



# **VILLAGE OF SKOKIE**

## **ZONING BOARD OF APPEALS**

### **Welcome to the Zoning Board of Appeals**

The Village of Skokie Community Development Department welcomes you as a Petitioner before the Zoning Board of Appeals (ZBA). The ZBA consists of a chairperson and eight members who are appointed by the Mayor with the approval of the Board of Trustees. The Commissioners live and work in the Village of Skokie .

The purpose of the ZBA is to review and make decisions in the areas listed below regarding relief from the requirements of the Zoning Chapter of the Village Code. The ZBA, as a final hearing body, can only have a decision appealed through the court system. Zoning Board recommendations on front yard parking and height variance requests must be further reviewed by the Board of Trustees.

### ***Variations***

- Accessory Buildings and Structures – the location and size within permitted yards.
- Building Height – the height of a permitted Building or structure, provided that a certificate of appropriateness has been issued by the Appearance Commission. A height variation request in excess of 10% of the existing applicable height regulation shall be subject to approval and concurrence by the Board of Trustees.
- Land coverage, Floor Area Ratio (FAR) and/or Impermeable Surface.
- Yards - a reduction in the size of all required yards or the location of buildings or structures therein.
- Off-Street Parking – decreases in the requirements for parking spaces, their size, and location.
- Commercial Vehicle Parking – to allow the parking of commercial vehicles in residential districts.
- Substandard Lots - determination if a lot is buildable and establishing the required yards.
- Landscaping Yard – relief from the requirements regarding landscaping yards in business districts.
- Spacing between Congregate Living facilities.

### ***Exceptions***

- Fences and permanently installed barbecues relating to requirements in required yards.
- Air conditioning units and condensers in required yards and within the 10-foot side yard requirement.
- Swimming pools within the 8-foot side yard requirement of the Skokie Swimming Pool Ordinance but not within the required side yard.

The following steps must be followed in order for your case to be heard and progress to review and possible approval:

### ***Step 1 - Preliminary Review***

Review your project with the Community Development Department staff. The Village's professional staff will, at no cost, review plans and make recommendations to improve projects so they are in compliance with Village codes and ordinances. This review can reduce the risk of costly and time-consuming delays. The need for an exception permit or variance is often found during the Building Permit review, which often creates a lengthy delay in projects.

### ***Step 2 - Filing the Application***

File a petition on the appropriate application form, which can be obtained by visiting the Planning or Building & Zoning Divisions, calling 847/933-8223 or 933-8447, or by visiting [www.skokie.org](http://www.skokie.org). The application lists all required fees and documents.

### ***Step 3 - Legal Notice / Notification Process***

When your application is reviewed and accepted, your request will be assigned a case number and meeting date. **The ZBA usually meets on the 1st and 3rd Wednesday of each month at 7:30 p.m. in the Village Hall Council Chambers.** You also will be provided with a legal notice to be distributed to property owners and renters in the vicinity of your property. The legal notice includes the meeting date, time and location and description of your request. Detailed instructions will be given to you on how to distribute the notice. The Village will also post signs on your property and advertise the case in the newspaper.

### ***Step 4 - The Meeting***

At the meeting you will be able to present your case including any evidence and testimony of witnesses. A ZBA Commissioner will present a report regarding necessary and relevant information about the case. Any individuals opposing or supporting the request wishing to speak will be given the opportunity. After all testimony is presented, the ZBA will discuss and vote on the case. Unless the case is continued or withdrawn it will be completed on the night of the meeting.

### ***Step 5 - Board of Trustees (if necessary)***

Front yard parking and height variation cases will be sent to the Board of Trustees for consideration at a regularly scheduled meeting on the 1st or 3rd Monday of each month at 8:00 p.m. in the Village Hall Council Chambers. The ZBA Chairman will present a report to the Board of Trustees that summarizes the ZBA's review of the case and recommendation. The Board of Trustees, after hearing the report and testimony, will discuss and vote on the case.

### ***Step 6 - Variance Approval / Covenant Required***

If the variance request is approved by the ZBA or Village Board; a covenant will be prepared. This covenant will be recorded with the Cook County Recorder of Deeds.

The entire public hearing process will take approximately 60-90 days to complete unless the case is continued for additional information or analysis. If the request involves site modifications to a building, landscaping, signs, etc., a review by the Village Appearance Commission is also required. Once the request is approved and recorded a Building Permit may be applied for.

If you have any questions about the ZBA hearing process or would like to discuss a project/plan with Village staff, please call the Community Development Department, Building & Zoning Division, at 847/933-8223.

### **Questions & Answers**

***Q. Why do I need to go to the ZBA for a variance or exception permit if I am performing work on my own property?***

A. The Village has numerous requirements that control the location, bulk, parking demands and impermeable surface coverage of development on a property. If your proposed construction does not meet zoning regulations a variation or exception permit must be obtained from the ZBA before a Building Permit can be issued. The ZBA was established to grant relief from the zoning regulations when a proven hardship exists in meeting the requirements of the ordinance.

***Q. Why do I need to pay a filing fee for a ZBA case?***

A. A fee is required to file a ZBA petition to pay for advertising the case, recording any applicable covenant and plans, and paying other expenses incurred by the Village. Unlike other Village services that benefit all residents and are paid for by taxes, ZBA requests generally only benefits the petitioner who is requesting something that requires special consideration by the Village.

***Q. If I cannot provide all documents requested on the application can my request be heard?***

A. No. All documents and fees must be submitted prior to the scheduling of a case.

***Q. I do not own the property I occupy. Does my landlord need to sign the case application/petition?***

A. Yes. The property owner must sign all petitions. For example, in the case of a variance request, the property owner will be the real holder of the variance and will be responsible for the tenant's compliance with all conditions.

***Q. Why do I have to send notices to my neighbors regarding my request before the ZBA?***

A. State law requires that notice be given to properties in the vicinity of a request before a Zoning Board of Appeals. In Skokie, it is required that property owners and renters within 150 feet of the property be given notice of the meeting for variance cases and to the property owners adjacent to the side lot lines for exception requests. Failure to provide proper notice will result in the case not being heard or continued.

***Q. Will I be able to present my request to the ZBA and answer questions?***

A. Yes. You will have several opportunities to explain your request to the ZBA. Your application is your first opportunity to explain your request, and it is important to provide all of the information requested. You may also include any additional information that you believe is relevant to the case and will help clarify the request. At the ZBA meeting you will be required to verbally present your case to the Board. Commissioners may ask you questions to clarify information. You will also be given a chance to respond to staff comments presented to the Board and to comments made by interested parties on your request.

***Q. Will I need an attorney to represent my case before the ZBA?***

A. There is no requirement that Petitioners be represented by an attorney, and petitioners often represent themselves before the ZBA. If you do not feel comfortable verbally presenting your case to the ZBA, however, or need assistance preparing the petition or sending out legal notices, an attorney may be of great assistance.

***Q. Does it matter if a neighbor opposes my request?***

A. Neighboring property owners and renters must be notified so they can provide testimony on a case. Although some neighbors may oppose a request, the ZBA reviews the information and testimony presented in each case and reaches a decision based on the merits of the case. The agreement of an adjacent property owner in an exception request is important.

***Q. Does the ZBA have criteria for reviewing and approving requests?***

A. Yes. State statutes require that all exception permits and variance requests meet specified findings of fact. When the ZBA approve a request, these findings are reviewed and approved in each case. The required findings of fact are listed on the application forms and are as follows:

### ***Exception Permits***

- That the construction will not cause an adverse effect on those people entitled to notice of the hearing.
- That the construction will not be detrimental to or endanger the health, safety, morals, comfort or welfare of those people entitled to notice of the hearing.
- That the construction will not be injurious to the use and enjoyment of property of those people entitled to notice of the hearing for the purposes already permitted, nor substantially diminish property values of those people entitled to notice of the hearing.
- That the construction of that which is sought by the appeal will be compatible with adjoining property.
- That the construction is necessary based upon the safety of residents and/or particular physical surrounding, shape, or topographical conditions of the property. That denial would bring an undue hardship upon the property for which an exception permit is sought, as distinguished from a mere inconvenience for the property owner.

### ***Variations***

- The property cannot yield a reasonable economic return if the Zoning District regulations are followed.

- The owner, petitioner, or occupant has not created the alleged difficulty or hardship themselves, and the difficulty or hardship is due to unique circumstances such as the particular physical surroundings, shape or topographical conditions of the specific property involved, not a mere inconvenience if the regulations were strictly enforced. Also, the conditions upon which the variation is based cannot be generally applicable to other property in the same zoning district.
- The requested variation will not alter the essential character of the locality by being substantially detrimental, harmful, or impair public welfare, other property or improvements, an adequate supply of light and air to adjacent property, public safety, or property values within the neighborhood.

***Q. Will the ZBA vote on my request at the meeting or will I be informed of their decision?***

A. In most cases, the ZBA will complete its review of a request in one meeting. After all testimony is presented and all information is reviewed, the Board will take a vote on the case. All decisions are made by majority vote, which is open to the public. There are no secret meetings or delayed findings that are sent to the Petitioner.

***Q. What happens if the ZBA denies my request or requires conditions that I do not agree with?***

A. On most requests where the ZBA is a final hearing body; the only appeal to a negative decision is through the Circuit Court. For front yard parking and height variance requests the Board of Trustees will review the ZBA's recommendation and make a final decision.

***Q. Why must a covenant be recorded after my variance request is approved?***

A. The covenant is recorded with the Cook County Recorder of Deeds to provide a permanent record of the ZBA or Board of Trustees' action. The covenant also serves as a type of special agreement between the property owner and Village to construct, maintain, and operate a use in compliance with specified conditions to prevent any adverse impacts on adjacent properties.

***Q. How soon after the ZBA or Board of Trustees hearing process is completed will I be allowed to apply for a Building Permit?***

A. You may apply for a Building Permit after the public hearing process is completed and any necessary covenant is recorded.