

VARIANCE
PETITIONER'S INSTRUCTIONS

There may be instances where, when the strict letter of zoning ordinance is followed, the Planning and Zoning Administrator will not be able to issue a zoning permit without creating a violation. At such times, the Development 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 Planning and Zoning Commission 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 zoning 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 turned into the Development Office with the required fee as set by County Board. **NOTE: The petition for the variance will not be forwarded for hearing until the required fee has been paid to the Development Office.**

- B. Immediately after the hearing fee is paid the hearing date will be scheduled with the Planning and Zoning Commission. The petitioner will be provided with copies of the **"NOTICE OF PUBLIC HEARING"** form. Enough copies will be provided for the petitioner to:
 - 1. take one copy of the "Notice" to a newspaper designated by the Development Office for publication. Said newspaper must be one of general circulation in the area of the variance;

NOTE: The "NOTICE OF PUBLIC HEARING" must be published and mailed no more than thirty (30) days or less than fifteen (15) days prior to the date of the public hearing held by the Planning and Zoning Commission. This is in accordance with the requirements of the State Statutes.
 - 2. mail a copy to each adjoining property owner as determined by the Development Office by **Certified Mail**. A list of said property owners will be provided to the petitioner; and
 - 3. one copy for the petitioner's files.

- C. Hearings will be held in the General Meeting 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 rezoning is taking place.

- D. The petitioner or the petitioner's agent will appear at the meeting of Planning and Zoning Commission and shall be prepared to explain the need for the variance and answer any questions that the Planning and Zoning Commission may have. The Commission will review the proposed Variance, taking into consideration the variance standards and any other information deemed applicable. The petitioner must have the following documents available for inspection by the Planning and Zoning Commission at this meeting:
 - 1. Proof of certified mailings. There should be receipts signed by the addressees and returned to the petitioner by the Postal Service.
 - 2. "Certificate of Publication" from the newspaper. This should be mailed to the petitioner by the newspaper. If you have not received one by the Planning Commission hearing, check with the newspaper about picking up a copy.
 - a. It need be published one time only.
 - b. It should be published no more than thirty (30) days or less than fifteen (15) days prior to the hearing date.
 - c. The applicant must request a "Certificate of Publication" from the newspaper.

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 Planning and Zoning Commission. PLEASE ADDRESS THESE CRITERIA IN YOUR EXPLANATION TO THE COMMISSION.

ALSO, ANY ITEMS PRESENTED TO THE PLANNING AND ZONING COMMISSION, IN SUPPORT OF YOUR PETITION, BECOME THE PROPERTY OF THE COUNTY AND WILL NOT BE RETURNED.

E. Upon approval of the variance by the Planning and Zoning Commission, the applicant can then finish obtaining the required Zoning Permit through the Development Office.

* Without the "Certificate of Publication", the Planning and Zoning Commission may table the petition until a future meeting. If the hearing is held without a valid publication of the "NOTICE OF PUBLIC HEARING", the hearing will be null and void and the applicant will have to start the process over again.

NOTE: IF CONSTRUCTION IS INVOLVED, SAID CONSTRUCTION CANNOT BEGIN WITHOUT A BUILDING PERMIT. THAT PERMIT CANNOT BE ISSUED UNTIL THE VARIANCE HAS BEEN APPROVED. BUILDING WITHOUT THE PROPER PERMIT WILL RESULT IN A PENALTY FEE BEING ADDED TO THE COST OF THE PERMIT.

WAIVING OF HEARING FEES BY COUNTY BOARD:

For those citizens that feel they can not afford the required fee(s) for a hearing before the Whiteside County Planning and Zoning Commission, 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 Services 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 Zoning Office for its files.
4. The Zoning Office will schedule such requests for a hearing by the Planning and Zoning Commission, at the next meeting date that has at least one hearing scheduled.

AREA VARIANCE STANDARDS

Below are the criteria for the granting of a variance under Division 13. Sec 19-149, of the Whiteside County Zoning Ordinance. If any one of the criteria is answered "NO", the variance CANNOT be granted.

- 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.

USE VARIANCE STANDARDS

- A. The use requested in the petition for a variance does not require a specific zoning class or special use.
- B. The purpose of the variation in use is not based exclusively upon a desire to obtain a higher financial return on the property.
- C. The proposed use cannot be economically conducted elsewhere and would result in an unnecessary hardship if the owner were not able to conduct the proposed use on this property.
- D. The proposed use will not be detrimental to the public safety or welfare.
- E. The proposed use will not be injurious to the value of other property or improvements in the neighborhood in which the property is located.
- F. The proposed use will not substantially increase the congestion in the public streets or increase the danger of fire.

