



600 Harvest Gate  
Lake in the Hills, IL 60156

(847) 960-7440  
Fax: (847) 960-7445  
www.lith.org

---

## VILLAGE OF LAKE IN THE HILLS

### APPLICATION FOR A ZONING VARIATION

---

#### I. INTRODUCTION

The following instructions are presented to help you in preparing your petition (also referred to as "application") in the most complete form possible for presentation at a public hearing before the Planning and Zoning Commission. Failure to supply the required information or consult with the Community Development Department may result in unnecessary delays.

In preparing the petition, the applicant should consult with the Village's Zoning Ordinance or Building Code to ensure conformity with intent and compliance with all regulatory requirements. Questions regarding these documents or any requirements contained therein should be directed to the Community Development Department.

This request involves a three-phase procedure that first requires staff review and recommendation of the petition, followed by a Planning and Zoning Commission public hearing and recommendation, and ultimately the Village Board of Trustees decision. This process generally takes between 30 to 60 days to complete. Please allow yourself ample time prior to construction to begin the application process. You may wish to redesign your plans in order to comply with the Zoning Ordinance requirements, thus avoiding the need for Planning and Zoning Commission and Board of Trustees action.

This packet contains:

- ~ Description and schedule of fees
- ~ Description of the zoning process
- ~ Procedural checklist
- ~ Application form
- ~ Acknowledgment form

If you have any questions, please contact the Community Development Department at 847-960-7440.

## II. FEE SCHEDULE

A non-refundable filing fee is required upon application for any zoning hearing based on the following schedule:

Residential Variation	\$100
Non-Residential Variation	Up to 2 acres \$250 More than 2 acres \$500

These fees shall include the cost of the meeting, creating the necessary ordinances as a result of the meeting and recording fees. Any additional fees such as notification, public notice, professional services or any other fees that might be incurred as a result of a petition shall be the responsibility of the applicant.

In the event it is necessary for the Village to obtain professional services (i.e. legal, planning or engineering) or incur miscellaneous expenses (i.e. postage, advertising expenses) in connection with the request, the applicant shall reimburse the Village for all expenses incurred plus five percent (5%) to cover the Village's administrative expenses. Please refer to Section 44.03 of the Lake in the Hills Municipal Code for further information regarding the reimbursement of expenses.

## III. ZONING PROCESS

A public hearing must be held by the Planning and Zoning Commission on any zoning request. The Commission is a group of citizens who make recommendations to the Village Board on zoning-related matters. The Commission meets in the Lake in the Hills Village Hall located at 600 Harvest Gate. All meetings begin promptly at 7:30 P.M. in the Board Room on the dates assigned by the Community Development Department (*see attached Meeting & Application Deadline Dates schedule*).

When the Community Development Department receives your application and required originals, the staff will check the materials for completeness. If complete, the applicant will then be required to submit the required number of copies to the Community Development Department. The request will be scheduled for the next available Planning and Zoning Commission agenda. You will be notified of this date as soon as it is determined.

The Community Development Department will prepare the public hearing notice. Once prepared, the applicant is required to have the legal notice published for one day in a McHenry County newspaper (*see attached Local Newspapers list*), which has local circulation within the Village. The notice must be published no more than thirty nor less than fifteen days (not including the day of the hearing) prior to the scheduled hearing date. **Please note you will need to contact this department (847) 960-7440 with the date of publication of your public hearing notice in order for the accurateness to be assessed.** If you fail to submit the notice to the newspaper by the deadline, the public hearing will be canceled. The legal advertising department of the newspaper you choose will send you a certificate of publication, which you

should then submit to the Chairman of the Planning and Zoning Commission at the public hearing. You will be responsible for all costs associated with the preparation and publishing of the legal notice.

All applicants shall be required to post a notification sign in the front yard(s) of the subject property. A \$75.00 deposit is required for the use of each sign. The deposit will be returned, provided the sign is returned undamaged to the Community Development Department within five business days after the public hearing. The sign must be posted on the property in question, in full public view, no more than thirty nor less than fifteen days prior to, and up until the scheduled public hearing has been held.

Finally, a copy of the legal notice must be delivered to all property owners within 250 feet of the subject property along with the "*Public Hearing Requirements & Procedures*" document (see attached). These notices must be sent certified mail (with return receipt) to each property owner no more than thirty nor less than fifteen days prior to the scheduled hearing. The Property Index Number (PIN) that corresponds to the recipient's property should be included next to the name of the recipient property owner on the addressed envelope. The list of property owners and the return receipt "green cards" must be kept and submitted to the Chairman of the Planning and Zoning Commission at the public hearing. The applicant is responsible for the cost of this mailing. In the case of a variation in a residential zoning district, the applicant may choose to hand deliver a copy of the legal notice and "Public Hearing Requirements & Procedures" to each property owner as stated above. If this option is chosen, the applicant must submit "*Hearing Acknowledgment Form*" (see attached) signed and dated by each property owner to the Chairman of the Planning and Zoning Commission at the public hearing. The forms must be signed no more than thirty nor less than fifteen days prior to the scheduled hearing.

You must be present at the public hearing. You may, at your discretion, be represented by your attorney, contractor, or any other person you wish to speak in favor of your request.

It will be your responsibility to prove and provide the appropriate information which substantiates the reasons, hardship, or findings of fact which necessitates the requested zoning variation. The criteria for a zoning variation request is found in the Lake in the Hills Zoning Ordinance.

At the public hearing, the Chairman of the Planning and Zoning Commission will ask you to be sworn in and describe your request. Any other individuals that desire to speak will also be sworn in and allowed to testify. After your presentation, the chairman will allow others to speak. After all interested parties have spoken, the chairman will close the public hearing and call for a motion and vote on the matter. The recommendation and the findings of fact will then be forwarded to the Village Board of Trustees for consideration.

If the Village Board approves the requested action, an ordinance is enacted and approved, including any conditions. A copy of the ordinance will be sent to the applicant.

#### IV. PROCEDURAL CHECKLIST

1. Applicant submits original application and required submittals including filing fee. Community Development Department checks for completeness.
2. Community Development Department sets public hearing date and notifies the applicant (*see attached Meeting & Application Deadline Dates schedule*).
3. Community Development Department prepares the public hearing notice and notifies the applicant when ready.
4. Applicant makes copies of the public hearing notice and "*Public Hearing Requirements & Procedures*" (*see attached*) document for mailing (or hand delivery) to list of property owners within 250 feet. Applicant provides one copy to each of the property owners by certified mail (return receipt) or hand delivery (in residential districts only), no more than thirty nor less than fifteen days (not including hearing date) prior to the scheduled public hearing. Applicant submits certified receipts (*or attached "Hearing Acknowledgement Forms"*) to the Chairman of the Planning and Zoning Commission at the public hearing.
5. Applicant submits the public hearing notice to the classified department at a newspaper (*see attached Local Newspapers list*) of general circulation within the Village to be published by the deadline date specified by established hearing date (15 to 30 days prior). Applicant notifies the Community Development Department (847) 960-7440 in advance with the date of publication. Applicant submits certification of publication to the Chairman of the Planning and Zoning Commission at the public hearing.
6. Applicant posts the notification sign(s) on the property, in full view of the public, no more than thirty nor less than fifteen days prior to, and up until the scheduled public hearing is held. The Community Development Department will prepare the public hearing sign and notify the applicant when ready.
7. Planning and Zoning Commission public hearing is held. The Commission makes a recommendation to the Village Board on the requested action.
8. The Village Board considers the requested action.
9. If the requested action is approved, the applicant may then apply for any required building permits.



**VILLAGE OF LAKE IN THE HILLS  
ZONING VARIATION HEARING APPLICATION**

DATE: \_\_\_\_\_

**APPLICANT CHECKLIST**

- \_\_\_\_\_ Application form completed (pages 5-10 of this document), signed and submitted
- \_\_\_\_\_ Filing fee paid (see Fee Schedule, on page 2)
- \_\_\_\_\_ Plat of survey submitted (original plus 20 copies)
- \_\_\_\_\_ Site plan submitted (original plus 20 copies), drawn to scale, showing existing and proposed buildings and structures and clearly showing the requested action.
- \_\_\_\_\_ List of property owners contiguous to the property within 250 feet in all directions (list parcel identification number, name, and street address) submitted. List of owners may be obtained from the Township Assessors Office. The number for Algonquin Township is (847) 639-2700 with offices at 3702 U.S. Highway 14, Crystal Lake. Grafton Township's phone number is (847) 669-3383 and its office is at 10109 North Vine Street, Huntley.
- \_\_\_\_\_ Notification sign deposit(s) paid - \$75.00 each

**INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

**I. BACKGROUND INFORMATION**

**A. Description of the Property:**

1. Common street address: \_\_\_\_\_
2. PIN (Property Index Number): \_\_\_\_\_
3. Legal description of the property (print or attach exhibit): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Owner(s) of property:**

\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Daytime telephone: \_\_\_\_\_

**C. Applicant:** \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Relationship of applicant to property: \_\_\_\_\_

**II. ZONING AND USE**

Describe the property in question and adjoining properties by zoning district (see zoning map) and use of the property (i.e. single family residence, retail store, etc).

LOCATION	ZONING	USE
Property in question		
North		
South		
East		
West		

III. REQUESTED ACTION

A. Please indicate the variation that is being sought (include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) of the variation request, e.g. "Section 7.5 to increase height to 21 feet").

---

---

---

B. Please indicate the proposed use, construction or development that prompted the variation request.

---

---

---

What are the specific feature(s) of the proposed use, construction or development that require the variation.

---

---

---

IV. FACTS AND REASONS SUBSTANTIALLY SUPPORTING EACH OF THE FOLLOWING CONCLUSIONS (Section 23.7 of the Zoning Ordinance requires that certain "Findings of Fact" must be sustained in order for the Village to grant a variation):

A reasonable use of or return on the property is not possible under the existing regulations.

---

---

---

---

Carrying out the strict letter of the regulation would deprive the owner of substantial rights commonly enjoyed by other lots in the area subject to the same regulation.

---

---

---

---

The property is different than most other properties in the area (unique) in the following way(s):

---

---

---

---

The uniqueness is not the result of any action or inaction by the owner or its predecessor(s).

---

---

---

The variation would not alter the essential character of the area.

---

---

---

Due to the physical surroundings, shape or topography of the subject property, the following practical difficulty or particular hardship (that others would not have to similarly incur) would be endured if the strict letter of the regulation were followed:

---

---

---

---

The alleged difficulty or hardship is not merely the inability of the owner or occupant to enjoy a special privilege or additional right not available to others in the area subject to the same regulation.

---

---

---

---

V. FACTS AND REASONS SUBSTANTIALLY SUPPORTING ANY OF THESE ADDITIONAL CONSIDERATIONS THAT MAY SUPPORT YOUR CASE:

The conditions on which the variation is based would not be applicable generally to other property in the same zoning classification.

---

---

---

The purpose of the variation is not based only on a desire to make more money from the property.

---

---

---

The variation will not harm the public welfare or injure other property or improvements in the neighborhood.

---

---

---

The variation will not endanger public safety, nor substantially diminish or impair property values in the neighborhood.

---

---

---

**APPLICANT MUST PROVIDE EVIDENCE AT THE HEARING TO  
SUBSTANTIATE THE ABOVE CLAIMS.**

Applicant signature: \_\_\_\_\_

Property Owner(s) signature(s): \_\_\_\_\_

Property Owner(s) signature(s): \_\_\_\_\_

If property is held in a trust, Trust Officer's signature \_\_\_\_\_

Also attach letter from Trust Officer naming all beneficiaries of the trust.



600 Harvest Gate  
Lake in the Hills, IL 60156

(847) 960-7440  
Fax: (847) 960-7445  
www.lith.org

## PLANNING AND ZONING COMMISSION

### HEARING ACKNOWLEDGMENT FORM

The undersigned acknowledges receipt of the public notice for residential variation filed by

\_\_\_\_\_ (Applicant)

regarding the property at \_\_\_\_\_.

I understand a hearing will be held on the \_\_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_\_, at  
7:30 P.M. at Lake in the Hills Village Hall, 600 Harvest Gate, Lake in the Hills, IL 60156.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ PIN # \_\_\_\_\_



600 Harvest Gate  
Lake in the Hills, IL 60156

(847) 960-7440  
Fax: (847) 960-7445  
[www.lith.org](http://www.lith.org)

## *Planning & Zoning Commission*

# *Public Hearing Requirements & Procedures*

### ◆ **Purpose of a Public Hearing**

The purpose of a public hearing is to give everyone the opportunity to express their views and to provide evidence in support of those views regarding a petition before the Planning and Zoning Commission. These opinions and evidence create the record, which the Planning and Zoning Commission relies on for its findings, conclusions and recommendation. The Commission's recommendation and record are then considered by the Board of Trustees before they make the final determination.

An agenda will be established and available for viewing prior to the public hearing at Village Hall, 600 Harvest Gate, and on the Village's website at [www.lith.org](http://www.lith.org). Furthermore, the public is welcome to view file information on a proposed petition in advance at the Community Development Department located at Village Hall.

### ◆ **Notification Requirements of a Public Hearing**

The Village's Zoning Ordinance requires notification for public hearings before the Planning and Zoning Commission. This includes mailing all property owners (as determined by the appropriate Township Assessor's Office) within 250 feet of the subject property written notice of the public hearing, posting a public hearing sign on the property, and publication of the public hearing notice in one of the local newspapers no sooner than 30 days and no less than 15 days prior to the hearing date.

### ◆ **Public Hearing Procedures**

Before the meeting, anyone wishing to speak at the hearing must complete a Public Hearing Comment Form. The Planning and Zoning Chairman will call the meeting to order and introduce each new item of business. The Chairman has the authority to take any necessary measures to control the hearing including closing the meeting, clearing the hearing room and calling the public in one at a time to testify. The Chairman will read the petitioner's request and open the hearing. The petitioner and participants will be sworn in and the proof of notification to surrounding property owners and newspaper will be presented to the Recording Secretary. Next the petitioner will provide testimony.

#### **Petitioner's Testimony**

The petitioner will be given a suitable amount of time to provide an overview of the request and to provide factual information (by the applicant or by witnesses called by the applicant) in support of the petition. The Planning and Zoning Commission may ask questions to clarify the applicant's request.

#### **Public Testimony**

Following the completion of the petitioner's testimony, the public shall be entitled to present evidence. The Chairman will call on the public from the Public Hearing Comment Form. All testimony before the Planning and Zoning Commission must be given from the podium so that a transcribable record may be

made. Spontaneous comments from the floor are not permitted and will not be considered for the record. Persons testifying are required to state their name and address for the record. Testimony will be limited to the relevant facts of the case and standards for approval. All testimony will be included as part of the public record. As such, it is not necessary to repeat previously stated testimony. If members of the public have questions regarding any testimony provided during the hearing they should be directed to the Chairman who will request a response from the appropriate person.

### **Discussion and Deliberation**

With the hearing still open, and after the public has had an opportunity to testify, Village staff will provide the Commission with their views and recommendation on the petition. The Planning and Zoning Commission will then deliberate and close the public hearing after making a recommendation. The recommendation and findings of fact from the Planning and Zoning Commission along with comments offered by the public will be presented to the Village President and Board of Trustees for review and action.

### **Contact Information**

These rules and procedures are designed to ensure a fair and orderly decision-making process and to promote public participation in the land use decisions rendered by the Village of Lake in the Hills. If you have questions, you can contact the Community Development Department at (847) 960-7440.

## *Local Newspapers*

### Daily Herald

155 E. Algonquin Road  
Arlington Heights, IL 60005  
Phone: (847) 427-4671  
Fax: (847) 427-1146  
Email: [legals@dailyherald.com](mailto:legals@dailyherald.com)  
Website: [www.dailyherald.com](http://www.dailyherald.com)

### Northwest Herald

Main Office  
7717 South Route 31  
Crystal Lake, IL 60014  
Phone: (815) 459-4040  
Fax: (815) 477-4960  
Website: [www.nwherald.com](http://www.nwherald.com)

### Chicago Tribune

435 N. Michigan Ave.  
Chicago, IL 60611  
Phone: (800) TRIBUNE (1-800-874-2863)  
Website: [www.chicagotribune.com](http://www.chicagotribune.com)

**Please note you will need to contact the Community Development Department (847) 960-7440 with the date of publication of your public hearing notice in order for the accurateness to be assessed.**



600 Harvest Gate  
Lake in the Hills, IL 60156

(847) 960-7440  
Fax: (847) 960-7445  
www.lith.org

## *Meeting & Application Deadline Dates*

<b>Planning &amp; Zoning Commission Meetings 7:30 p.m. at Village Hall, 600 Harvest Gate</b>	<b>Submittal deadline for complete applications</b>
January 16, 2012	December 9, 2011
February 13, 2012	January 13, 2012
March 12, 2012	February 10, 2012
April 16, 2012	March 16, 2012
May 14, 2012	April 13, 2012
June 18, 2012	May 18, 2012
July 16, 2012	June 15, 2012
August 13, 2012	July 13, 2012
September 17, 2012	August 17, 2012
October 15, 2012	September 14, 2012
November 13, 2012	October 12, 2012
December 17, 2012	November 16, 2012

Zoning applications submitted in conjunction with a required Tentative Plat or Development Plan may take longer to review and therefore the deadline dates listed about may be effected. Plans must be in substantial compliance with Village ordinances and polices before submittal to the Planning and Zoning Commission. The applicant should consult with the Director of Community Development regarding the timeframes for these submittals.

**The Director of Community Development also reserves the right to limit the number of public hearings at a given Commission meeting.**