

VILLAGE OF BANNOCKBURN
Zoning Application

1.0 GENERAL INFORMATION

1.1 Applicant Information

Name: _____

Address: _____

Telephone Number: _____

Email: _____

Property Owner Information
(If Different from Applicant)

Name: _____

Address: _____

Telephone Number: _____

Email: _____

Applicant's Interest in the Property (Owner, Contractor, Architect, etc): _____

1.3 Subject Property

Address of Property: _____

Parcel Index No.: _____

Legal Description (Attached via a separate sheet if it doesn't fit here): _____

Has any variation or special use permit been granted for this property? Yes: _____ No: _____

If yes, please identify the ordinance or other document granting such zoning relief.

1.4 Trustees Disclosure

Is title to the property in a land trust? Yes _____ No _____

If yes, full disclosure of all trustees and beneficiaries is required. Attach a copy of all documents showing ownership of the Subject Property and the Applicant's ownership, control of or interest in the Subject Property.

1.5 Requested Action (Check as many as are applicable – per your Contact / Direction with Village Staff)

_____ Variation _____ Special Use Permit _____ Text Amendment
_____ Map Amendment _____ Zoning Appeal _____ Other (Please Identify) _____

1.6 Repeat Application

Has any other application for the Subject Property been submitted to the Village and denied within the last two years? Yes: _____ No: _____

1.7 Consultants

Please provide the name, address, and telephone number of each professional or consultant advising Applicant with respect to this application, including architects, contractors, engineers or attorneys: *(Please use additional sheet, if necessary.)*

Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone Number: _____	Telephone Number: _____
Email: _____	Email: _____

1.7 Village Officials or Employees

Does any official or employee of the Village have an interest, either directly or indirectly, in the subject property? Yes: _____ No: _____

If yes, please identify the name of such official or employee and the nature and extent of that interest. (Use a separate sheet of paper if necessary.)

2.0 **REQUIRED SUBMITTALS**

2.1 \$250.00 Non-refundable Application Fee

2.2 Drawings. Twenty-Two (12) sets of drawings of proposed request & 1 Digital PDF copy of entire proposal (including application, drawings, and all supplemental information).

2.3 Provide the Following Information (Please submit as a separate attachment with answers to each of the respective questions for each application that has been applied for on page 1 of this application.)

For a Variation(s) application:

- (a) The specific feature or features of the proposed use, construction, or development that require a variation.
- (b) The specific provision of this Code from which a variation is sought and the precise variation therefrom being sought.
- (c) A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.
- (d) A statement of the minimum variation of the provisions of this Code that would be necessary to permit the proposed use, construction, or development.
- (e) A statement of how the variation sought satisfies the following standards.

1. General Standard. No variation shall be recommended or granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F. (#2 – 8 below)
2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amounts to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owner or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purpose for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:
 - i. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or
 - ii. Would material impair an adequate supply of light and air to the properties and improvements in the vicinity; or

- iii. Would substantially increase congestion in the public streets due to traffic or parking; or
 - iv. Would unduly increase the danger of flood or fire; or
 - v. Would unduly tax public utilities and facilities in the area; or
 - vi. Would endanger the public health or safety.
8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
9. Conditions on Variations. The Zoning Board of Appeals may recommend and the Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the Ordinance granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.
- (f) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.
- (g) A statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.
-

For a Special Use Permit application.

- (a) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions, lot area, all easements, all public and private rights-of-way, and all streets across and adjacent to the subject property.
- (b) A statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.
- (c) A written summary explaining the need for the special use and establish how you meet the following General Standards:
 - 1. Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations

of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.
3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
7. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

For a Comprehensive Plan Text or Zoning Code Text Amendments application (11-301E.6)

- (a) The exact wording of the proposed text amendment.
- (b) A statement of the need and justification for the proposed text amendment.
- (c) In the case of applications for amendments to the text of this Code, a statement concerning the conformity or lack of conformity of the approval being requested to the Official Comprehensive Plan and the Official Map of the Village. When the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, reasons justifying the approval despite such lack of conformity shall be stated.

For a Comprehensive Plan Map or Zoning Map Amendment application (11-301E.8)

- (a) Provide a statement of the need and justification for the proposed Comprehensive Plan Map or Zoning Map amendment. Said statement shall address at least the following factors:
 1. The existing uses and zoning classification for properties in the vicinity of the subject property.

2. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.
3. The extent, if any, to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.
4. The extent to which any such diminution in value is offset by an increase in the public health, safety, and welfare.
5. The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
6. The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
7. The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
8. The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
9. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
10. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
11. The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
12. The community need for the proposed map amendment and for the uses and development it would allow.

For an Appeal to the Zoning Board of Appeals (11-301E.4)

- (a) The specific order, decision, determination, or failure to act from which an appeal is sought.
- (b) The facts of the specific situation giving rise to the original order, decision, determination, or failure to act and to the appeal therefrom.
- (c) The precise relief sought.
- (d) A statement of the applicant's position as to alleged errors in the order, decision, determination, or failure to act being appealed and as to why the relief sought is justified and proper.

All Others Requests

Please review the necessary submittal items as specified in the Village's Zoning Code under Section 11-301 through 11-604.

- 2.4 **Escrow Deposit.** Applicant shall deliver to the Village an escrow deposit as required under Section 11.301 (3) of the Zoning Code, as amended from time to time.

Every application filed pursuant to the Bannockburn Zoning Code shall be accompanied by an initial deposit for purposes of paying additional application fees pursuant to Ordinance 92-46, which may be amended from time to time.

Should the Village at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing an application, the Village shall inform the Applicant of that fact in writing and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village may direct that processing of the application be suspended or terminated. Any such termination shall be deemed a withdrawal of the application by the Applicant.

3.0 **CERTIFICATIONS**

- 3.1 The Applicant and Owner certify that this application is filed with the permission and consent of the owner of the Subject Property and that the person signing this application is fully authorized to do so.
- 3.2 The Applicant certifies that all information contained herein is true and correct to the best of Applicant's knowledge.
- 3.3 The Applicant acknowledges that the Village may seek additional information relating to this application and agrees to provide the Village with such information in a timely manner. Failure to provide such information may be grounds for denying the application.
- 3.4 The Applicant and Owner agree to reimburse the Village for any and all costs relating to the processing of this application, including any consultants' fees. By signing this application, Applicant and Owner agree to be jointly and severally liable for such costs, and Owner further agrees to the filing and foreclosure of a lien against the Subject Property for all such costs plus all expenses relating to collection, if such costs are not paid within 30 days after mailing of a demand for payment.
- 3.5 The Applicant agrees that the Village and its representatives have the right, and are hereby granted permission and a license, to enter upon the property, and into any structures located there on, for purposes of conducting any inspections that may be necessary in connection with this application.
- 3.6 The Owner (designated representative for commercial buildings) ***must*** be present during the Planning Commission/Zoning Board of Appeals meeting.

Printed Name of Applicant

Printed Name of Owner

Signature of Owner

Signature of Applicant

Date _____

Date _____

**VILLAGE OF BANNOCKBURN
ESCROW AGREEMENT**

This Escrow Agreement (“Agreement”) is effective the _____ day of _____, 20____ between the Village of Bannockburn (“Village”) and _____ (“Applicant”).

Section I Applicant Information:

Owner(s) of Property _____

Joint Applicant _____

Address of Property _____

Amount of Escrow Deposit _____

Purpose of Escrow _____

(Variation, Special Use Permit, Special Use Amendment, Planned Development Amendment, Planned Development Approval, Annexation Agreement, Other Zoning Requests)

Section II Obligation to Make and Maintain Escrow Deposit

Upon execution of this Agreement, Applicant shall deliver to the Village the escrow deposit required under Section 11.301 (3) of the Zoning Code, as amended from time to time.

Every application filed pursuant to the Bannockburn Zoning Code shall be accompanied by an initial deposit for purposes of paying additional application fees pursuant to Ordinance 92-46, which may be amended from time to time.

Should the Village at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing an application, the Village shall inform the Applicant of that fact in writing and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village may direct that processing of the application be suspended or terminated. Any such termination shall be deemed a withdrawal of the application by the Applicant.

Section III Zoning Application Escrow Fees

The initial escrow fees to be deposited are as follows and are due at the time of application submittal:

<u>Residential</u>		<u>Commercial</u>	
\$ 500	First Variation	\$ 1,000	
\$ 750	Each Additional Variation	\$ 1,500	
\$ 1,000	Special Use Permit, Amendment	\$ 2,000	
\$ 2,500	Planned Development Amendment	N / A	
\$10,000	Planned Development Approval		N / A
N/A	Annexation Agreement Amendment Relating to Zoning Request	\$ 50% of Zoning Fee	

Section IV Definition of Applicant, Application Fee and Complete Application

Applicant - The Owner of the property which is the subject of the application, and if different, the Applicant, shall be jointly and severally liable for payment of all application fees. By signing the application, the owner shall be deemed to have agreed to pay such fees and to consent to the filing and foreclosure of a lien on the subject property to insure collection of any such fees, plus the costs of collection, which have not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Section may be foreclosed in the manner provided by statute for mortgages and mechanics' liens.

The costs incurred by the Village in processing an application ("Application Fee") shall be deemed to consist of the following items of direct and indirect expense: legal publication; recording secretarial services; court reporter; document preparation and review; professional and technical consultant services; legal review, consultation, and advice; copy reproduction; document recordation; and inspection fees.

No application shall be considered complete unless and until all fees pursuant to this Section have been paid. Every approval granted and every permit issued pursuant to the Zoning Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of fees as required by this Section.

Section V Village Responsibilities

The Village of Bannockburn shall:

1. record all escrow activity on a non-interest bearing basis;
2. reflect the initial and subsequent escrow deposits;
3. maintain an accurate record of the actual costs of processing and reviewing the application;
4. facilitate the inspection of written records pertaining to this Agreement during normal business hours following a reasonable prior notice request;
5. have the authority to draw from the escrow account established for such application to pay costs incurred in the processing and reviewing of the application; and
6. notify the applicant in writing that the escrow account established is, or is likely to become, insufficient to pay actual costs of processing the application and demand an additional deposit in an amount deemed sufficient to cover foreseeable additional costs.

Section X Acceptance of Escrow Agreement

Section I through Section X, inclusive, constitute the entire Escrow Agreement between the Village and Applicant. Each Party hereby acknowledges the full content of each section and agrees to adhere to and comply with all provisions contained herein.

Accepted this the _____ day of _____, 20____ by:

Owner

Applicant

Signature

Signature

Printed Name

Printed Name

Date Signed

Date Signed

Village of Bannockburn

Signature

Maria Lasday, Village Manager

Date Signed