

## INSTRUCTIONS TO THE PETITIONER:

You may seek a variation from the Zoning Ordinance of the City of Highwood, as amended. These instructions are provided as a courtesy by the City of Highwood. They are not a substitute for your own legal research or legal counsel. You may wish to seek legal advice in your Petition for Variation as it will aid in the prompt determination of your Petition. Copies of the Zoning Code are available for inspection and/or purchase at Highwood City Hall.

The City may require that any requests for zoning changes be accompanied by an application to the Lake County Soil and Water Conservation District. If that is the case, that District requires at least a thirty (30) day advance notification. Generally, Lake County Soil and Water Conservation District approval will be required only when it appears that the variation proposed has substantial changes to topography and the like.

Zoning variations and Special Use Permits are controlled by Section 9.0 of the Highwood Zoning Code. They are heard by the Planning and Zoning Commission. Your petition must disclose the following items:

- (1) The name of the Petitioner;
- (2) The fee holder (holder of the title of the property); if the two are not one in the same, you must disclose how the Petitioner is legally authorized to present the variation petition, and the fee holder must consent in writing to the petition;
- (3) The full legal description of the property, common address and parcel identification number. You should submit a copy of a Deed, Title Policy or Plat-of-Survey containing the legal description. If you are a tenant, you must submit an executed copy of your lease agreement;
- (4) You must describe in detail the scope of work and the zoning variation or special use sought. If the variation includes an encroachment, state the extent of the encroachment. Specify the provisions of the Zoning Code from which you are seeking a variation and include such site plans, sketches, diagrams, engineering studies or other relevant materials which help to explain the variation and why you qualify for a variation pursuant to Section 9.7 of the Zoning Code;
- (5) An application fee in the sum of \$600.00 (3 or less units) or \$900.00 (4 or more units and Commercial) payable to the City of Highwood must be enclosed.
- (6) Additionally, the City Manager's Office required the application to provide an escrow in the amount of \$2,500. The escrow covers the cost of publication, attorney fees, consultant fees, court reporting services and any other fees incurred as a result of your petition;
- (7) It is your responsibility to explain in detail in your petition (be prepared to present competent evidence to the Planning and Zoning Commission) why you qualify for the zoning variation or special use. The variation can only be granted if the following conditions exist:
  - a. You must establish the hardship you will incur if the variation is not granted. State your hardship. For example, *"My kitchen is located on the side of the house and I need a larger kitchen for my family. If we try to location the kitchen in another area of the house it will be prohibitively expensive;"*

- b. The construction or use is in harmony with the surrounding construction or use;
- c. The construction or use is not objectionable to the surrounding residents;
- d. Strict application of the provisions of the Zoning Ordinance would deprive you, the petitioner, of any reasonable use of this land. Mere loss and value shall not justify a variation; there must be a deprivation of beneficial use of the land;
- e. The variation or special use is only a minor deviation of the provisions of the Zoning Ordinance.

**ALL REQUESTS FOR A ZONING VARIATION MUST BE SUBMITTED TO THE BUILDING/ZONING OFFICIAL AT LEAST TEN (10) DAYS PRIOR TO THE NEXT SCHEDULED CITY COUNCIL MEETING.** During that ten (10) day period the application will be reviewed by the Mayor, Building Official and Zoning Administrator for completeness. If the application is determined to be complete, generally speaking, that application will be referred to the Planning and Zoning Commission at the next City Council meeting. The Planning and Zoning Commission will hold and schedule a public hearing as required to review your petition.

Your attendance at the public hearing is required. You will be required to present your petition. It is your responsibility to be familiar with the Zoning Code and request any relief you deem appropriate and to be forthcoming with any facts or circumstances which may be important for a review of your petition. **THEREFORE, IF THERE ARE ANY DATES AT WHICH YOU CANNOT ATTEND THE HEARING, THE SAME SHOULD BE NOTED IN YOUR PETITION.**

After the hearing the Planning and Zoning Commission will make its recommendations and the Chairman will forward a written recommendation to the City Council. The City Council may then approve or deny the recommendation. Generally speaking, this will occur at the next meeting of the City Council following the Planning and Zoning Commission hearing. If the variation is approved, an ordinance is drafted and voted upon at the next City Council meeting. Assuming the variation is granted, you must make your submission to the Building and Zoning Official for plan review and issuance of the appropriate permits.

**PLEASE NOTE THAT THE CITY MAY IMPOSE A REQUIREMENT THAT YOU, AS THE PETITIONER AND/OR THE OWNER, PAY ALL COSTS (STAFF, LEGAL, ENGINEERING, PLANNING, ETC.) THAT ARE INCURRED BY THE CITY AS A RESULT OF YOUR PETITION, OR THE DEVELOPMENT PROCESS.**

Depending on various schedules, the length of the hearings, the zoning variation process may take six (6) to twelve (12) weeks with an additional two (2) to four (4) weeks to obtain a building permit. Please plan accordingly.

Copies of the Zoning Ordinance and Rules of Procedure for the Planning and Zoning Commission are available upon request.

Attached to these instructions is a form for reference only.

Very Truly Yours,

Highwood Planning and Zoning Commission

## CITY OF HIGHWOOD – PETITION FOR A VARIATION

### GENERAL INSTRUCTIONS

1. Please type or print legibly;
2. If more room is required for any answer, attach an Exhibit;
3. **Include twelve (12) copies of all “required documents.” Required documents include: a lease (if you are a tenant), a deed or title policy, a site plan, a current plat-of-survey and plans showing elevation(s) and/or floor plan;**
4. Include a check payable to the City of Highwood in the sum of \$600.00 (3 or less units) or \$900.00 (4 or more units and Commercial) being the application fee;
5. If applicable, include a copy of the Lake County Soil and Water Conservation District application. Please indicate the date of filing of said application.

### APPLICATION

1. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of applicant.
  
2. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of attorney for applicant.
  
3. Name, address, telephone number(s) (home, work, fax, pager, and cellular) and e-mail address of owner of property (fee holder). If the property owner is different than applicant please specify why applicant is legally authorized to present this petition. Include written proof of such authority (e.g. Power of Attorney). **Include a copy of the deed or title insurance policy showing title in the property owner.**

4. Indicate when and how the property owner acquired title to the property for which a variance is sought. If you are not the property owner, state your interest in the property and be prepared to provide documentation of your interest at the hearing.
  
5. Provide the legal description, common address and parcel identification number of the property.
  
  
6. State the Zoning District in which the property is located.
  
  
  
7. State the scope of the work and indicate the specific variation you are requesting. Attach such diagrams, drawings or other information as may be useful to the Planning and Zoning Commission in understanding your variation. You must indicate the specific sections of the Highwood Zoning Code for which the variation is sought.
  
  
  
8. Explain why the proposed variation or use is in harmony with the surrounding construction or use.
  
  
  
9. Explain why the variation or use is not objectionable to the surrounding residents.
  
  
  
10. Explain why strict application of the provisions of the Highwood Zoning Code would deprive you of any reasonable use of the land. Remember, mere loss in value will not justify a variation; there must be a deprivation of beneficial use of the land.

11. Explain why the variation or special use is only a minor deviation of the provisions of the Highwood Zoning Ordinance.
  
12. Describe in detail the current use(s) of the property (for example, single-family, duplex, multi-family, type(s) of business use). As applicable, describe the number of residential units, layout of the property, layout of each unit, size (square footage), and occupancy of the units of same and/or whether the property is used for residential or business purposes. Also, indicate the parking plan, number of parking spaces and vehicles used by occupants of the property. Use an attachment, if necessary.
  
13. Explain any other relevant factors which should be considered by the Planning and Zoning Commission. (Such as the hardship that will occur if the variation is not granted). If your application is for a Special Use Permit, include an explanation as to your compliance with the requirements for same.
  
14. Please note any dates on which you cannot attend a Planning and Zoning Commission meeting, as your attendance is required to present the petition. Note: these are traditionally scheduled weekday evenings at the Highwood City Hall, 17 Highwood Avenue, Highwood, Illinois, 60040.
  
15. State the name, address and telephone number of any witness you intend to use. Further, if your neighbors do not object to the variation, try to obtain and include written statements from them.

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition by me subscribed, that the same is true in substance and in fact. Further, I am the owner of the property for which a variation is sought, or am otherwise authorized by law to present this petition.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

**CONSENT OF OWNER**

I, the undersigned being duly sworn on oath depose and state that I have read the above and foregoing petition. Further, I am the owner of the property for which a variation is sought and consent to the hearing of this petition. I acknowledge that the costs of zoning proceedings may be assessed to the petitioner and/or property owner.

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date