



City of Countryside

Plan Commission / Zoning Board of Appeals

Planning and Zoning Process

Adopted November 4, 2010

Packet Last Revised: January 20, 2020

I. Introduction

The Plan Commission / Zoning Board of Appeals (PC-ZBA) serves as a review board for Variances, Special Uses, Re-Zoning, Planned Unit Developments and Text Amendments to the City's municipal code. The PC-ZBA serves in a fact finding capacity by evaluating the aforementioned requests and providing recommendations to the City Council.

The PC-ZBA is comprised of nine members appointed by the Mayor with the consent of the Aldermen. All of the members are City of Countryside residents from a variety of different backgrounds.

For more information, please contact the Planning Manager at 708.485.4775 or email at rtrent@countryside-il.org

II. Submittal Requirements

NOTICE TO APPLICANTS: Applications will not be scheduled for a PC-ZBA public hearing until all of the requirements listed below are provided and reviewed by staff through the review process. Failure to provide a complete submittal may result in the matter being deferred (CONTINUED) to the next available PC-ZBA agenda.

Submittal Package – include 24 complete package sets:

1. Petitioners' Application - 3 original (signed and notarized) and 21 copies. (See **Exhibit A**)
2. Standards for Zoning Variance - 3 original (signed and notarized) and 21 copies. (See **Exhibit B**)
3. Standards for Special Use Variation - 3 original (signed and notarized) and 21 copies. (See **Exhibit C**)
4. Affidavit of Ownership - 3 original signed and notarized and 21 copies. (See **Exhibit D**)
5. Current Plat of Survey - 24 copies - The plat of survey must contain the legal description of the property. Minimum dimension of the plat of survey must be 11" x 17".
6. Detailed Site Plan - 24 copies – Twenty-four copies of detailed and scaled plans of the variation requested, elevation drawings and floor plans showing proposed and existing layout, photos, etc. The site plan will include existing structures, proposed structures, additions, signs, and the setbacks from lot lines to such improvements. The site plan must be drawn to scale.
7. Application Fee - Please consult the fee structure matrix found on page 18 of the packet.
8. Electronic Set - Please submit all documents associated with the application in electronic format on a flash drive **or** emailed to the attention of the Planning Manager at rtrent@countryside-il.org.

III. Public Hearing Documents

- (1) The Planning Manager reviews the application packet to ensure that the required number of items and exhibits has been supplied. Please contact the Planning Manager at 708.485.4775 to submit the application and or to schedule a meeting. Once a packet is accepted, it will be issued a case number.
- (2) Once the application is submitted, a more detailed review of the application packet and request is conducted by staff to ensure the information supplied is complete and accurate, and to evaluate the standards for granting the request. 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 PC-ZBA 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.
- (3) Once the application is accepted, it will be scheduled for the next available PC-ZBA agenda.
- (4) Staff will post public notice sign on the property at least fifteen (15) days prior to the hearing.
- (5) Staff will publish the legal notice concerning the application in the Doings Newspaper and compile a list of property owners that fall within the 300 or 600 foot radius of the subject property for registered mail notification of the meeting. If the subject property is residentially zoned, all property owners within 300 feet of said property will receive registered mail. If the subject property is commercial or industrial zoned, all property owners within 600 feet of said property will received registered mail. The registered mail will be postmarked at least fifteen (15) days prior to the hearing.
- (6) The City must be reimbursed for the publication and registered mail cost **prior to the meeting date.** The applicant will be sent an invoice with all applicable charges. If the City is not reimbursed before the meeting, the matter will be continued to the next month.

IV. PC-ZBA Meetings

- (1) The PC-ZBA holds a Public hearing on the matter in the City Council Chambers at 7:15 p.m. on the scheduled date. The PC-ZBA meets the first Tuesday of every month with an application to appear on their docket due to the Community Development Department one month in advance. The current meetings can be found on page 19 of the application packet.
- (2) The Planning Manager will provide an overview of the request with all facts and figures associated with the project.
- (3) The PC-ZBA will allow the petitioner, or his/her designated representative to provide a brief overview of the request.

- (4) Once the PC-ZBA has finished discussing the case, they will vote on the matter to recommend approval or denial of the request. A minimum of five (5) votes is required to carry a motion.
- (5) The PC-ZBA decisions are only advisory in nature and do not constitute a final ruling. After the PC-ZBA has offered a recommendation, the variance request will be considered by City Council during their regular meeting schedule. The City Council meets the second and fourth Wednesday of every month. City Council has the final decision making authority regarding the zoning variance request.

V. Rules for the PC-ZBA

- (1) Application of Rules: These rules shall apply to all hearings required to be held by the Plan Commission-Zoning Board of Appeals of the City of Countryside.
- (2) Commencement of Hearing Proceedings: Hearings to which these rules shall apply are commenced by application for relief from existing City of Countryside zoning restrictions or regulations and shall be in such form, and contain such information, as required by the City of Countryside Zoning Code. Such hearing proceedings may also be commenced by referral from the City Council.
- (3) Designation of Parties: Any person, firm or corporation that makes such application is hereinafter sometimes referred to as the "Applicant". However, in cases where an issue is referred by the City Council, the City Council shall not be referred to as Applicant, but as the "City". All other persons, firms or corporations taking any part in hearings subject to these rules shall hereinafter sometimes be referred to as "Interested Parties".
- (4) Open Hearings/Open Meetings Act: All hearings conducted by the PC-ZBA shall be held at a regular or special meeting, shall be open to the public, and are subject to the Illinois Open Meetings Act.
- (5) Pre-hearing Conference: The Community Development Department may authorize a "pre-hearing" conference to clarify legal and factual issues, exchange documents and information, discuss stipulations and the order of witnesses, and submit a report of such conference to this body.
- (6) Proof of Notice of Hearing Required: Proof of publication and/or posting and/or mailing of all notices required in order to confer jurisdiction upon the Commission shall be introduced into evidence at the commencement of any hearing.
- (7) Record of Proceedings Required: A verbatim record of all hearing proceedings shall be made by electronic transcription, such record may also be made through transcription by a certified court report, if so directed by the Commission.
- (8) Amendment of Rules: These rules may be amended from time to time by vote of a majority of Commission members present and voting at a regular or special meeting of the Commission.

VI. Chairman's Powers and Responsibilities

The Commission's Chairman (hereinafter sometimes referred to as the "Chairman") may impose reasonable conditions on the hearing process, including limitations on evidence or testimony presented or offered for presentation. Such limitations include, but are not restricted to, time limits upon testimony and arguments, and the barring of repetitious, irrelevant or immaterial testimony. Time limits, if imposed, shall be fair, reasonable, and equally administered. The Chairman shall rule on all questions related to the admissibility of evidence; however, any such ruling may be overruled by a majority of the Commission. The Commission shall not be bound by strict rules of evidence; however, irrelevant, immaterial, or repetitious evidence may be excluded.

In imposing such conditions and limitations, the Chairman shall give due and careful consideration to, and may act upon, the following factors:

- The complexity of the issue or issues;
- Whether or to what degree the witness possesses special expertise;
- Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact;
- The degree to which the witness' testimony relates to the factors to be considered in approving or denying the application or proposal; and
- Such other factors as are appropriate for the hearing.

The Chairman may also take such actions and make such other rulings as are required to maintain an orderly and civil hearing.

VII. Order of Business

The order of business and presentation of evidence at a Commission hearing shall be substantially as follows, but may be reasonably modified as determined appropriate by the Chairman:

- Announcement of Hearing;
- Identification of Petitioner and Interested Parties;
- Submittal of Proof of Notice;
- Testimony and other evidence by Petitioner;
- Report by Staff;
- Commission examination of Petitioner's witnesses and other evidence;
- Cross-examination of Petitioner's witnesses and other evidence by Interested Parties;
- Testimony and other evidence by Interested Parties;
- Commission examination of Interested Parties' witnesses and other evidence;
- Cross-examination of Interested Parties' witnesses and other evidence by petitioner;
- In some cases re-cross-examination may be allowed;
- Summary/Closing by Petitioner;
- Summary/Closing by Interested Parties;
- Rebuttal/Closing by Petitioner;

- Chairman announces that the evidence and testimony phase of the hearing is concluded and that no further evidence or testimony may be presented to the Commission; and
- The Commission shall then do one or more of the following:
 - Enter upon its deliberations;
 - Announce its decision;
 - Continue the Hearing to a future date and time; or
 - Adjourn the Hearing.

VIII. Conduct of Hearing

In addition to the Petitioner, any other person, firm or corporation may appear and participate at the hearing as an “Interested Party” as provided herein.

The Petitioner or any Interested Party may appear *pro se*, or may be represented by an attorney. The Petitioner or an Interested Party may also be represented by other agents, such as, but not limited to, a contract purchaser, appraiser, developer, or real estate agent.

The City of Countryside shall be a party in every proceeding, but need not appear.

Persons participating shall identify themselves or those whom they represent for the record, either orally or in writing, and indicated if they are represented.

The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner. All persons offering testimony at a hearing shall testify under oath. An attorney shall be sworn in if he or she offers testimony but not if he or she is questioning witnesses, summarizing testimony of witnesses, or addressing the Commission.

At any point in the proceedings, the Commissioners may call upon witnesses who have not previously testified, such as City staff and City consultants. The Commissioners or staff may ask questions at any time during the hearing.

IX. Conclusion and Decision

At the conclusion of an evidentiary portion of the public hearing, the Commission may, among other actions, do one or more of the following: move to deliberate its decision on the evidence presented, or continue the hearing to a date, time and location certain, or announce its decision.

A written decision shall be prepared which shall include findings of fact and the Commission recommendation or decision based upon the record

Adopted by the Plan-Commission / Zoning Board of Appeals of the City of Countryside, Illinois, the 2nd Day of August 2005.

Richard Fullmer, Jr.
Chairman

(EXHIBIT A)

**CITY OF COUNTRYSIDE
PC-ZBA**

PETITIONER'S APPLICATION

ADDRESS OF SUBJECT PROPERTY: _____

APPLICANT'S NAME: _____

APPLICANT IS: ATTORNEY AGENT OWNER OTHER

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: _____

INVOICES WILL BE SENT TO: Applicant Property Owner

LEGAL DESCRIPTION ATTACHED (*Attach as an exhibit*)

Property Identification Number(s) (PINs): _____

ZONING OF THE PROPERTY: _____

PROPOSED ZONING OF THE PROPERTY: _____

AREA OF THE PROPERTY (Acres or sq. ft.): _____

EXHIBIT A (CONTINUED ON THE FOLLOWING PAGE)

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

Have you or the subject property applied or been a subject for a rezoning, special use, or variance?

Yes No

If yes, what was the application for?

Date you appeared before the PC-ZBA: _____

What was the outcome? _____

Detailed description of requested variance, re-zoning or special use (Provide relevant Section numbers of the Municipal Code – attach additional pages if needed)

APPLICANT SIGNATURE

NOTARY PUBLIC

A zoning variance can only be granted if there are specific practical difficulties in carrying out the strict requirements of the ordinance for a particular piece of property. There must be some land-related hardship to grant the variance. Other criteria are NOT sufficient evidence to prove hardship, specifically:

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

The full burden of proof in determining the hardship rests with the applicant. In making its determination as to whether there is unnecessary hardship, the Plan Commission – Zoning Board of Appeals shall take into consideration the extent to which the following conditions, all favorable to the applicant or appellant, have been established by the evidence. (Ord. 98-15-0, 4-8-1998)

10-12-4-2: Conditions:

- A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience or loss of revenue if the strict letter of the regulations were carried out;
- B. That the conditions upon which the requested variation is based would not be applicable generally to other properties within the same zoning classification;
- C. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- D. That the granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- E. That the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- F. That the proposed variation complies with the spirit and intent of the restrictions imposed by this Title. (Ord. 80-2-0, 12-1979)

10-12-4-6: Special Use Variations:

F. Standards: No special use variation shall be recommended by the Plan Commission-Zoning Board of Appeals unless said PC-ZBA shall find: (Ord. 98-15-0, 4- 8-1998)

1. That the establishment, maintenance or operation of the use will not be detrimental to or endanger the public safety, health, morals, comfort or general welfare;
2. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; (Ord. 80-2-0, 12-1979) and
6. That the use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council, pursuant to the recommendations of the Plan Commission - Zoning Board of Appeals. (Ord. 98-15-0, 4-8-1998)

(EXHIBIT C)

STANDARDS FOR SPECIAL USE VARIATION

(Attach additional pages as needed)

1. That the establishment, maintenance or operation of the use will not be detrimental to or endanger the public safety, health, morals, comfort or general welfare :
2. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. That the use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council, pursuant to the recommendations of the plan commission-zoning board.

APPLICANT SIGNATURE

NOTARY PUBLIC

PC-ZBA Withdrawal Refund Policy

Applicants who have applied for a zoning variance but have decided not to proceed with the variance request prior to the date of the PC-ZBA meeting may be eligible for a partial refund of the \$500.00 application fee.

All PC-ZBA applicants are required to complete the required documentation and pay a \$500.00 application fee at least one (1) month prior to the intended PC-ZBA meeting date in order to allow sufficient time for public notification. If the applicant chooses to no longer request the zoning variance after the application is submitted and at least one (1) business day prior to the PC-ZBA meeting, the applicant may receive a refund of up to \$250.00. The applicant is responsible to pay all outstanding fees owed the City prior to the refund of any monies. The applicant may not receive any refund on money paid to the City for expenses related to public notification such as certified mailings or newspaper articles.

The applicant must submit to the Building Department in writing a request to be removed from the PC-ZBA agenda and refund the portion of the application fee at least one (1) business day prior to the scheduled PC-ZBA meeting. That request will be routed to the Finance Department after all outstanding fees are paid and the proper time has been allotted for any personal checks to clear. The Finance Department will then place the request on the next available City Council Agenda to approve re-payment.

Please review all items on the Petitioner's Checklist, missing items will result in a hearing postponement. If requesting a zoning variance, please review Title 10, Zoning, of the Countryside City Code. If requesting subdivision approval, please review Title 9, Subdivision, of the Countryside City Code. The City Code is available online at the City's website (http://www.sterlingcodifiers.com/codebook/index.php?book_id=502) and for purchase at the City Clerk's Office.

Petitioner's Checklist (All items below must be in separate collated packets)

1. Application Fee: Please consult the fee structure matrix on the following page to determine the appropriate fee. Make check payable to the "City of Countryside". All additional review, publication and legal fees must be paid prior to the meeting date.
2. Petitioner's Application (Exhibit A): **3 originals signed** and 21 copies of the completed application.
3. Standards for Zoning Variance (Exhibit B): **3 originals signed** and 21 copies of the complete form describing the standards met.
4. Standards for Special Use Variation (Exhibit C): **3 originals signed** and 21 copies of the completed form describing the standards met.
5. Proof of Ownership Information and Affidavit (Exhibit D): **3 original signatures** and the public notarized stamp and 21 copies of the completed form.
6. Current Plat of Survey: 24 copies - The plat of survey must contain the legal description of the property. Minimum dimension of the plat of survey must be 11" x 17".
7. Detailed Site Plans: 24 copies of detailed and scaled plans of the variation requested, elevation drawings and floor plans showing proposed and existing layout, photos, etc.
8. Annexation Plat and Petition: (if applicable: 24 copies).
9. Preliminary Subdivision Plans (if applicable): 24 copies not to exceed 36" x 48" sheet size.
 - A. Detailed Site Plan indicating all site improvements such as sign locations, screened trash container areas, loading docks, fire lanes, area lighting, parking handicap parking, all dimensions, project date, building and land area, FAR, coverage and parking calculations
 - B. Preliminary Engineering Site Plans. Please contact our engineering company, Frank Novotny and Associates, Mr. John Fitzgerald 630.887.8640 for details.
 - C. Floor plans, not working, drawings (drawn to 1/4" scale).
 - D. Landscape plan prepared on a separate sheet indicating species, plant location, quantity, size and spacing.
 - E. Sign elevations.

F. Traffic study (when applicable) signed and sealed by a licensed P.E.

10. Electronic Plans: One (1) flash drive must be accompanied with the packet containing all electronic versions of the documents submitted or you may email the files to the attention of the Planning Manager at rtrent@countyside-il.org.
11. Drainage Plan: 24 copies - Prior to any project that involves the disturbance of soil on any parcel of property in the City, the following process shall be utilized.
 - A. The applicant must submit a drainage plan for the project.
 - B. The drainage plan must satisfactorily address storm water management and must be reviewed and approved by the City Engineer.
 - C. All invoices for any review fees must be paid by the applicant prior to project presentation to the Plan Commission.

FEE STRUCTURE FOR ZONING AND PLANNING	
CATEGORY	FEE
Zoning Variance- any	\$500.00
Special Use Application- any	\$500.00
Planned Unit Development- any	\$3,000.00
Zoning Amendment Application	\$500.00
Zoning Interpretation/Appeal	\$500.00
Application for Resubdivision/Consolidation of lots	\$500.00
Construction necessitated variations requested after the commencement of construction (See note 1)	\$2,500.00
NOTES:	
1	Fees for construction necessitated variations requested after the commencement of construction shall be cumulative, one fee charged for each variance requested.
2	All other fees shall allow for an unlimited number of items on an application- within that category- for the listed fee.
3	Applications with items in multiple categories shall be assessed the listed fee once for each category.
4	Fees are not transferrable, and shall apply to only one application.
5	All costs, fees, and charges incurred by the City in association with an application, including, but not limited to: engineering review fees, legal review fees, publication fees, postage, copy charges, and recording fees are in addition to the fees listed herein, and shall be payable by the applicant.

Plan Commission / Zoning Board of Appeals

Hearing Dates January 2020 - January 2021

Meeting Date	Deadline for Filing by 4:00 p.m.	City Council Date
Tuesday, January 7, 2020	Monday, December 02, 2019	Wednesday, January 22, 2020
Tuesday, February 04, 2020	Monday, January 06, 2020	Wednesday, February 26, 2020
Tuesday, March 03, 2020	Monday, February 03, 2020	Wednesday, March 25, 2020
Tuesday, April 7, 2020	Monday, March 02, 2020	Wednesday, April 22, 2020
Tuesday, May 05, 2020	Monday, April 06, 2020	Wednesday, May 27, 2020
Tuesday, June 02, 2020	Monday, May 04 2020	Wednesday, June 10, 2020
Tuesday, July 07, 2020	Monday, June 01, 2020	Wednesday, August 12, 2020
Tuesday, August 04, 2020	Monday, July 06, 2020	Wednesday, August 12, 2020
Tuesday, September 01, 2020	Monday, August 03, 2020	Wednesday, September 23, 2020
Tuesday, October 06, 2020	Tuesday, September 01, 2020	Wednesday, October 28, 2020
**Tuesday, November 10, 2020	Monday, October 05, 2020	Wednesday, December 9, 2020
Tuesday, December 01, 2020	Monday, November 02, 2020	Wednesday, December 9, 2020
Tuesday, January 05, 2021	Monday, November 30, 2020	Wednesday, January 27, 2021

**** = Denotes meeting date change to the Second Tuesday of the month.**