

Zoning Calendar No.

**VILLAGE OF HINSDALE**  
**APPLICATION FOR FENCE VARIATION**

**COMPLETE APPLICATION CONSISTS OF TEN (10) COPIES**  
(All materials to be collated)

**FILING FEES: RESIDENTIAL VARIATION    \$ 75.00**

**NONRESIDENTIAL VARIATION    \$ 75.00**

NAME OF APPLICANT(S): \_\_\_\_\_

\_\_\_\_\_

ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

TELEPHONE NUMBER(S): \_\_\_\_\_

If Applicant is not property owner, Applicant's relationship to property owner

\_\_\_\_\_

DATE OF APPLICATION: \_\_\_\_\_

## SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: \_\_\_\_\_  
\_\_\_\_\_
  
2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. Consultants. Name, address, and **telephone numbers** of each professional consultant advising applicant with respect to this application:
  - a. Attorney:
  - b. Engineer:
  - c. Architect:
  - d. Designer:
  - e. Contractor:

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_

7. **Neighboring Owners**. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.

**After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, “return receipt requested” to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the “Certification of Proper Notice” form, returning that form and all certified mail receipts to the Village.**

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.
9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.
10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.
11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.
12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this

application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

## SECTION II

When applying for a variation from the provisions of the Zoning Ordinance, you must provide the data and information required above, and in addition, the following:

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

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3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

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4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

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5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:
- (a) 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 of 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 amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal saturation of the current owner of the lot.
  - (b) 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 know 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.
  - (c) 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.
  - (d) 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 owners 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.
  - (e) 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 purposes 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.

- (f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:
  - (1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or
  - (2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or
  - (3) Would substantially increase congestion in the public streets due to traffic or parking; or
  - (4) Would unduly increase the danger of flood or fire; or
  - (5) Would unduly tax public utilities and facilities in the area; or
  - (6) Would endanger the public health or safety.
  
- (g) 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 Project.  
(Attach separate sheet if additional space is needed.)

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6. Municipal Code 9-12-3.J - Variations. Any person may petition to the Zoning Board of Appeals for a variation from the provisions of this section. A petition for a variation shall include the following information: name, address, and telephone number of petitioner; a description of the requested variation; a site plan, drawn to scale, depicting the proposed fence and showing its location in relation to the lot lines of the lot on which the fence is placed, any structures on said lot, and all adjacent

properties; existing elevations in the area in which the fence is placed and any proposed grade changes in said area; and such additional information as the Zoning Board of Appeals may require. The Zoning Board of Appeals shall grant a variation from the provisions of this Section only upon finding that:

- (i) the petitioner is affected by unique circumstances which create a hardship justifying relief from the provisions of this Section;
- (ii) the variation will not alter the essential character of the locality;
- (iii) the variation will be in harmony with the general purpose and intent of this Section;
- (iv) the variation will set no unfavorable precedent either to the locality or to the Village as a whole;
- (v) the variation will be the minimum necessary to afford relief to the petitioner; and
- (vi) the variation will not adversely affect the public safety and general welfare.

Every grant of a variation shall be based on written findings of fact evidencing compliance with the foregoing standards and specifying the reasons for granting the variation.

### SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.
2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements.

### SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a nonfundable application fee of \$25.00 plus an additional amount based on the specific relief sought as follows:

<b>RESIDENTIAL PROPERTIES</b>	
Appeal to the Zoning Board of Appeals	\$100.00
Variation	\$300.00
<b>Fence Variation</b>	<b>\$ 50.00</b>
<b>NONRESIDENTIAL PROPERTIES</b>	
Appeal to the Zoning Board of Appeals	\$400.00
Variation	\$700.00
<b>Fence Variation</b>	<b>\$ 50.00</b>

***The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.***

2. Additional Escrow Requests. Should the Village Manager 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 such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.
  
3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

## **SECTION V**

The owner states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Owner: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_