

Instructions for Objections to Area Variance Requests under the Whiteside County Zoning Ordinance

The following are the standards used by the Whiteside County Planning and Zoning Commission in reviewing requests for area variances. They are found in Division 13, Section 19-149 of the Whiteside County Zoning Ordinance. Area variances have to do with any variance from the required sizes or measurements found in the zoning ordinance.

- 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 these regulations were carried out;
- b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property owners within the same zoning classification;
- c. The purpose of the variation is not based exclusively upon a desire to obtain a higher financial return on the property;
- d. The alleged difficulty or hardship has not been created by the present owner of the property;
- e. The granting of the variation will not be detrimental to the public safety or welfare or injurious to the value of other property or improvements in the neighborhood in which the property is located; and
- f. The proposed variation will not substantially increase the congestion in the public streets or increase the danger of fire.

Objections to an Area Variance must be based on the above zoning standards. In a formal objection to the Planning and Zoning Commission there is no specific format. The objector(s) should address the standard or standards which can not be met by the variance request. It is not necessary that every standard be addressed. For those standards that are addressed, there should have a reason or reasons as to why the applicant can not meet the particular standard.

Example

The required setback may be eighty feet from the center of a roadway. A property owner may wish to build sixty feet from the center of a roadway. To do so, they will need a variance from the Whiteside County Planning and Zoning Commission. An objection to the requested setback variance may be that buildings on other properties in the immediate area are at the eighty foot setback or even further back. The applicant has no real need to build any closer.