



WHITESIDE COUNTY

BUILDING & ZONING

Phone: (815) 772-5175

**Whiteside County Courthouse
18819 Lincoln Road
Morrison, Illinois 61270**

website: www.whitesidecountyil.gov

VARIANCE PETITIONER INSTRUCTIONS

There may be instances where, when the strict letter of zoning ordinance is followed, the Building and Zoning Administrator will not be able to issue a building permit without creating a violation. At such times, the Building and Zoning Office will work with the applicant in an attempt to bring the proposed development into compliance with the ordinance. If this fails, the applicant may wish to apply for a hearing before the Zoning Hearing Officer to request a variance.

The following instructions have been prepared to assist an applicant in requesting such a variance:

- A. If an application for a building permit has not been completed, this should be done. An application for a variance should also be filled out at this time. When the forms are completed they must be filed with the Building and Zoning Office with the required fee as set by the County Board. **NOTE: The petition for the variance will not be forwarded for hearing until the required fee has been paid to the Building and Zoning Office.**
- B. After the hearing fee is paid, the hearing date will be scheduled with the Zoning Hearing Officer
- C. The Building & Zoning Office will prepare a "**NOTICE OF PUBLIC HEARING**", determine which newspaper the notice will be published and email or mail them and will also mail all adjoining property owners by certified mail. They will also mail a copy to the proper road authority; and one copy for petitioner's files.

NOTE: the NOTICE OF PUBLIC HEARING" must be published and mailed no more than thirty (30) days nor less than fifteen (15) days prior to the date of the public hearing held by the Zoning Hearing Officer. This is in accordance with the requirements of the State Statutes.

- D. Hearings will be held in the County Board Room of the Law Enforcement Center in Morrison, Illinois. The petitioner may request (in writing) that the hearing be held in the Township where the variance is taking place.
- E. The petitioner or the petitioner's agent shall appear at the public hearing and shall be prepared to explain the need for the variance and answer any questions that the Zoning Hearing Officer may have. The Zoning Hearing Officer will review the proposed Variance, taking into consideration the variance standards and any other information deemed applicable.

NOTE: Attached are the criteria that must be met by the applicant before a variance can be granted. All criteria must be met to the satisfaction of the Zoning Hearing Officer: ADDRESS THESE CRITERIA IN WRITING TO BE SUBMITTED WITH THE APPLICATION. BE PREPARED TO PRESENT YOUR RESPONSES TO THE ZONING HEARING OFFICER AND ANSWER ANY QUESTIONS AT THE PUBLIC HEARING.

ALSO, ANY ITEMS PRESENTED TO THE ZONING HEARING OFFICER, IN SUPPORT OF YOUR PETITION, BECOMES THE PROPERTY OF THE COUNTY AND WILL NOT BE RETURNED.

F. Upon an approval of the variance by the Zoning Hearing Officer, the applicant can proceed with obtaining the required building permit through the Building and Zoning Office.

WAIVING OF HEARING FEES BY THE COUNTY BOARD:

For those citizens that feel they can not afford the required fee(s) for a hearing before the Whiteside County Zoning Hearing Officer, the following procedures will be followed:

1. Such requests will be made in writing and presented in person by the individual or their agent, to the Whiteside County Health and Social Services Committee at a regular meeting. The committee may request any information deemed necessary to determine that a financial hardship exists.
2. The Health and Social Service Committee, after hearing the request, will prepare a recommendation to be acted upon by the County Board. The individual may be required by the Committee to appear at the County Board meeting.
3. The final decision of the County Board will be by motion and will be passed on to the Building and Zoning Office for its files.
4. The Building and Zoning Office will schedule such requests for a hearing by the Zoning Hearing Officer at the next public hearing date that has at least one other petition scheduled to be heard.

(f) Approval criteria.

- (1) General requirements. A variance from strict application of this chapter may be granted by the decision making agency (see subsection (e) of this section) where:
 - a. By reason of:
 1. Exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of these regulations;
 2. By reason of exceptional topographic conditions; or
 3. Other extraordinary and exceptional situation or condition of a property, or the use of the property, or the use or development of property immediately adjoining the piece of property in question.
 - b. The literal enforcement of this chapter would result in:
 1. Peculiar and exceptional practical difficulties; or
 2. Exceptional and undue hardship, other than economic, upon the property owner; and
 3. The variance observes the spirit and purpose of this chapter and does substantial justice.
- (2) In authorizing a variance, the decision making agency (see subsection (e) of this section) may attach conditions regarding the location, character and other features of the proposed building, structure or use that it deems advisable in the interest of the purposes of the regulations.
- (3) Standards. No variance shall be authorized unless findings are made beyond reasonable doubt that all of subsections (f)(4) or (5) of this section, as applicable, are met.
- (4) Area variances. The following standards apply where variances in area requirements are requested:
 - a. 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, if the strict letter of the regulations were carried out;
 - b. The conditions on which a variance is based would not apply generally to other property in the same zoning classification;
 - c. The purpose of the variance is not based exclusively upon a desire to obtain a higher financial return on the property;
 - d. The alleged difficulty or hardship is not created by the present owner of the property;
 - e. The variance is not detrimental to the public safety or welfare or will not injure the value of other property or improvements in the neighborhood where the property is located; and
 - f. The proposed variance will not substantially increase the congestion in the public streets or increase the danger of fire.

APPLICATION FOR A VARIANCE

CASE # _____

FILING DATE _____

FEE

Having applied for a Zoning Permit, it has been found that I can not meet the requirements of the Whiteside County Zoning Ordinance as shown below:

	ORDINANCE REQUIREMENT	REQUESTED ON PERMIT.APPL.
Frontage	_____	_____
Setback centerline of road	_____	_____
Setback from R.O.W. line	_____	_____
Corner setbacks	_____	_____
Side yard	_____	_____
Rear yard	_____	_____
Lot area requirement	_____	_____
Size of accessory building (lot area covered)	_____	_____
Size of Dwelling	_____	_____
# off-street parking spaces	_____	_____
Size of parking spaces	_____	_____
Structure height	_____	_____
Elevation above flood	_____	_____
Building in floodway	_____	_____
Other		

The existing problem that creates the requirement for a variance is:

PROPERTY INFORMATION

Township _____ 1/4 sec. _____ Sec.

Subdivision _____ Lot _____ Block

Tax Parcel # _____ Address

Metes and Bounds legal:

Zone _____ Length _____ Width _____ Acres

Property Owner

Owner's Address

If the owner of the property is other than the applicant, a notarized written statement from the property owner, acknowledging consent for the variance, will be required as an attachment to this application.

CERTIFICATION

I certify, by my signature below, that all facts and statements made in this application are, to the best of my knowledge, true.

Signature of Applicant

Address

Telephone Number

City

State

Zip Code

ZONING PERMIT INFORMATION

Date Requested _____ Date Issued

Permit #