



Administrative Variation Information

Zoning Board of Appeals

Lake County Planning, Building and Development Department

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Website: <http://www.lakecountyil.gov/185/Planning-Building-Development>

Introduction

The information contained in this package is to help you become familiar with the various requirements that must be met before your administrative variation application can be accepted.

An administrative variation is defined in Chapter 151 of the Lake County, Illinois Code of Ordinances (the Lake County Code) follows:

A request to modify by 10% or less any numeric standard of this chapter, except those related to maximum allowed densities and any standard of §§ [151.070](#) through [151.072](#) and [151.145](#) through [151.154](#).

An administrative variation may be heard and decided by the Director of the Planning, Building and Development Department, in which case no public hearing is required. However, before such variance may be granted, the Lake County Code requires that a notice of the intent to grant such variance be sent by certified mail to all adjoining landowners as well as those located directly across any street from the subject property. If any such landowner files a written objection with the Director within 15 days of receipt of such notice, the administrative variance will be denied. You may then apply to the Zoning Board of Appeals for a Minor Variation (an additional application fee will be charged).

Once your application is accepted, the entire administrative variation process generally takes about 4 to 6 weeks to complete.

If you should have any questions, please feel free to call the Lake County Planning, Building and Development Department at (847) 377-2600. If you wish to visit the office to discuss your application, please call ahead for an appointment.

Copies of the Lake County Code are available at the Planning, Building and Development Department. The Lake County Code is also available on the internet at www.lakecountyil.gov/2051/Unified-Development-Ordinance.

Before Filing the Application

You are strongly urged to do the following:

- Meet with the staff of the Planning, Building and Development Department before preparing any variation application to discuss the process and identify any potential problems which may be encountered (please call for an appointment).
- Discuss the proposal with all adjacent property owners.

Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before your application will be accepted for processing.

- **The Application:** The application must be prepared in essentially the same format as the attached sample application. The application must address how each requested variation meets the applicable standards contained in the Lake County Code.
- **The Applicants:** All the fee owners of the subject property must be the applicants. If the property is subject to a contract to purchase, the contract purchaser shall also join as an applicant. If the property is owned or to be purchased by a land trust, the trustee shall be an applicant.
- **Disclosure:** Whenever applicable, the following disclosures must be made:

When the applicant is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All Applications shall be verified by the applicant in his or her capacity as trustee.

When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.

When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

- **Deed and Purchase Contract:** A copy of the deed to the subject property (available from the office of the Lake County Recorder of Deeds located on the second floor of the Lake County Administration Building) is required in all cases. If the property is subject to a purchase contract, a copy of the contract must also be submitted (however, the purchase price may be deleted).
- **Maps:** Certain information must be graphically shown on maps that accompany your application. If any map to be submitted is in color or measures larger than 11" by 17", three copies of such map must be submitted. The following information is required to be shown on these maps:

- ✓ The parcel for which the variation is requested (a plat of survey is preferred, if one is available).
 - ✓ The dimensions and acreage (or square footage) of the subject parcel.
 - ✓ The location of all improvements, if any, on the subject property and the distances from these improvements to all property lines.
 - ✓ Note approximate locations of the natural resources such as steep slopes, woodlands, floodplain, etc. (as defined by the Lake County Code) present on the property.
- **Application Fee:** <http://lakecountyiil.gov/DocumentCenter/Home/View/2693>

THE FOLLOWING DOCUMENTS MUST BE SUBMITTED WITH THE PETITION

- ✓ COPY OF DEED
- ✓ COPY OF PURCHASE CONTRACT (if applicable)
- ✓ DISCLOSURE STATEMENT (if applicable)
- ✓ FILING FEE <http://lakecountyiil.gov/DocumentCenter/Home/View/2693>

The Administrative Variance Process

- Initial contact of Department staff (call (847)377-2600 for an appointment).
- Determination by staff whether the requested variance falls under the category of administrative variance. (A request to modify by 10 percent or less any numeric standard of Lake County Code Subchapter: Density & Dimensional Standards (151.125 et seq.) or Subchapter: Nonconformities (151.230 et seq.), except those related to maximum allowed densities or building height)
- Filing of formal application with Department staff.
- Decision by Planning, Building and Development Director of intent to grant the requested variance. If the Director decides not to grant the variation, you may then apply to the Zoning Board of Appeals for a Minor Variation (an additional application fee will be charged).
- In the event the Director intends to grant the requested variance, notice of the intent to grant such variance is sent by certified mail to all adjoining landowners as well as those located directly across any street from the subject property.
- If any such landowner files a written objection to the Director within 15 days of receipt of such notice, the Administrative Variation will be denied. You may then apply to the Zoning Board of Appeals for a Minor Variation (an additional application fee will be charged).

Variation Approval Criteria

The “written interpretations” section of the Lake County Code (151.057) contains variation approval criteria which must be met for obtaining a variation. Review the criteria and individually address them in your application. These criteria are:

1. Exceptional conditions peculiar to the applicant’s property.

(Describe any unusual or unique physical limitation of the property such as steep slopes or wetlands that are not generally shared by other properties and which prevent compliance with ordinance requirements. The personal circumstances of an applicant (growing family, desire for a larger garage, etc.) are not a factor in deciding variations. Likewise, nearby ordinance violations, prior variations or lack of neighbor objections do not provide a basis for granting a variation.)

2. Practical difficulties or particular hardships in carrying out the strict letter of the regulation.

(An applicant may not claim a hardship because of conditions which are self-created or created or created by a prior owner (for example, excavating a pond on a vacant lot and then claiming there is no suitable location for a house). Also, economic or financial hardship does not justify a variation; the difficulty or hardship must result from the application of ordinance requirements to the property and it must be suffered directly by the owner of the property.)

3. Harmony with the general purpose and intent of the zoning regulations.

(No variation may be approved that is not consistent with the general purpose and intent of the zoning regulations or which results in any harm to public interests. In applying this test, the Zoning Board must consider the potential impacts of the proposal and the cumulative impacts of similar projects on the interests of the neighbors, the entire community and the general public.)

LAKE COUNTY ZONING BOARD OF APPEALS

ADMINISTRATIVE VARIATION APPLICATION

Applicant(s): _____
(please print) Owner(s)

Subject Property: Present Zoning: _____
Present Use: _____
Proposed Use: _____
PIN(s): _____
Address: _____

Legal description:
(___ see deed)

Request: The following variation(s) are requested:

1. _____
2. _____
3. _____

Explain why this variation(s) is necessary: _____

Approval Criteria: The Planning Director is required to make findings of fact on your request. You should "make your case" by explaining specifically how your proposed request relates to each of the following criteria:

1. Exceptional conditions peculiar to the applicant's property.

Response:

2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation.

Response:

3. Harmony with the general purpose and intent of the zoning regulations.

Response:

APPLICANT INFORMATION

Applicant(s): _____ Phone: _____
(Please Print) Owner(s)

Address Email: _____

Contract purchaser(s) if any Phone: _____

Address Email: _____

I/we hereby authorize the following person to represent me/us in all matters related to this application:

Name Phone: _____

Email: _____

Address

I/we hereby attest that all information given above is true and complete to the best of my/our knowledge.

Signature(s) of owner(s)

Signature(s) of contract purchasers

I, _____ a Notary Public aforesaid, do hereby certify that _____ personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

(Seal)

My Commission expires _____.
