

**SUBMISSION REQUIREMENTS AND APPLICATION  
FOR VARIANCE TO THE CITY OF WAUKEGAN,  
ILLINOIS ZONING ORDINANCE**



**SUBMIT TO:** City of Waukegan Department of Planning and Zoning, 100 N. Martin Luther King, Jr. Avenue, prior to the 15<sup>th</sup> of the month in typed, signed, completed and notarized form in order to be placed on the agenda for the following month. The following are required to be submitted to the Plat Administrator:

1. Forty-two (42) sets of **TYPED, COMPLETED, SIGNED** and **NOTARIZED** applications are **REQUIRED**. Re-typed forms are **NOT** acceptable. Included with each of the applications will be the proposed site plan **AND** survey of the subject property showing ALL existing structures, proposed structures, parking arrangements, sidewalks, landscaping, loading/unloading spaces, fences, easements, sewer and water facilities, lighting and other information as required by the Department of Planning and Zoning (8½" x 14" maximum).
2. Application fee, payable to the "City of Waukegan" (see page 23 of the Zoning Ordinance for Fee Schedule).

\$ \_\_\_\_\_ .00

3. Three (3) Plats of Survey of the property (done by a State of Illinois Registered Land Surveyor).
4. A Lake County tax map(s) showing ALL properties within 300 feet of the subject property. Copies of the map can be obtained at the Lake County Map Services Department, 18 N. County Street, Waukegan, Illinois (847) 377-2373. A red line must denote the 300-foot limit and the boundary of the subject property.
5. A typed listing of all **CURRENT** property owners, including full names, mailing addresses and the Parcel Identification Number (P.I.N.) of all properties, which are partially or entirely within 300 feet from the edge of the subject property proposed for a Variance. This information can be obtained from the County of Lake.

**PROCEDURE:**

1. Submittal Conference. Prior to filing a formal application for approval of a Variance, the applicant **MUST** request a submittal conference with the Plat Administrator at least a week prior to the application deadline to review documents. The purpose of such conference is to confirm that the application is complete and that there are no materials missing from the submittal. If materials are missing, this gives the petitioner additional time before the submission deadline passes.
2. Applicant is responsible for and is **REQUIRED** by the Zoning Ordinance to post notification of the Development Commission's public hearing in a conspicuous place on the subject property facing the nearest improved street, not more than 45 days nor less than 15 days before the public hearing. This notification shall be posted on forms provided by the City of Waukegan Planning and Zoning Department.
3. The applicant or his agent is **REQUIRED** to attend the Development Commission's public hearing whenever the proposed Variance is scheduled to be heard (the second Tuesday of the month after the application is received (if received prior to the 15<sup>th</sup> of the month). Meetings are held in the City Council Chambers, 100 N. Martin Luther King, Jr. Avenue, Waukegan, Illinois, at 7:00 PM. The Development Commission will do one of the following at the public hearing:
  - A. Recommend approval of the petition to the City Council.
  - B. Recommend denial of the petition to the City Council.
  - C. Hold the petition over until the next meeting.

Once "A" or "B" is made, the issue will be placed on the next Judiciary Committee meeting of the City Council (consisting of 5 of the 9 aldermen), which meets at 6:30 PM on the first Monday of the month, in the Council Chambers. Applicants are **REQUIRED** to attend to answer any potential questions the Judiciary Committee members may have. The Judiciary Committee at this meeting will do one of the following:

- A. Recommend approval of the petition to the City Council.
- B. Recommend denial of the petition to the City Council.
- C. Hold the petition in Committee.

Once "A" or "B" is made, the issue will go before the full City Council, which meets at 8:00 PM the same night. The City Council will do one of the following:

- A. Make a motion to have Corporation Counsel draft an appropriate ordinance to approve the petition for Variance.
- B. Deny the petition for Variance.
- C. Hold the petition over until the next meeting.
- D. Send the petition back to the Judiciary Committee for further consideration.

If "A" is made, the drafted ordinance will come before the full City Council at the next meeting (normally 8:00 PM on the third Monday of the same month). At this meeting, the City Council will do one of the following:

- A. Adopt the ordinance as drafted.
- B. Hold the item until the next meeting.
- C. Send the item back to the Judiciary Committee.
- D. Deny the ordinance for Variance.

If the item is adopted as an ordinance, the Variance has been finalized. At this point, the "new" zoning requirements and uses are legal and the petitioner can proceed to establish the permitted uses, including applying for building permits.

3. Notice of the time and place of the Development Commission hearing for the proposed Variance will be published in a local newspaper (The News-Sun). All property owners within 300 feet of the subject property will be mailed notice of the proposed Variance and the time and place of the Development Commission hearing.

## **STANDARDS FOR VARIANCES**

- I. The Commission shall not vary the regulations of the Zoning Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
  - a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
  - b. The conditions upon which an application for a variance 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.
  - c. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
  - d. The alleged difficulty or hardship is caused by the Zoning Ordinance and has not been created by any persons presently having an interest in this property.
  - e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
2. The Commission may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards and objectives established in the Zoning Ordinance.

## **AUTHORIZED VARIANCES**

- I. Variances from the regulations of the Zoning Ordinance shall be granted by the Development Commission only in accordance with the standards established in said Ordinance, and may be granted only in the following instances:
  - a. To permit any yard, height, bulk regulation, or setback less than the yard or setback required by the applicable regulations.
  - b. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots.
  - c. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same day of the week. If the Zoning Administrator determines that because of the changing conditions or use, the off-street parking facility is no longer sufficient, the parking variance will be remanded to the Development Commission, to determine whether said variance shall be continued.
  - d. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or one percent (1%) to fifty percent (50%) of the required facilities, whichever number is greater.
  - e. To allow an increase from zero to fifty percent (50%) in the maximum distance that required parking spaces are permitted to be located from the use served.
  - f. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance. The Development Commission may require a performance bond or other surety to ensure compliance.
  - g. To allow an increase in the maximum gross floor area of any use so limited by the applicable regulations, but not to exceed the maximum gross floor area limitation for such use as may be specified in the zoning district most immediately less restrictive than the subject district.

**TO BE COMPLETED BY APPLICANT**

Application is hereby made by:

Full Name of Petitioner: \_\_\_\_\_

Street Address: \_\_\_\_\_  
(Suite or Apt. #)

City, State and Zip: \_\_\_\_\_  
(City) (State) (Zip)

Phone Number with Area Code: (\_\_\_\_) \_\_\_\_\_

Proof of Standing. Subject to the provisions of the City of Waukegan Zoning Ordinance, provide proof of ownership for the property for which the Variance is being sought. A copy of the **most current** deed or title insurance policy will be sufficient. Proof of ownership **must** be attached to this petition in a form acceptable to the City Attorney. If the owner is not filing the petition, then proof that the owner(s) have granted permission for the filing along with their ownership documents **must** be attached to this petition and verified by the owners. The petitioners must state their relationship with the owner(s) in this petition (i.e. contract buyers, option holders, etc.).

Petitioner is: \_\_\_\_\_ Title Holder  
\_\_\_\_\_ Contract Purchaser  
\_\_\_\_\_ Agent or Attorney  
\_\_\_\_\_ Other (Attach necessary verification)

Street Address or General Location of Subject Property: \_\_\_\_\_

**FULL** Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_

Lake County Permanent Identification Number(s) (P.I.N.) List **ALL**:

Existing Zoning Classification: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_  
(Vacant - Residence - Store - Office - Factory - Etc.)

Lot Size: Length: \_\_\_\_\_ Width: \_\_\_\_\_ Area (sq. ft.): \_\_\_\_\_ Acres: \_\_\_\_\_

Proposed Zoning Variance Request: \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**

Reason for Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I (We) \_\_\_\_\_ certify that all of the above statements and the  
(typed name)

statements on any documents or drawings submitted herewith are true to the best of my (our) knowledge and belief.

\_\_\_\_\_  
Name of Applicant  
(Print name)

\_\_\_\_\_  
Signature of Applicant - Date

\_\_\_\_\_  
Name of Property Owner  
(Print name)

\_\_\_\_\_  
Signature of Property Owner - Date

**SIGNATURE BY THE APPLICANT INDICATES THAT HE/SHE HAS READ AND UNDERSTANDS THE REQUIREMENTS OF THE VARIANCE PROCESS AND THE DEVELOPMENT COMMISSION HEARING PROCESS.**

Subscribed and sworn to before \_\_\_\_\_, a Notary Public in and

for \_\_\_\_\_ County, State of \_\_\_\_\_, this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

**CITY OF WAUKEGAN FINDING OF FACTS**

**DO NOT WRITE ON THIS PAGE - FOR OFFICIAL USE ONLY**

Date of Application: \_\_\_\_\_ Calendar # \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

Fees: \$ \_\_\_\_\_

Date Legal Notice Published: \_\_\_\_\_

Date Property is to be Posted: \_\_\_\_\_

Date Surrounding Property Owners Notified: \_\_\_\_\_

Development Commission Action: \_\_\_\_\_ For \_\_\_\_\_ Against \_\_\_\_\_ Abstain  
\_\_\_\_\_ Absent \_\_\_\_\_ Passed \_\_\_\_\_ Defeated

Judiciary Committee Action: \_\_\_\_\_ For \_\_\_\_\_ Against \_\_\_\_\_ Abstain  
\_\_\_\_\_ Absent \_\_\_\_\_ Passed \_\_\_\_\_ Defeated

City Council Action: \_\_\_\_\_ For \_\_\_\_\_ Against \_\_\_\_\_ Abstain  
\_\_\_\_\_ Absent \_\_\_\_\_ Passed \_\_\_\_\_ Defeated

Date of City Council Action: \_\_\_\_\_

Ordinance Number and Findings of Fact: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_