



APPLICATION FOR VARIANCE PERMIT TO ALLOW NON-STANDARD MATERIAL ON PUBLIC RIGHT OF WAY

THIS APPLICATION MUST BE COMPLETED, SIGNED AND RETURNED WITH ALL REQUIRED DOCUMENTATION AND FEES TO THE OFFICE OF THE VILLAGE ADMINISTRATOR 6101 CAPULINA, MORTON GROVE, IL 60053

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SECTION I: GENERAL INFORMATION

This application is for Morton Grove residents seeking a permit to construct a decorative driveway or private sidewalk on the public right of way ("ROW"). The ROW is owned by the Village and is generally the area from the public sidewalk to and into the street, including driveway aprons. A permit is needed for any kind of construction within the ROW. If a property owner has or intends to install a decorative private driveway or private sidewalk (using non-standard material such as brick pavers or colored, stamped or aggregate concrete), and wishes to construct a driveway apron or service walk in the ROW using the same decorative materials, a variance permit is also required pursuant to Village Code Section 7-1-15.

Property Owner's Steps to Obtain Variance Permit

- 1. Obtain General Right of Way Permit (contact Public Works at 847.470.5235)
2. Complete this application for Variance Permit
3. Provide all documentation listed in Section III to Public Works - Engineering Division
4. Pay the processing and recording fee of \$55.00
5. Sign the Indemnification Agreement (to be prepared by Village after the permit is conditionally approved). A sample agreement is included in this packet
6. Obtain permit and begin construction

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SECTION II: PROJECT INFORMATION

Name of Property Owner(s): Date of Application: (The name of the legal titleholder of the property adjacent to and serviced by the right of way)

Address of Property: Type of Property: (Residential, Commercial, Multi-family, etc.)

Telephone #: Email Address:

Describe Project: Approx. Dimension of Project: (Driveway apron, service walk, etc.)

Is This Project New Construction or Replacement of Existing Improvements?

Describe Material(s) to be used for Project: (i.e. size and color of brick pavers, stamped concrete, etc. and/or attach photograph(s))

Have you obtained or applied for ROW Permit? Date Construction will Begin:

NON-STANDARD MATERIALS MAY NOT BE USED ON THE PUBLIC SIDEWALK. DECORATIVE MATERIALS MUST BE SAME MATERIAL USED ON THE PRIVATE PORTION OF THE DRIVEWAY OR WALKWAY AND MUST BE APPROVED BY THE VILLAGE ADMINISTRATOR. THE DRIVEWAY APPROACH MUST BE LEVEL WITH AND SHALL NOT OBSTRUCT OR INTERFERE WITH THE PUBLIC SIDEWALK.

**SECTION III: DOCUMENTS/FEEES TO BE PROVIDED BY OWNER**

*(Applicant to provide all documents unless indicated otherwise by Village.  
Check each box to indicate document is completed and/or attached to this application)*

- This application completed and signed by ALL title holders (owners) of property
- Permit Fee\_\_\_\_\_ (paid to \_\_\_\_\_)
- Recording Fee (\$55.00 paid to Village of Morton Grove)
- Copy of Application for or approved Right of Way Permit (obtained from \_\_\_\_\_)
- This application completed and signed by ALL title holders (owners) of property
- Proof of ownership and legal description of property (copy of title insurance policy, deed, etc.)
- Verification of Property Index Number (PIN) of property (tax bill or newer deeds)
- Optional--Description of materials to be used (pictures or samples, etc.)
- Survey of property showing all current improvements
- Dated site plan showing all proposed improvements, indicating type of material to be used
- Copy of Certificate of Insurance which includes the ROW improvements and names the Village as an additional insured

**SECTION IV: SIGNATURE & AFFIDAVIT OF ALL PROPERTY OWNERS**

**By signing this application, I/we affirm we have truthfully and accurately completed this application.**

I/we have read the attached sample agreement and will sign a substantially similar agreement when this application has been conditionally approved. I/we understand that this agreement and the Village Code includes the following requirements:

- The installation, maintenance, repair and removal of driveway apron and all improvements in the ROW shall be in accordance with Village standards;
- I/we at our sole expense maintain the driveway apron and all improvements in the ROW in good repair and free from hazards, snow, ice or obstructions;
- I/we will release, defend and indemnify the Village from all claims, damages, costs and expenses resulting from any condition of driveway apron and all improvements in the ROW, and will maintain insurance to protect the Village from such claims;
- The variance permit may be revoked by the Village if the driveway apron or any improvement in the ROW creates a public safety hazard or subjects the VILLAGE to any additional cost or liability.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

**THE FAILURE TO ACCURATELY COMPLETE THIS APPLICATION OR SUBMIT THE REQUIRED DOCUMENTATION OR FEES MAY RESULT IN THE DELAY, REJECTION, OR REVOCATION OF THE PERMIT**

# SAMPLE AGREEMENT

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

RECORDER'S NO:

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

*This instrument prepared and upon recording should be returned to:  
Teresa Hoffman Liston  
Corporation Counsel, Village of Morton Grove  
6101 Capulina Avenue, Morton Grove, IL 60053*

## AGREEMENT TO ALLOW NON-STANDARD MATERIALS ON PUBLIC RIGHT OF WAY

THIS AGREEMENT made and entered into this \_\_\_ day of \_\_\_\_\_, 20XX by and between the VILLAGE OF MORTON GROVE, a Municipal Corporation, (hereinafter referred to as the "VILLAGE") and \_\_\_\_\_ (hereinafter referred to as OWNER). The parties agree as follows:

1. OWNER is the title owner of that property commonly known as commonly known as \_\_\_\_\_, Morton Grove, IL 60053 (hereinafter "property") and legally described as follows:

\_\_\_\_\_

2. OWNER has requested a license from the VILLAGE to install and maintain \_\_\_\_\_ on the driveway apron and/or service walk adjacent to the property ("non-standard improvement"), which is public right-of-way.

3. The VILLAGE shall allow the OWNER to install and maintain non-standard improvement on the public right-of-way portion of the apron adjacent to the property as indicated on the site plan attached hereto marked Exhibit "1" so long as:

A. The non-standard improvement are installed pursuant to site plan dated \_\_\_\_\_ attached hereto as Exhibit 1, which shows the location of the apron and a description of the material to be used. Non-standard materials are not allowed on the public sidewalk.

B. OWNER shall timely pay any and all costs related to the installation, maintenance, repair, restoration or removal of the non-standard improvement including all permit fees.

C. The installation, maintenance, repair, restoration and removal of the non-standard improvement shall be in accordance with VILLAGE standards as determined by Village Code and the Village Administrator or his/her designee.

D. OWNER shall be responsible and shall pay all costs for the snow removal, maintenance, installation, restoration, repair replacement and removal of such non-standard improvement on the public right-of-way portion of the apron adjacent to the property, regardless of the cause for such installation, repair, restoration, maintenance or removal.

E. If at anytime the Village or its agents or contractors performs any work that results in the need for restoration or repair of the non-standard improvement, OWNER shall be responsible for any and all restoration or repair and costs related thereto. If Owner fails to timely or properly perform his obligations set forth in the agreement, the VILLAGE may perform any required repair, replacement, removal, restoration or other work, and OWNER shall pay VILLAGE 100% of the cost of such work plus a penalty fee of 100% of such cost and a 25% administrative fee on the combination of the repair costs and the penalty fee.

F. The public right-of-way portion where the non-standard improvement is installed shall be included in OWNER'S homeowner's insurance policy. The insurance shall be in an amount approved by the Village Administrator and the insurance policy shall name the Village as an additional insured and shall provide that the VILLAGE will be given 30 days notice, in writing, of any cancellation or material change in the policy.

G. OWNER shall comply with all codes, ordinances, policies, procedures and rules and regulations of the VILLAGE.

H. The right to install the non-standard improvement on the public right-of-way may be revoked by the Village Administrator if OWNER does not comply with the terms and conditions of this agreement, or the Village Administrator determines that such non-standard improvement create a public safety hazard or subject the

VILLAGE to additional costs or liabilities. In that event OWNER shall immediately remove the non-standard improvement and replace the apron and/or service walk with materials approved by the VILLAGE.

3. OWNER shall forever hold harmless and indemnify the VILLAGE, its agents and employees for all costs, claims, suits, demands, and actions, including but not limited to court costs and attorney's fees arising from or through or because of or in any way connected with the installation of the non-standard improvement including any work performed or done in the installation, maintenance, restoration, excavation, construction, building, repair or finishing of the non-standard improvement including but not be limited to when the VILLAGE or any utility is maintaining, installing, repairing, or constructing within the public right-of-way.

4. OWNER shall reimburse the VILLAGE for any and all damage to VILLAGE property or persons, arising directly or indirectly as a result of the installation, repair, restoration, removal, maintenance or existence of the non-standard improvement.

5. OWNER shall be solely responsible for the acts and/or omissions of their agents, contractors and/or employees.

6. This Agreement shall be recorded with the Recorder of Deeds or at the OWNER'S expense.

7. The Covenants and Responsibilities of the OWNER in this Agreement shall run with the property and shall be binding on OWNER and FUTURE OWNERS, their heirs' assigns and successors in interest.

VILLAGE OF MORTON GROVE, IL

Property Owner: \_\_\_\_\_

By \_\_\_\_\_  
Ralph E. Czerwinski, Village Administrator

Print Name: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Attest: \_\_\_\_\_  
Village Clerk

Print Name: \_\_\_\_\_

State of Illinois, County of Cook.

I, the undersigned, a Notary Public aforesaid, DO HEREBY CERTIFY that the property owners, \_\_\_\_\_ personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she/they signed, sealed and delivered the said instrument as his/her/their free and voluntary act.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20XX.  
Commission expires \_\_\_\_\_, 20XX

\_\_\_\_\_  
NOTARY PUBLIC

**FOR VILLAGE USE  
RIGHT OF WAY VARIANCE PERMIT CHECKLIST**

*All missing items, clarifications and inconsistencies should be noted—attach additional information as needed.*

**TO BE PROVIDED BY OWNER AND CHECKED BY VILLAGE**

Requirement	Approved (Date/Initials)
Owner(s) has submitted completed, dated and signed Variance Permit Application -	
Owner(s) has paid recording fee (\$55.00)	
Owner(s) has submitted completed, dated and signed ROW Permit Application	
Owner(s) has paid ROW permit fee (\$ <span style="background-color: green; color: black;">          </span> .00)	
Owner(s) has submitted proof of ownership and legal description of property	
Owner(s) has filed all necessary building permit applications and documents, including a dimensioned site plan showing all existing conditions/features and proposed improvements; Plans shall show location and type of non-standard material in the Public Right(s) of Way along with any proposed pavement and construction details	
Owner(s) has submitted description of non-standard materials to be used (specifications and pictures or samples, etc.)	
Owner(s) has submitted copy of survey of property showing all existing conditions/features and proposed improvements	
Owner(s) has submitted copy of certificate of insurance for homeowner's property which includes ROW and names Village as additional insured	
Owner has signed <i>AGREEMENT TO ALLOW NON-STANDARD MATERIALS ON PUBLIC RIGHT OF WAY prepared by Corporation Counsel. Signatures must be notarized</i>	
OTHER:	

**TO BE COMPLETED BY VILLAGE**

Requirement	Completed (Date/Initials)
Right of Way Permit approved by Public Works	
Zoning approvals complete (Administratively or through ZBA)	
Ownership, legal description and PIN(s) of property confirmed	
Proof of required insurance and certification verified	
Village Administrator has approved the Variance application and materials	
Proposed improvements are compliant with all relevant building, zoning and engineering codes, regulations, and standards or has applied for and been granted any necessary zoning variances from Zoning Board of Appeals	
Variance Agreement developed by Corporation Counsel	
Additional Requirements and/or conditions, as follows have been completed:	
1.	
2.	
ROW Permit Issued on _____	
Variance Permit Issued on _____	
Variance Agreement recorded	
All documents scanned to master address file on Laser fiche	

**Checklist completed by \_\_\_\_\_ on \_\_\_\_\_.**

APPLICATION FOR RIGHT OF WAY(DRIVEWAY APPROACH) MATERIAL VARIANCE