

Frequently Asked Questions Regarding the Major Variation Process

What is a zoning variation?

The Village's Zoning Ordinance contains land use regulations and exceptions to these rules are called "variations" or "variances". Reasonable exceptions to certain land use regulations for properties in River Forest are occasionally necessary. Variations allow the Village to provide relief to property owners from the strict application of the Zoning Ordinance when strict compliance with the rules presents "practical difficulty" or "particular hardship." Variations are typically granted where unique site conditions render the property less usable, due to no fault of the property owner. Practical difficulties or particular hardships often exist on a property with peculiar site dimensions or configurations, unique topography, unusual terrain, unique soil compositions, etc.

What process must an applicant follow to apply for a zoning variation?

Title 10, Chapter 5 of the River Forest Zoning Ordinance identifies the steps of the application process for both minor and major amendments. The purpose of the zoning variation process is to engage with the community to evaluate the merits of the proposed variation and consider its impact on surrounding property owners.

Minor variation: Upon receipt of an application for a minor variation (as defined by Section 10-5-4 of the Zoning Ordinance), Village staff must send notice to neighboring property owners regarding the application and invite written comment to be submitted within 15 days regarding the impact of the proposed minor variation. At the close of the 15-day period, the Village's Zoning Administrator must determine whether or not a minor amendment is granted and will inform the applicant of the decision. If denied, the property owner may appeal the decision to the Zoning Board of Appeals (ZBA).

Major variation: Property owners may apply for major variations which are heard by the ZBA and decided by the Village Board of Trustees. The applicant must submit a complete application satisfying the requirements outlined in Section 10-5, of the Zoning Ordinance. Village staff reviews the application and schedules a public hearing before the ZBA. Surrounding property owners are notified by mail of the public hearing. During the public hearing the applicant must provide testimony regarding the variation requested and how it satisfies the standards outlined in Section 10-5-F of the Zoning Ordinance. Village staff comments on the application and members of the public are invited to provide evidence regarding the impact the proposed variation(s) will have on the surrounding properties. At the conclusion of the hearing the ZBA must deliberate and determine whether it will recommend to the Village Board of Trustees that the variation be approved, with or without conditions, or denied, and must adopt findings of fact that are sent to the Village Board. Surrounding property owners are notified by mail of the ZBA's recommendation and the date the Village Board will take final action on the matter. The Village Board must then consider the ZBA's recommendation and make a final decision to approve or deny the variation with or without conditions, or the Village Board may send the matter back to the ZBA for further consideration. All meetings of the ZBA and Village Board are open to the public.

How can I view the Village's Zoning Ordinance?

The Zoning Ordinance is available on the Village's website (www.vrf.us) via a link at the bottom of the home page. Visitors will be taken to a web page where they can use the table of contents on the left side of the screen to navigate to Title 10 – Zoning, Chapter 5, Section 4.



What is the Zoning Board of Appeals (ZBA)?

The ZBA is an advisory body that reviews major zoning variations, amendments to the Zoning Ordinance and map, applications for Special Use permits, and appeals of the Zoning Administrator's decision. The ZBA holds public meetings, typically on the second Thursday of the month, at the River Forest Village Hall. The ZBA is comprised of seven River Forest residents who are appointed by the Village President with the consent of the Village Board.

With regard to zoning variations, the ZBA's purpose is to consider case-by-case applications for relief from specific zoning regulations. It is the ZBA's job to recognize, isolate, and evaluate the unique practical difficulties or particular hardships in each application, and consider the legitimacy of the claimed difficulty or hardship. The ZBA does not grant

In the event of a discrepancy between the Zoning Ordinance and this document, the language in the Zoning Ordinance will govern.

variations for basic use of the property. For example, a property owner who wishes to put a clothing store on a lot designated for use as a single family residence (which isn't allowed), cannot obtain relief from the land use restriction through the variation process. Instead, that property owner must use other processes available to him/her to obtain permission. A property owner who wishes to build a detached garage closer to the property line than what the Zoning Ordinance typically allows may be able to demonstrate a hardship or practical difficulty.

How can residents participate in the zoning variation application process?

View the application: Zoning variation applications are posted on the Village's website no less than 15 days prior to the initial public hearing date as part of the ZBA's meeting packet materials. Visit www.vrf.us/meetings to view the application and ZBA and Village Board meeting packets. All variation notices are posted no less than 15 days prior to the hearing. All ZBA and Village Board meeting agendas are posted on the Village's website no less than 48 hours prior to the meeting date. Residents can also learn more about the zoning variation process by visiting www.vrf.us/zoningvariation.

Attend the public hearing and/or Village Board meeting: All major variation applications require that a public hearing be held before the ZBA. Property owners within 250' of the site of the proposed variation will be sent written notice no less than 15 days prior to the public hearing with the date, time, location of the hearing, address where the variation has been proposed, and information about how residents can submit comments regarding the application. Public hearings may conclude within one evening or may occur over multiple meetings. Future dates for continued public hearings will be announced at the meeting and posted on the Village's website at www.vrf.us/meetings. Once the ZBA has concluded the public hearing, made its recommendation to the Village Board of Trustees and adopted findings of fact, the Village Board of Trustees will consider the recommendation at a Village Board Meeting. Property owners within 250' will be sent notice of the ZBA's recommendation and the date, time, and location of the Village Board Meeting where final action will be taken no less than 7 days prior to the meeting date.

Submit your comments and questions for consideration: Residents who wish to comment on a zoning variation application should do so during the public hearing process in order for their comments to be considered by the ZBA and Village Board when making their decisions. Residents should address whether the application satisfies the standards in Section 10-5-F of the Zoning Ordinance. Residents who cannot attend a public meeting are welcome to send their comments to Cliff Radatz, Building Official, prior to the meeting at cradatz@vrf.us or by mail to 400 Park Avenue, River Forest, IL 60305.

What happens after the public hearing?

Once the public hearing has been concluded the ZBA will consider and adopt findings of fact that memorialize the recommendation, often at a subsequent meeting. Minutes of the public hearing and the findings of fact are then forwarded to the Village Board. Under the Village's rules, If the applicant does not receive a favorable recommendation from the Zoning Board of Appeals, then a vote of 2/3 of the Village Board of Trustees is required to grant the variation. If the applicant does receive a favorable recommendation from the ZBA, then a simple majority vote of the Village Board is required to grant the variation.

What happens after the Village Board takes final action on a zoning variation?

If a zoning variation is granted, applicant may apply for all necessary building permits once it has been shown that it satisfies all building code requirements and any conditions of approval that were imposed by the Village Board of Trustees. The applicant has nine months from the date the zoning variation to commence work on the project that received a variation or the zoning variation will become invalid. Once granted, unless otherwise stated in the variation, a variation becomes attached to the property itself, not the individual property owner who obtained it. If the property should later change hands, unless otherwise stated in the variation, all rights granted by the variation will remain with the property, and the new owner will enjoy all the privileges bestowed by that variation. The property owner who obtained the variation does not transfer those rights to his or her new home elsewhere.

For more information visit the Village's website at www.vrf.us