or the words "Village of Wilmette Public Notice Enclosed" must be on the front of the envelope to indicate that the contents are an official notice and not a commercial solicitation. Mailings where the applicant is a unit of local government may use envelopes pre-printed with the name of the unit of local government without being labeled as a public notice.

Notices delivered **by U.S. mail** must be given as follows:

- Any notice that is delivered by mail must be sent to the person's last known address by first-class mail. Notices delivered by mail are deemed to have been given when deposited in the U.S. Mail.
- Any notice that is mailed to an occupant may be addressed simply to "Occupant" at the appropriate address, without the actual name of the occupant being specified.

Notices delivered **by hand** must be given as follows:

- In the case of a natural person, to the person entitled to the notice or a member of that person's household over the age of thirteen (13).
- In the case of a corporation, to any officer or registered agent.
- In the case of a partnership, to any general partner.
- Where the recipients of such notice occupy a multi-tenant building, hand delivery may also be completed as follows: by personally delivering the notices to the owner of the

building or president of the condominium association for the building (in the manner set forth above), requesting the building owner or association president to distribute the notices to each tenant and unit owner, and having the building owner or association president sign a sworn affidavit stating that he/she has in fact distributed the notices to each tenant and unit owner.

- Time for Notification. All such notices shall be delivered or mailed not less than 15 days nor more than 30 days in advance of the date of the hearing.
- Evidence of Notification. The Department will provide you with an affidavit of compliance for completion. This affidavit is your sworn statement of the complete list of names and last known addresses of the persons entitled to notice served and the method of service. Such affidavit shall be notarized and returned to the Department at least seven days before the hearing.

❑ STAFF REPORT

Approximately one week prior to the hearing, the Department will prepare a written report summarizing the facts of the case and including all relevant documents. The report is mailed to you and to the members of the Zoning Board of Appeals several days prior to the hearing.

❑ SITE VISIT BY ZONING BOARD OF APPEALS MEMBERS

The Zoning Board of Appeals members individually visit the subject property in the days before the hearing to familiarize themselves with the request and the site. You do not need to be present and they will not contact you ahead of time.

❑ WHAT TO EXPECT AT THE HEARING

Powers of the Zoning Board of Appeals and the Village Board

The Zoning Ordinance creates a Zoning Board of Appeals (ZBA) to hear all applications for appeals from initial determinations by the Department of Community Development. After the hearing, the ZBA will make a recommendation to the Village Board on your application for a variation and/or a special use. The Trustees vote on the ZBA's recommendation at a subsequent Village Board meeting. When the Trustees hold their vote, they will not conduct a further hearing and will not consider evidence that was not first submitted to the ZBA unless they specifically vote to do so. Therefore, all relevant evidence and testimony should first be presented to the ZBA at the public hearing.

ZBA Membership and Meeting Dates

The Zoning Board consists of seven members who are residents of the Village. Each is appointed by the Village President and confirmed by the Village Board. The Zoning Board of Appeals generally meets on the first and third Wednesday of each month at 7:00 p.m. Their hearing schedule can vary based upon the number of pending applications.

The Hearing Environment

The Chairperson and members of the Zoning Board of Appeals conduct the hearing broadcast live over Wilmette's community cable channel (Channel 6) and streamed live on the Village's website at www.wilmette.com. Meetings are also rebroadcast on Channel 6 and are available to be viewed

anytime from the website. To familiarize themselves with the hearing procedure, applicants may find it helpful to attend a hearing prior to their scheduled meeting date or to watch a meeting on television or the Internet. Anyone who wishes to present evidence to the Zoning Board is sworn in before providing testimony.

What You Should Be Prepared for at the Hearing

The Zoning Board's recommendation that the Trustees grant a variation or special use must be based on evidence that the relevant Zoning Ordinance standards (pages 7-11 of this booklet) have been met. Therefore, it is up to you to present that evidence. Generally, you should begin by briefly stating your request and then providing information to show how the standards are met for your particular circumstances.

You may elect, but are not required, to bring expert witnesses such as your architect, contractor or traffic engineer to the hearing. You are not required to be represented by an attorney. If you are seeking a variation or special use because of particular engineering or design feature, you should consult the Department of Community Development as to the desirability of having a professional available to present relevant explanations at the hearing. If you are requesting a parking variation, it is strongly recommended that a traffic and parking study by a traffic engineer be submitted to the department for inclusion with the report prior to the hearing date. Not having the necessary documents available or experts present may result in your request being continued to a later date.

If you believe that full compliance with the Zoning Ordinance will result in significant additional costs to you of a magnitude that such compliance would result in a hardship, then you should bring this factor to the attention of the Zoning Board of Appeals. You should be prepared to present an estimate from your builder, architect or another qualified party as to the additional initial costs of construction directly attributable to compliance and/or the additional maintenance costs directly attributable to compliance with the Zoning Ordinance. You can present this evidence by way of testimony at the hearing.

Members of the ZBA will wish to question you and your witnesses. After you have presented your reasons for the variation or special use, other parties will be given an opportunity to address the ZBA upon receiving proper recognition from the Chairman.

After all interested parties have addressed the Zoning Board, the Chair provides you with the opportunity to comment on any public testimony and/or to answer questions that were asked. The Zoning Board members may have follow-up questions for you and/or your witnesses.

After everyone has addressed the Zoning Board in turn, the Chair will announce that the testimony is closed and request that a member of the Zoning Board make a motion. The motion is given in positive form as a motion to approve the request. Having the motion made and seconded allows the Zoning Board to begin discussion.

The Zoning Board votes to recommend approval or denial of all special use and/or variation requests under one action; they do not vote individually on each special use and variation request of an application.

The meeting room has the capability to present materials electronically to the ZBA. Applicants wishing to present materials electronically (such as a PowerPoint presentation) should contact the

Village staff as soon as possible to ensure this aspect of the case proceeds smoothly. If you wish to show drawings or photographs, it is requested that presentation boards not be used. Instead, please plan to bring graphics no larger than 11” x 17” in size for use with the overhead projector.

The Zoning Board can take one of three actions on a case:

- Vote to recommend granting your request, or
- Vote to recommend denying your request, or
- Vote to continue the case in the event that the Board requires, or you wish to present, additional information.

A positive recommendation to grant your request requires the concurring vote of at least four members of the Zoning Board regardless of how many members are in attendance at the meeting. The vote to grant or deny your request is an advisory recommendation to the Village Board, which makes the final decision. The recommendation is based on the standards for variations and special uses set forth in Sections 20-5.4.F (variations), 20-5.3.E (special uses) and 20-5.4.F.h (fence variations) of the Zoning Ordinance.

□ STANDARDS OF REVIEW

In order for a variation or a special use to be granted the applicable standards below must be met. An example of a typical response to each standard of review has been provided to assist you in preparing your letter to the Zoning Board of Appeals. Each petitioner will have to provide a specific explanation of how their particular variation(s) or special use meets these standards. Please note that the specifics of your case may be different from the examples given.

Section 30-5.4.F Approval Standards for Variations

1. No variation may be recommended for approval by the board or commission and approved by the Village Board unless findings have been made, based upon the evidence presented at the public hearing, to support each of the following conclusions:

a. The particular physical conditions, shape, or surroundings of the property would impose upon the owner a practical difficulty or particular hardship, as opposed to a mere inconvenience, if the requirements of the Zoning Ordinance were strictly enforced.

Example: The shape of the lot will not permit an addition in a conforming location.

b. The plight of the property owner was not created by the owner and is due to unique circumstances.

Example: The location of the house on the lot too close to the lot line was not the result of the current owner’s actions because the house was built by a previous owner in 1928, prior to the passage of the current zoning ordinance.

c. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the

same purposes. This includes the need to accommodate desirable existing site landscape or reflect unique conditions created by the age and character of the property.

Example: A stand of mature oak trees will not permit an addition in a conforming location.

- d. The difficulty or hardship resulting from the application of the Zoning Ordinance would prevent the owner from making a reasonable use of the property. However, the fact the property could be utilized more profitably with the variation than without the variation is not considered as grounds for granting the variation.**

Example: If the variation is not granted and the petitioners have to construct their second floor addition with a 4 inch off-set, construction costs will increase by 10% and the petitioners will have to incur an increase in future maintenance costs.

- e. The proposed variation will not impair an adequate supply of light and air to adjacent property or otherwise injure other property or its use, will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare, and will not substantially diminish or impair property values within the neighborhood.**

Example: Since the petitioner's side yard abuts the rear yard of the property to the south, the distance between the petitioner's addition and the closest house is approximately 70 feet. The distance between structures will prevent the addition from being injurious to adjacent properties.

- f. The variation, if granted, will not alter the essential character of the neighborhood and will be consistent with the goals, objectives and policies set forth in the Comprehensive Plan.**

Example: The deep eaves on the petitioner's Craftsman-style bungalow encroach within three feet of the property line, yet are consistent with the other homes on narrow lots in the neighborhood. Allowing the eaves on the rear addition to maintain the same eave projection would maintain the character of the existing neighborhood.

ADDITIONAL STANDARDS THAT APPLY:

In addition to a. through f. above, the follow standard applies to variation requests to Section 10.7.G (Village Center building design and location) of the Zoning Ordinance:

- g. With respect to building materials, unforeseen advances in technology, appearance or quality render a prohibited materials to be suitable and in keeping with the appearance goals of this code when used in the form presented by the applicant.**

Example: The use of vinyl siding for the second floor portion of the new building is consistent with existing structures on the block.

In addition to a. through f. above, the follow standards apply to fence variation requests:

h. Where an application is a request for a fence, the following approval standards apply, in addition to those of the variation. However, no one of these factors shall be conclusive in determining whether a practical difficult or particular hardship exists.

i. **The type of street to which the fence will be oriented (e.g., major, collector, or residential), and the volume and speed of traffic regularly using such street.**

Example: The rear yard of the subject property abuts Lake Avenue near Hibbard Road.

ii. **The extent to which fences of the same type sought by the applicant already exist in the immediate area and have been granted variations.**

Example: Seven out of eight properties that abut Lake Avenue in the immediate area have similar fences.

iii. **The orientation and proximity of neighboring dwelling units and other structures to the proposed fence.**

Example: Since the fence will be located along the rear of the property it will not be in close proximity any dwelling units or structures.

iv. **The extent to which the proposed fence will utilize landscaping to minimize the visual impact of the fence.**

Example: The proposed fence will be landscaped with non-deciduous landscaping that will help shield the fence from view of the street and sidewalk.

v. **The size of the zoning lots in the neighborhood, such that the larger the lots and the greater the open space, the less impact the fence can be expected to have on neighboring properties.**

Example: Since the proposed lot is very deep, the proposed fence will not impact any adjacent dwelling units or the use of neighboring yards.

vi. **The extent to which a fence of the same type sought by the applicant is for the replacement or repair of a previously or presently existing fence or portion thereof.**

Example: The proposed fence will replace one of the same size and type.

vii. **The length of time that a non-conforming fence has existed on the property prior to the application.**

Example: The original fence has existed on the subject lot since 1955.

viii. **Whether a fence permit was issued at the time the fence was constructed and if the fence being replaced was required to obtain such a permit.**

Example: No permit was required when the fence was constructed in 1955.

2. Section 5.16 (Special Rules Applicable to Units of Local Government) contains special rules and standards that apply to uses owned or operated by Units of Local Government.

Section 30-5.3.E Approval Standards for Special Uses

1. No special use may be recommended for approval by the Zoning Board of Appeals and approved by the Village Board unless findings have been made, based upon the evidence presented at the public hearing, to support each of the following conclusions:

- a. **The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan.**

Example: The proposed special use for an art studio will increase foot traffic into the downtown which will help act as a catalyst for additional activity, which the Comprehensive Plan calls for.

- b. **The establishment, maintenance, or operation of the proposed use in the specific location will not be detrimental to or endanger the public health, safety and welfare.**

Example: Since adequate parking is provided on-site the proposed use will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

- c. **The proposed use in the specific location will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district.**

Example: Since the proposed special use is commercial in nature and the shopping center it is proposed to occupy is surrounded by commercially zoned property, it will not be injurious to the use or enjoyment of other properties in the neighborhood.

- d. **The establishment of the special use in the specific location will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.**

Example: All surrounding properties are already fully developed.

- e. **The proposed use in the specific location will not substantially diminish property values in the neighborhood.**

Example: Since the proposed Special Use is commercial in nature, will be occupying commercially zoned property and will not be adjacent to any residentially zoned property, the property values in the neighborhood will not be diminished.

- f. **Adequate utilities, road access, drainage, and other necessary facilities already exist or will be provided to serve the proposed use.**

Example: The proposed special use will be occupying space in an existing shopping center that already has adequate utilities, drainage and road access.

- g. Adequate measures already exist or will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.**

Example: Since the proposed special use will be occupying space in an existing shopping center that already has good ingress and egress, no improvements are needed.

- h. The proposed use in the specific location will be consistent with the community character of the neighborhood of the parcel proposed for the special use.**

Example: The proposed use will fit in with the commercial nature of the neighborhood and will provide a service needed by residents in that area of the community.

- i. Development of the proposed use will not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the proposed site.**

Example: Since the proposed Special Use will be occupying already constructed space, no disturbance will occur to vacant property. There are no designated landmarks on the site or in the vicinity.

- j. The applicant has made adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed use.**

Example: The necessary buffers have already been provided by the shopping center.

- k. The proposed use will meet any and all additional use standards specified in Article 12 of the Zoning Ordinance for such a use.**

Example: The proposed use of a pet day care service meets the additional standards for exterior enclosures, fencing, and separation from another such use.

- 2. Section 5.16 (Special Rules Applicable to Units of Local Government) contains special rules and standards that apply to uses owned or operated by Units of Local Government.

STANDARDS OF REVIEW FOR HERITAGE TREE REMOVAL

The removal of a Heritage Tree requires Zoning Board of Appeals review as provided for in Chapter 29 of the Village Code. Specifically, for the removal of a Heritage Tree in a required front yard, side yard adjoining a street, or rear yard for a reason other than the demolition of a principal structure, construction of a new principal structure, an addition to a principal structure or construction of a detached garage.

A request to Remove a Heritage Tree that requires a Variation before the Zoning Board of appeals shall follow the procedures and requirements of Appendix A except as provided herein. As part of the application for a Variation before the Zoning Board of Appeals, an applicant shall provide the notice required for the Variation process in lieu of Neighbor Notification.

No Variation may be recommended for approval by the Zoning Board of Appeals unless findings have been made, based upon the evidence presented at the public hearing, to support the conclusion that:

- a. **the particular physical condition and location of the Heritage Tree would impose upon the owner a hardship or practical difficulty if the Heritage Tree were not to be Removed;**
- b. **there are no other reasonable alternatives to Removing the Heritage Tree.**

The Zoning Board of Appeals may consider the specific attributes of the existing Heritage Tree and its likelihood to remain in “good” condition. The Zoning Board of Appeals may also take into account other trees currently located or to be planted on the property.

☐ THE VILLAGE BOARD OF TRUSTEES

The Village Board approves or denies the recommendation of the Zoning Board of Appeals, and their decision is final, however, the Village Board cannot act until after the petitioner’s hearing before the Zoning Board of Appeals. Applicants and other interested parties are welcome to address the Village Board at their meeting to consider the ZBA’s recommendations. While the Village Board relies on the Zoning Board hearing for all evidence on the application, it cannot accept any new information. The Village Board meets on the second and fourth Tuesday of each month at 7:30 p.m. in the Council Chambers at Village Hall.

☐ THE VILLAGE BOARD

The Village Board may take one of three actions on a petition:

- Vote to grant your request, or
- Vote to deny your request, or
- Vote to refer the case back to the Zoning Board for further consideration.

If the ZBA has recommended approval, a majority of the Trustees (four of seven) may approve or deny the request. After a vote granting the request, the Village Board formally approves the request by adoption of an ordinance. If the case was recommended for approval by the ZBA and the Trustees concur, the ordinance may be considered and adopted at the same Village Board meeting.

If the ZBA has recommended that your request be denied, five Trustees are required to approve the request. A simple majority of four trustees can deny a request that has received a negative recommendation. With a negative recommendation, an ordinance for approval is not prepared in advance of the Village Board meeting. Therefore, if five or more Trustees vote to approve a request that has been recommended for denial, the approval is not final at this first Village Board meeting. Instead, the matter will be placed on the next Village Board agenda for a separate vote on the adoption of an ordinance approving the request.

❑ TIMING

Denial by Village Board

If the Village Board denies your request for a variation or special use, you may not resubmit an identical or substantially similar application for 365 days.

Application for Building Permit

Variations or special uses that are granted shall be exercised within 6 months after the date of the Ordinance, or they automatically become invalid. If you do not apply for your building permit within 6 months of the date of the adoption of the ordinance that granted your request, you must request that the Village Board grant an extension of your variation or special use prior to the expiration of the six-month period.

❑ OTHER VILLAGE BOARDS AND COMMISSIONS

- Exterior changes to any designated local landmark must be reviewed by the Historic Preservation Commission.
- All additions or changes to the exterior façade or site plan of townhouse, multi-family, and commercial buildings are subject to the Appearance Review Commission and may also be subject to Site Plan Review.
- Proposals that include a subdivision, consolidation or vacation are subject to review by the Plan Commission.

❑ OTHER STAFF REVIEW

- Projects approved through the Zoning Board of Appeals process may also be subject to grading and drainage review and approval.

Applicants are encouraged to check with the Community Development staff to determine what approvals, in addition to the Zoning Board, are necessary for their proposal.

❑ BUILDING PERMIT APPLICATION

Projects that require a building permit must file for the building permit application separately. A building permit will not be issued until all public hearing approvals (i.e. Village Board, Appearance Review Commission) are granted in addition to whatever administrative approvals are typically necessary.

❑ TRAFFIC STUDY PROCEDURE (as of October 17, 2014)

Applicants whose project requires a parking and/or traffic study may choose one of several approved firms to perform the study. If an applicant chooses to use one of these firms, the Village will enter into a contract with the selected firm and then seek reimbursement from the applicant prior to their first appearance before the Zoning Board of Appeals or Plan Commission.

If the applicant chooses to hire a traffic engineering firm that is not pre-qualified, the Village will hire one of the pre-qualified firms to review the submitted traffic study. The cost of the Village's traffic study review shall be reimbursed to the Village by the applicant.

Please contact staff for the current study requirements and list of approved firms.

**VILLAGE OF WILMETTE
ZONING BOARD OF APPEALS
Application for Public Hearing**

Date Stamp

PETITIONER INFORMATION

Petitioner's Name: _____

Property Address: _____

Petitioner's Mailing Address (if different): _____

Petitioner's Daytime Phone: _____

Petitioner's Email: _____

Petitioner's Signature

Date

Is the petitioner the legal owner of the property? YES NO

If not, please provide the owner's name, address and phone number and submit his/her signature below or in a letter of authorization.

PROPERTY OWNER INFORMATION if different from petitioner

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Daytime Phone: _____

Property Owner's Email: _____

Property Owner's Signature

Date

PROPERTY DESCRIPTION

Legal Description of the property (if different than what is on the Plat of Survey):

Present Use: _____

DESCRIPTION OF REQUEST

Application for: Variation Special Use

Briefly describe the request:

CHECKLIST OF COMPLETE SUBMITTALS

Please check off those attachments being submitted with this application. *Please note: applications are scheduled in order of filing date, with complete applications being scheduled first.*

Required Submittals

- Filing Fee (see the current fee schedule)
- Evidence of Ownership
- Owner Authorization Letter (if applicable)
- Plans
 - Site Plan, showing lot dimensions, existing and proposed structures, existing and proposed setbacks, distances to structures on adjoining lots, and a north arrow.
 - Floor plans to accurate scale with all dimensions indicated.
 - Elevations drawn to accurate scale with all dimensions indicated.
- Plat of Survey including the legal description
- Floor Area Worksheets (if applicable)
- Letter to the Zoning Board of Appeals, addressing the Standards of Review
- Tree Survey (if applicable)
- Traffic Study (if applicable)

Receipt

**All correspondence should be forwarded to:
Community Development Department
Village of Wilmette
1200 Wilmette Avenue
Wilmette, IL 60091**