

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Assistant Village Manager/Director of Community Development

DATE: April 19, 2007

SUBJECT: **PC 07-11: Text Amendment to the Zoning Ordinance – Administrative Variations Zoning Board of Appeals Discussion**

As a supplement to the Plan Commission recommendation relative to PC 07-11 pertaining to administrative variations, staff also brought the proposed text amendments to the Zoning Board of Appeals for discussion purposes at their March 28, 2007 meeting. The discussion by the ZBA members is offered below.

Mr. Bedard stated that establishing a process for administrative variations was a good idea.

Chairperson DeFalco asked why an objector only had five days to file an objection to the Zoning Board of Appeals decision whereas the petitioner had thirty days to file an appeal of the Zoning Board of Appeals decision. Ms. Kulikowski stated that the provisions were borrowed from a model ordinance that Village Counsel had previously worked on. Jennifer Backensto, Planner II stated that any time period longer than five days would essentially delay the issuance of a building permit.

Chairperson DeFalco asked when an approval granted through the administrative process would take affect. He wanted to know if it was in affect immediately or after the five day period. Ms. Kulikowski stated that the approval would be in affect immediately, similar to any zoning relief approved by the Board of Trustees.

Mr. Young posed the question, what if a variation is approved and after a building permit is issued, an objection is filed. Would the building permit be revoked? Ms. Kulikowski stated that staff could formulate a policy and/or procedure whereas a building permit could be under review, but would not be issued until the five day period is expired.

Chairperson DeFalco noted that petitions for administrative variations would still require notices be published in the newspaper and sent to adjacent property owners. He stated that potential objectors would have more than five days notice of the variation request. He asked when notices are required to be sent out. Ms. Kulikowski stated that notices must be sent no less than 15 days prior to the public

hearing date. Chairperson DeFalco stated that the notices sent to adjacent property owners should explain the five day period for filing objections.

Mr. Young noted that they have seen cases before where the petitioners were in mid-construction before realizing that a variation was needed. He referenced a petition for a property located off of Maple Street where the petitioner had already started constructing the wrap-around porch when the case came before the Zoning Board of Appeals. Mr. Young also stated that the five day period for filing an objection isn't an issue that the Zoning Board of Appeals should be concerned with. He stated that he was sure that staff would find an appropriate way to handle that.