

**TITLE 12: SIGN CONTROL
CHAPTER 17: SIGN VARIANCE**

SECTION:

12-17-1 Sign Variance

The Architectural Review Board shall hear and recommend requests for variances from the Village Sign Code.

A. Determination of Need for a Variance

It shall be the duty of the Department of Community and Economic Development, after an application for any sign permit, to determine and advise the applicant whether a sign variance is required for the application to be eligible for the issuance of a sign permit.

B. Conditions for Granting a Variance

A variance may be granted only when special circumstances involving size, shape, topography, location or surroundings affecting the property requiring a deviation from conformance with the provisions of this Title would not cause substantial injury to the value of other property in the vicinity or be detrimental to the public safety or welfare and the neighborhood in which it is located.

C. Procedure

1. Prior to filing a formal application for a Sign Variance, the applicant shall request a preliminary conference with the Community and Economic Development Department. At the pre-application conference, the applicant shall present all items as required in Paragraph E below.
2. An applicant for any sign permit that requires a variance shall apply to the Architectural Review Board for such variance through the Department of Community and Economic Development. The submittal shall include all items as required in Paragraph E below.
3. The Architectural Review Board shall schedule a public hearing for the request for a variance. Notice of public hearings on requests for variances shall be given no more than thirty (30) days nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation in the Village. Such notice shall include the time and place of the hearing, a general description of the contents of the request to be heard, and the address or location of the property to which the request applies.
4. The applicant shall provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Lake County Chief County Assessor's Office, for all lots any part of which lie within two hundred and fifty feet (250') of the property line of the lot for which an application has been filed.
 - a. Such written notice shall give the number, if any, assigned to the application, the P.I.N., and common address of the parcel or parcels involved in the application, the place, and purpose (requested action) of the public hearing, and the date and time thereof. All such notices must be sent no more than

thirty (30) days nor less than fifteen (15) days in advance of the public hearing. One (1) copy of the notice must be filed with the Department of Community and Economic Development.

- b. Notices will be sent by first-class mail; or certified or registered mail, return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names and last known addresses of all property owners entitled to notice and served, and, if applicable, attach thereto all United States Post Office receipts as documentation of compliance with this provision. Such affidavit shall be filed with the Department of Community and Economic Development not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself.
5. Based upon the findings of fact in Paragraph D below, the Architectural Review Board shall render its recommendation within sixty (60) days of the conclusion of the hearing and shall notify the applicant of its recommendation. The Architectural Review Board may recommend approval, denial or approval with conditions the variance. The recommendation of the Architectural Review Board shall be in writing, may be comprised of one (1) or more parts, shall contain its findings of fact and be forwarded to the Village Board for a final decision.
6. Upon receipt of the Architectural Review Board's recommendation, the Village Board shall consider the application for a variance and, within sixty (60) days following the first regular meeting following its receipt of the recommendation, either approve, deny, approve with conditions or refer the application back to the Architectural Review Board for further deliberation consistent with directions from the Village Board. If the Village Board fails to act on an Architectural Review Board recommendation within the time prescribed herein, unless another time is mutually agreed to, the application shall be deemed denied.
7. Upon the granting of a variance, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which the variance was granted shall be turned over to the Department of Community and Economic Development whose responsibility it shall be to determine, upon completion, that there have been no deviations from the approval. Such deviations shall constitute a violation of this Title, in which event the Department of Community and Economic Development may stop work on the project in the same manner as for a violation of the Village Code. Work may not be resumed until such deviations are corrected.
8. It shall be the duty of the person to whom a variance has been granted to comply with the requirements of the variance and to obtain such inspections as necessary to assure compliance. The Village's Building Official shall give notice to said person of any deficiencies found to exist. Failure to correct any deficiencies within twenty (20) days after receipt of notification of such deficiency shall constitute a violation of this Title.

D. Findings of Fact

After hearing and considering the evidence and the testimony presented, the Architectural Review Board shall grant a variance if it finds that all of the following requirements are met:

1. The applicant's plans are substantially consistent with the design criteria of this Title.
2. The proposed exterior design features of the sign are suitable and compatible with the character of neighboring buildings and structures existing or under construction and with

the character of the neighborhood and the applicable zoning district, and enhance the environment of the Village.

3. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
4. The exterior design features of the sign will not cause a substantial depreciation in the property values in the neighborhood.
5. The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the property.
6. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

E. Submittal Requirements

A uniform filing fee shall be paid to the Village Clerk upon filing of each application for variance as prescribed in the Comprehensive Fee Schedule as set forth in Chapter 15 of Title 1 of this Code. Additionally, all expenses incurred by the Village as a result of a request for a variance to the requirements contained herein shall be fully paid by the applicant for said variance.

At the time of the filing the application, the applicant shall provide copies as directed by the Department of Community and Economic Development of the following documents depicting exterior design features:

1. Fully dimensioned drawings which shall include the site plan, with the proposed location of the sign, and elevation site plans with.
2. Landscaping and screening plans, when appropriate.
3. Architectural renderings, in color, and specifications/dimensions for signs.
4. A statement as to kind, color, type and texture of materials.

All documents shall be drawn to scale.

F. Validity and Extension of Time

1. No ordinance granting a variance shall be valid for longer than one (1) year from the date the approval was granted unless an application for sign permit is filed with the Village's Building Official within such period or the use is commenced within such period.
2. The Village Board may grant one (1) extension of time not exceeding one (1) year, upon written application made within the initial one (1) year period, without further notice or hearing. The right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variance.

G. Amendments to Approved Variances

Amendments to a variance may be obtained by application in the same manner as provided for an original variance.