



CITY OF NAPERVILLE

T.E.D. BUSINESS GROUP

ZONING BOARD OF APPEALS

SIGN VARIANCE PROCESS

Last Revised: November 2, 2009

ZONING BOARD OF APPEALS
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**CITY OF NAPERVILLE
ZONING BOARD OF APPEALS
SIGN VARIANCE PROCESS**

I. INTRODUCTION

The Zoning Board of Appeals serves as a review board for variances to the city's ordinances pertaining to street graphics, tree preservation, and zoning. The Zoning Board of Appeals serves in a fact finding capacity by evaluating variance requests and providing recommendations to City Council.

The Zoning Board of Appeals is comprised of seven members appointed by the Mayor and confirmed by City Council. All of the members are City of Naperville residents from a variety of different backgrounds. The seven members serve three year terms from the date of appointment and confirmation.

II. SUBMITTAL REQUIREMENTS

NOTICE TO APPLICANTS: Applications will not be scheduled for a Zoning Board of Appeals public hearing until all of the requirements listed in Item 1 are provided and reviewed by staff through the Development Review Team (DRT) review process. **Failure to provide a complete submittal may result in the matter being deferred to next available Zoning Board of Appeals agenda.**

1. The applicant files with the Transportation, Engineering, and Development Services (TED) the following in **10 complete packets** (a, b, c, d, e, and f):
 - a. Application for Public Hearing: one signed and notarized original and 10 copies.
 - b. Site Plan (i.e. Plat Survey): 10 full sized copies (folded to approximately 10" x 24") and one reduced copy (8 ½" x 11") depicting any existing structures, proposed structures, additions, signs, and/or fences (drawn to scale) and the setbacks from lot lines to such improvements.
 - c. Elevation Plans: 10 full sized copies (folded to approximately 10" x 14") and one reduced copy (8 ½" x 11") depicting the street graphics (drawn to scale).
 - d. Drawing of proposed sign or signs drawn to scale with dimensions shown (10 full sized copies folded to approximately 10" x 14") and one reduced copy (8 ½" x 11").
 - e. **Two copies of a legible, neat legal description of the property on a separate page (8 ½" x 11")**
 - f. Two (2) original Disclosure of Beneficiaries and /or, if the petitioner is a trust, then two Trust Disclosure: signed and notarized .
 - g. Filing Fee: **\$325** application fee and **\$80** for the publishing of the Public Notice in the newspaper. This will be one check in the amount of **\$405** made out to the City of Naperville.

- A. The Zoning Board of Appeals (ZBA) Project Assistant reviews the application packet to ensure that the required number of items and exhibits has been supplied. Please contact the ZBA Project Assistant at (630) 548-2974 to submit the application. Once a packet is accepted, it will be issued a case number and assigned a Code Enforcement Officer to assist with the coordination of the case.

A representative of the Code Enforcement Team contacts the petitioner to discuss the case and identify the publication requirements for the public hearing.

2. Publication Requirements: Pursuant to Section 5-4-20 (Street Graphics, Variances) of the Naperville Municipal Code, upon request by the petitioner, the city shall publish legal notice at least once in a newspaper of general circulation in the city, at least fifteen (15) days prior to the hearing.
3. Upon completion of staff's analysis of the petitioners' variance request a copy of the ZBA memorandum is forwarded to the Petitioner for their reference.
4. The Zoning Board of Appeals holds Public Hearing on the 2nd Tuesday of the month at 7:00 p.m. in Council Chambers of the Municipal Center. **THE APPLICANT OR HIS REPRESENTATIVE IS ASKED TO EXPLAIN THE VARIANCE REQUEST TO THE BOARD AT THE PUBLIC HEARING.**
5. The Zoning Board will recommend approval or denial of the variance request in light of the findings of fact statements.
6. ZBA decisions are only advisory in nature and do not constitute a final ruling. After the ZBA has offered a recommendation, the variance request will be considered by City Council during their regular meeting schedule. City staff will contact the applicant to notify them of the City Council meeting at which their variance request will be considered. City Council has the final decision making authority regarding the zoning variance request.

NOTE: If a meeting must be continued, a board member must attend the regular meeting time and post an announcement stating the changes. The agenda will not be changed. Another public notice must be published if these conditions are not met.

For more information, please contact the Zoning Board of Appeals Commission Project Assistant Samula McCarthy at 630-548-2974.

**CITY OF NAPERVILLE
ZONING BOARD OF APPEALS
APPLICATION FOR A SIGN VARIANCE**

ADDRESS OF SUBJECT PROPERTY: _____

APPLICANT'S NAME: _____

DAYTIME PHONE: _____

FAX: NUMBER: _____

E-MAIL ADDRESS: _____

APPLICANT'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

OWNER OF PROPERTY: _____

DAYTIME PHONE: _____

OWNER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

LEGAL DESCRIPTION ATTACHED (Attach as an exhibit) _____

Property Identification Number(s) (PINs): _____

ZONING OF PROPERTY: _____

AREA OF PROPERTY (Acres or sq ft): _____

List Improvements on property (buildings, fences, pools, decks, etc.)

Detailed description of requested variance(s)

(Provide relevant Section numbers of the Municipal Code – attach additional pages if needed)

Section #

The above information, to the best of my knowledge, is true and accurate:

(signature of applicant)

(date)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____

(Notary Public and Seal)

EXHIBIT A

**CITY OF NAPERVILLE
ZONING BOARD OF APPEALS
FINDINGS OF FACT FOR VARIANCES TO THE STREET GRAPHICS CODE
(SIGN VARIANCE)**

Justification for a sign variance is based on reasonableness. The full burden of proof in determining reasonableness rests with the applicant. Certain criteria are not sufficient justification for a variance, specifically:

- Self-inflicted hardships are not eligible for a variance.
- Greater profit or increased property value is not sufficient cause to warrant a variance.

Applicant: _____

Address: _____

1. The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this Chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable signs or properties.

2. The alleged hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).

3. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

4. The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.

5. The proposed variation will not alter the essential character of the neighborhood; and

6. The proposed variation is in harmony with the spirit and intent of this Chapter.

**CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES**

In compliance with Ordinance 85-193, an Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: _____
Address: _____

2. Nature of Benefit sought: _____

3. Nature of Applicant (Please check one):

- | | | | |
|------------------------|--------------------------|------------------|--------------------------|
| a. Natural Person | <input type="checkbox"/> | d. Trust/Trustee | <input type="checkbox"/> |
| b. Corporation | <input type="checkbox"/> | e. Partnership | <input type="checkbox"/> |
| c. Land Trust/ Trustee | <input type="checkbox"/> | f. Joint Venture | <input type="checkbox"/> |

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant:

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

- a. _____
b. _____
c. _____
d. _____

6. Name, address and capacity of person making this disclosure on behalf of the applicant:

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, _____, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: _____

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

ZONING BOARD OF APPEALS FREQUENTLY ASKED QUESTIONS

1. Please describe the variance process.

In order to begin the variance process, a property owner must complete an application for either a zoning variance or signage variance and submit it to the Development Review Team (DRT) (630) 420-6692. In addition to a completed application, a \$405 fee (\$325 filing fee and \$80 public hearing fee) along with all supplemental supporting documentation must be submitted at the time of application. Please refer to the variance application for further details regarding the specific submittal requirements.

Upon submittal of the application package, the Project Manager will conduct an initial review of the packet to ensure that the required number of items and exhibits has been supplied. Once a packet is accepted, it will be routed to the Zoning Board of Appeals Project Assistant (630) 548-2974 who will issue a case number and assign a planner (zoning variance) or code enforcement representative (signage variance) to the case. The planner or code enforcement representative will assist the Project Manager with coordination of the case.

The Zoning Board of Appeals Project Assistant will then route copies of the application packet, including all supporting documents, to the applicable staff for their review. A more detailed review of the application packet and variance request is conducted by staff to ensure the information supplied is complete and accurate, and to evaluate the standards for granting the variance. If there are any deficiencies, the petitioner will be notified as to what items are deficient and the date by which they must be received to retain a place on the Zoning Board of Appeals agenda. If revisions are not received and accepted by staff within the time frame requested, the matter will be deferred to the next available meeting.

Once the application is accepted, it will be scheduled for the next available Zoning Board of Appeals agenda. The planner or code enforcement representative assigned will notify the petitioner of the public hearing date.

The petitioner must give proper public notification of the public hearing. Additional details regarding the mandatory notification requirements can be obtained within the variance application.

The planner or code enforcement representative assigned to the case will prepare a memorandum for the Zoning Board of Appeals indicating staff's recommendation on the variance. The Zoning Board of Appeals will conduct the public hearing in accordance with the procedures outlined above. Note that the petitioner is expected to attend the Zoning Board of Appeals meeting to provide an overview of the variance request. At the conclusion of the public hearing, the Zoning Board of Appeals will make a recommendation to approve or deny the request.

The Zoning Board of Appeals decisions are only advisory in nature and do not constitute a final ruling. After the Zoning Board of Appeals has offered a recommendation, the variance request will be scheduled for the next available City Council agenda. The planner or code enforcement representative assigned to the case will notify the petitioner of the public hearing date. The petitioner is expected to attend the City Council meeting in order to respond to questions, as needed. City Council has the final decision making authority regarding the zoning variance request.

ZONING BOARD OF APPEALS
FREQUENTLY ASKED QUESTIONS (continued)

2. How long does the variance process take?

The variance process includes a minimum of one hearing before the Zoning Board of Appeals and one meeting in front of the City Council. On average, the process typically takes three to four months to complete from the date of application to the DRT.

3. What is the fee for filing a variance request with the city?

The city charges a \$325.00 administrative review fee to cover staff time dedicated to processing each variance request as well as a \$80.00 fee for publication of the legal notice in a local newspaper. These fees do not cover additional costs incurred by the applicant throughout the variance process (plan preparation, attorney fees, etc.).

4. What are the submittal and Public Hearing time limits?

Your public hearing must be published in the news paper at least 15 days before the ZBA Meeting. Applications must be submitted to the Development Review Team at least 30 days prior to the ZBA Meeting date to maintain eligibility for the next available ZBA Meeting.

* **Please Note:** *That submitting at least 30 days prior to the ZBA date does not guarantee scheduling on the next available agenda.*

A city staff representative will contact the petitioner with a ZBA Meeting date once the submittal packet has been reviewed.

5. How do I find out what my property is zoned?

The zoning designation for your property can be obtained on the city's website at <http://gis.naperville.il.us/YourPlace/>.

5. How do I access the City of Naperville's Municipal Code?

The Municipal Code is available online at <http://www.naperville.il.us/municipalcode.aspx>. The city's Street Graphics Code (signage variances) can be found within Title 5 of the Municipal Code and the city's Zoning Code (zoning variances) is contained within Title 6 of the Municipal Code.