

Zoning Application Determination of Legal Nonconforming Status

COMMENTARY: This document has been created by the Lake County Planning, Building and Development Department as a tool to guide the applicant(s) through the written application process through which a determination is made whether a Use, Structure or Lot is properly classified as legal nonconforming. Within 30 days of receipt of a completed written application and the required fee¹, the Planning, Building and Development Director shall:

- Review and evaluate the application taking into account the standards found in Chapter 151: Unified Development Ordinance of the Lake County Code (UDO). (<http://lakecountyiil.gov/2051/Unified-Development-Ordinance>), the Official Zoning Maps and any relevant documentation provided by the applicant and otherwise available to the Department.
- Consult with other staff.
- Render a written decision.

A use, structure or lot is properly classified as legally nonconforming if it came into existence legally but no longer complies with current requirements of the UDO, as adopted in 2000 and amended periodically thereafter.

According to UDO Section (151.230(E)) "Determination of Nonconformity Status", in all cases, the applicant shall bear the burden of demonstrating that a particular use, structure or lot is property classified as legally nonconforming. The applicant's failure to provide documentation sufficient to support a conclusion of legal nonconforming status shall result in an official determination to the contrary. Subsequent to any official determination that a use, lot or structure is not properly classified as legally nonconforming, the applicant shall retain the opportunity to provide additional documentation to demonstrate his/her position. Such additional information shall be taken into account by the Department in reconsidering the matter.

Relevant documentation may include, but is not limited to the following: rent receipts, sales receipts, tax records, dated photographs or video recordings, recorded documents, permits, dated correspondence, affidavits, etc.

¹ Please refer to the current "Land Development Fee Schedule", accessible online at <http://lakecountyiil.gov/DocumentCenter/Home/View/2693> for the current fee charged for this service. Please make checks payable to "Lake County Treasurer".

1. Applicant Information

Name: _____
Address: _____
Telephone #: () _____

2. Property Information

Permanent Index Number(s): _____
Zoning District: _____
Township: _____
Existing Land Use: _____

3. Determination of Legal Nonconformity for:

Use Lot Structure

4. Please provide information below, and attach additional documentation as necessary, that would provide evidence of legal nonconforming status.
