



COMMUNITY DEVELOPMENT DEPARTMENT

VARIANCE APPLICATION (Requires Public Hearing)

INTRODUCTION

This informal material provides a basic outline of the City's requirements. Interested parties should refer to the City's municipal code for specific provisions regarding Zoning, Subdivision Regulations, Parking, Landscape, Sign, Stormwater Drainage, Site Plan Review and other regulations. A copy of the municipal code is available at the City Clerk's office in Galesburg City Hall or on our website at www.ci.galesburg.il.us. This information is not to be considered as a substitute for any Federal, State, County or City law or ordinance. It is merely a guiding tool for the review process.

Variance applications may be made by any property owner or their authorized agent.

If you have any questions on the procedures or requirements of the City, the following may be contacted to provide further assistance:

COMMUNITY DEVELOPMENT Planning, Zoning and Building Inspections 309/345-3619

FIRE DEPARTMENT Fire Prevention 309/345-3757

PUBLIC WORKS 309/345-3623

KEY DATES

APPLICATION DEADLINE	PUBLICATION DATE (LOCAL NEWSPAPER)	PLANNING AND ZONING COMMISSION PUBLIC HEARING
12/17/25	12/26/25	1/13
1/21	1/30	2/17
2/25	3/6	3/24
3/25	4/2 THURS	4/21
4/22	5/1	5/19
5/27	6/5	6/23
6/24	7/2 THURS	7/21
7/22	7/31	8/18
8/26	9/4	9/22
9/23	10/2	10/20
10/21	10/30	11/17
11/25	12/4	12/22
12/16	12/23 WED	1/12/27

PURPOSE

The variance process is intended to provide limited relief from requirements of the Development Ordinance in those cases where strict application will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under the Development Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens the Development Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of the Development Ordinance render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. In no event, however, shall the City grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district, or which would change the zoning district classification of any or all of the affected property.

AUTHORIZED VARIANCES

The following variances of the Development Ordinance regulations may be decided by the Planning and Zoning Commission, in accordance with the standards set forth in the Development Ordinance:

- a. To permit a setback less than required, where such reduction does not exceed 30%.
- b. To permit the use of a lot of record (lot created prior to October 21, 1968) on the effective date hereof for a use otherwise prohibited solely because of the insufficient area of the lot.
- c. To reduce by not more than 30% of the required lot width.
- d. To permit the same off-street parking spaces to qualify as required spaces for two or more uses; provided the maximum use of each facility does not take place during the same hours.
- e. To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served.
- f. To reduce the off-street parking requirements established in Sections 152.150 through 152.155 by a maximum of fifty percent of the requirement, provided it can be shown why the established requirement is not applicable or appropriate.
- g. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Director of Community Development or his or her designee, in the enforcement of the Development Ordinance.
- h. Vary fence regulations where such variance will benefit the applicant and will not be detrimental to public health or use, enjoyment or value of the property in the near vicinity.
- i. Vary outdoor lighting regulations in Section 152.032 of the Development Ordinance .
- j. To vary other provisions of the Development Ordinance.

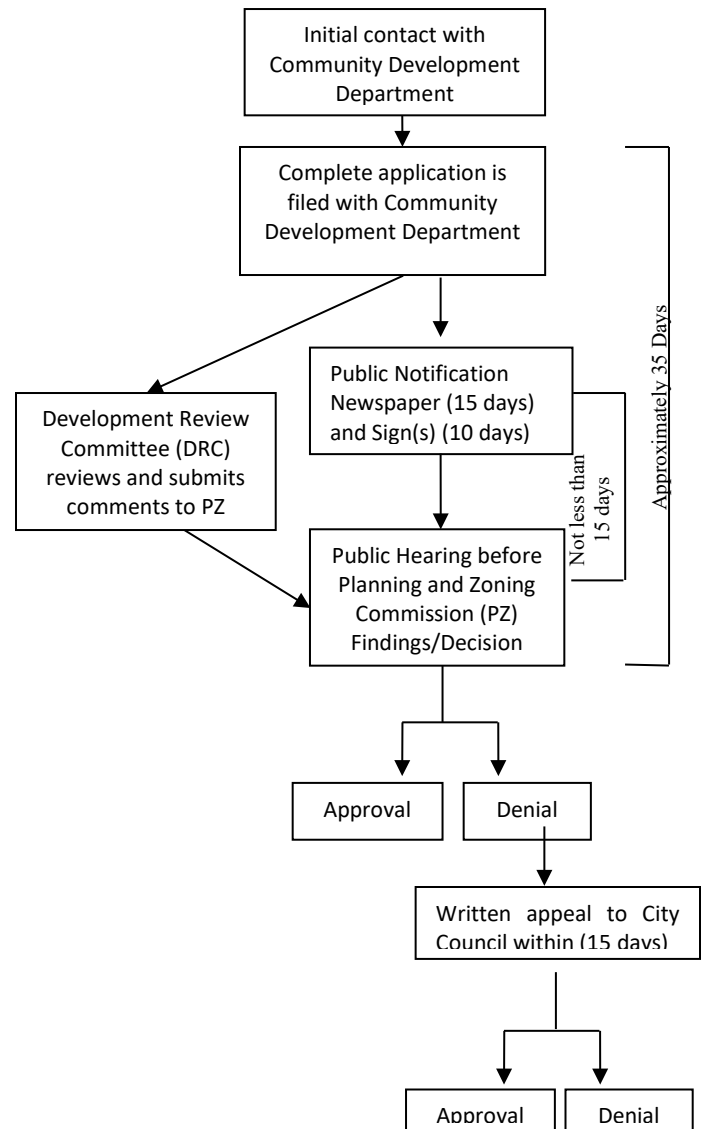
AUTHORIZED VARIANCES FOR SIGNS

- a. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Inspector in the enforcement of the sign ordinance.
- b. Variances from the requirement of the sign ordinance where the Inspector has denied granting a sign permit as a result of noncompliance with the requirements of the sign ordinance. However, no variance shall be considered for any off-premise sign regulation in 152.209.

APPLICATION PROCESS

The City has created this step-by-step process to help ensure that all reviews are performed fairly and consistently. All applications/petitions shall be submitted to the City, on forms provided by the Community Development Department.

1. Contact the Community Development Department as soon as possible to discuss your situation and obtain an application form.
2. Applicant completes and submits the application, along with a PDF copy of the site plan and **\$100 non-refundable filing fee**. *Failure to do will constitute an incomplete submittal and may result in a delay in processing the application.*
3. City staff shall compile the documents and schedule a meeting with the Development Review Committee (DRC).
4. The DRC is made up of City staff charged with reviewing applications for completeness and compliance with City codes and regulations. The DRC shall submit comments to the Planning and Zoning Commission (PZ) based upon the Standards for Granting Variances listed in the Development Ordinance.
5. A public hearing will be held before the PZ, which is required by Illinois State statute. A notice of the public hearing shall be published in the local newspaper not less than 15 days, and a public notice sign will be posted on the premise not less than 10 days prior to the public hearing.



All decisions of the PZ on variances arrived at the public hearing shall require a majority vote of all members. Any decision made by the Planning and Zoning Commission on a variance application may be appealed to the City Council. A written notice of appeal must be filed with the Community Development Department within fifteen (15) days from the date of the Planning and Zoning Commission's action. Any request for appeal will be forwarded to the City Council for their review and decision. The City Council may uphold, overturn or amend the action taken by the Planning and Zoning Commission. If the applicant fails to submit a written notice of appeal within the fifteen-day appeal period, the Planning and Zoning Commission's decision shall be final.

STANDARDS FOR GRANTING VARIANCES

The Development Review Committee and Planning and Zoning Commission (PZ) shall use the Standards for Granting Variances described in section 152.019 C, or Section 152.191 C for sign variances, of the Development Ordinance as criteria when reviewing evidence presented for consideration.

- The property in question cannot yield a reasonable return if permitted to be used only under conditions allowed by regulations governing the district in which it is located. Applicants must submit evidence identifying price paid for the property. Paying more for the property than it is worth, purchasing it at a price which anticipates and obtains variances, or showing the property would be worth more if a variance is granted is not evidence of lack of a reasonable return.
- The situation of the owner is due to unique physical circumstances of the property.
- The variance, if granted, will not alter the essential character of the neighborhood.

For the purpose of supplementing the above standards, the PZ, in making this determination whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
- The conditions upon which the petition for variance is based would not be applicable generally to other property within the same zoning classification.
- Purpose of the variance is not based exclusively on desire to make more money on the property.
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
- 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.
- The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The PZ may require such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards to reduce or minimize the injurious effect of such variance upon other property in the neighborhood, and to implement the general purpose and intent of the Development Ordinance.

TIME LIMITATIONS

The following time limitations shall apply to variances issued by the PZ.

1. In cases where the use authorized by the variance requires a building permit, applicant shall have 3 months from date the variance is granted to apply for a building permit. If the application has not been made within that time, the variance shall expire and become null and void.
2. In cases where a building permit is not required, any construction activity or activity authorized or required pursuant to the variance must commence within 3 months from the date the variance is granted. In the event said construction or activity is not commenced within that time, the variance shall expire and become null and void.

VARIANCE APPLICATION

PETITION/DEVELOPMENT NAME (if applicable):

PETITIONER INFORMATION:

Primary contact name Mailing address City, State, Zip

Phone Fax Email

OTHER APPLICANTS AND INTERESTED PARTIES:

Relationship Name Company Mailing Address Phone #

Applicant

Owner(s)

Developer(s)

Engineer

Surveyor

Agent/Attorney

SITE INFORMATION:

Acres Site address or location Property Identification Number (PIN)

WHAT SPECIFIC ORDINANCE SECTION(S) ARE YOU REQUESTING A VARIANCE:

ZONING INFORMATION:

Current Zoning

Existing Land Use

EXPLAIN THE REASON FOR THE VARIANCE REQUEST:

Description why the applicant is not able to comply with the code requirement.

I hereby affirm that I have full legal capacity to authorize the filing of this Petition and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer invites City representatives to make all reasonable inspections, investigations, and pictures of the subject property during the processing period of the application. I agree to pay all fees consistent with the City payment policies and comply with City codes. I understand these fees will include publication and processing expenses and are non-refundable.

I understand that all correspondence from the City staff will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.

Signature of owner or authorized agent

Date

CHECKLIST OF REQUIRED VARIANCE APPLICATION ITEMS:

- ☐ A completed variance application form.
- ☐ Payment of a \$100 non-refundable filing fee. Checks should be made payable to "City of Galesburg".
- ☐ An electronic copy of the site plan addressing all required items as listed in subsection 152.134 C of the Development Ordinance. In general, subsection 152.134 C seeks to preserve existing trees, minimize cut and fill, avoid unnecessary impervious cover, prevent flooding and pollution, provide adequate access to lots and sites and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
- ☐ Authorized Signature Acknowledgement. If the owner(s) of the property in question will not be the primary contact or is not the applicant, then an acknowledgement must be signed by the property owner(s) designating an authorized agent for the petition. It shall state the authorized agent has the authority to deal with the property in all aspects with regards to the petition.
- ☐ Attachments such as building layouts or elevations, etc. depicting compliance with the standards for granting variances are recommended in order to provide accurate and sufficient information for consideration by the Development Review Committee and Planning and Zoning Commission.
- ☐ The petitioner(s) or authorized agent must be present at the Planning and Zoning Commission meeting to address any questions that may arise.