



# Requirements for a Deviation

*As set forth in the City of West Chicago Subdivision Ordinance Section 6.4:*

**Standards for a deviation.** The City Council may authorize a deviation from the subdivision regulations after review and recommendation by the Plan Commission when, in its opinion, undue hardship may result from strict compliance and provided the deviation applies only to the requirements of the subdivision ordinance. The City Council may take such action only upon receipt from the Plan Commission of a written recommendation specifying the manner in which the findings required below have or have not been met by the facts pertinent tot the requested deviation. Except in the case of a planned unit development (PUD) approved pursuant to the City's zoning ordinance, no deviation shall be granted by the City Council except in the following circumstances:

- (a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of the subdivision ordinance would deprive the applicant of the reasonable use of his land.
- (b) That the deviation is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- (c) That the granting of the deviation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.
- (d) That the alleged hardship has not been created by any person having a present proprietary interest in the property.

**The purpose of a deviation** is to provide relief to a property owner when the strict enforcement of the subdivision regulations would impose an undue hardship on the reasonable use of the land, provided that such relief does not create a negative impact on the surrounding community.

Hardship of the applicant is the crucial test. A deviation will be granted only to provide relief in unusual situations that were not intended or foreseen when the Subdivision Ordinance was adopted or amended. Economic loss or gain is not considered a unique situation and is generally not considered a valid hardship.

It is strongly suggested that the petitioner schedule an appointment with the City staff at the time of submittal so that the application submittal documents can be reviewed for accuracy and completeness.

### **Items required with this application**

*Submit ten (10) copies of each of the following for review.*

- Completed Application
- An illustration of the requested deviation (e.g., a plat of subdivision, an engineering plan, a site plan)

*Submit one (1) copy of each of the following review:*

- Authorization letter from the property owner (if the applicant is not the property owner)
- Trust/owner's disclosure certificate (if property is in trust)
- Legal description of property — preferably in electronic format
- *Deviation fee — \$500*

In addition to the application fee, a \$500.00 deposit shall be required for all deviation applications. In the event that multiple applications requiring a deposit are being requested simultaneously, only one deposit, equal to largest deposit required, shall be paid with the application fees. Upon notification by the City, the deposit shall be replenished if the fees incurred exceed the initial deposit amount, and staff review shall cease until such time as the deposit is replenished. Any remaining balance on a deposit shall be refunded in a timely manner once all fees have been paid.

All required items shall be submitted together. Staff review shall not begin until staff has determined that all required items have been submitted and are complete. All documents shall be folded to fit into a legal size folder. Staff may request other documents as deemed necessary.

### **Approval Procedure**

1. Applicant files all of the required items.
2. Staff reviews the documents. If corrections are required, the applicant shall be asked to revise and resubmit the documents.
3. When the documents are satisfactory, staff shall schedule the request for consideration by the Plan Commission.
4. Staff shall notify the applicant of the Plan Commission meeting date and request an additional thirty (30) copies of the deviation illustration and other documents as deemed necessary. The applicant shall provide the copies to the Community Development Department ten (10) days prior to the scheduled meeting date. The copies shall be 11" x 17" in size and folded to fit in a legal size folder.
5. The Plan Commission/Zoning Board of Appeals shall review the request and provide a recommendation to the City Council.
6. The case shall then be reviewed by the Development Committee, which shall also provide a recommendation to the City Council.
7. The City Council shall review both recommendations and vote on the request.

# Application for a Deviation

Date Rec'd \_\_\_/\_\_\_/\_\_\_

Fee Paid? \_\_\_\_\_

Case # \_\_\_\_\_

For office use only

## **Applicant Information**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone #)

\_\_\_\_\_  
(Fax #)

\_\_\_\_\_  
(E-mail Address)

Property Interest of the Applicant:

\_\_\_ Owner \_\_\_ Lessee \_\_\_ Contract Purchaser \_\_\_ Other: \_\_\_\_\_

## **Property Owner Information (if different from the applicant)**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone #)

\_\_\_\_\_  
(Fax #)

\_\_\_\_\_  
(E-mail Address)

## **Property Information**

\_\_\_\_\_  
(Street Address or General Location of the Property)

\_\_\_\_\_  
(Permanent Index Number [P.I.N.])

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(Current Zoning)

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(Current Use of the Property)

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(Type of Existing Structures on the Property)

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(Type of Existing Features on the Property Relevant to the Deviation Request)

**Deviation Being Requested**

State exactly what is intended to be done with the property that does not conform to existing subdivision regulations. Please cite relevant paragraphs of the Subdivision Ordinance by section number.

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**Signature**

I certify that all the information provided above and the information contained in any documents submitted herewith is true and accurate. I consent to the entry in or upon the property described in this application by any authorized official of the City of West Chicago for the purposes of inspection or review of the site in order to provide information for the formal determination of the deviation.

In addition to the application fee specified above, I agree to reimburse the city for any professional services or costs, including, but not limited to, attorneys, engineers, planners, architects, surveyors, or other consultants fees that are incurred by the city, in its sole and exclusive discretion, that would be associated with the City of West Chicago providing a formal recommendation on the deviation request.

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(Signature of Applicant)

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(Date)

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(Signature of Owner, if different from the applicant)

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(Date)

### **Illustrations**

Site plans shall be on a plat of survey stamped by a licensed professional surveyor. Plats of subdivision shall be stamped by a licensed professional surveyor and shall comply, except for the requested deviation, with the requirements set forth in the subdivision ordinance. Engineering plans shall be stamped by a licensed professional engineer. All plans shall be drawn to scale, large enough to clearly show the portion of the site that is affected by the requested deviation and any additional information reasonably requested by city staff.

### **Authorization Letter from the Property Owner**

The authorization letter shall specifically state the deviation being requested and exactly what is intended to be done with the property that does not conform to existing subdivision regulations. The letter shall also specifically indicate that consent is being granted to the applicant to pursue the deviation. The letter shall be dated, signed by the property owner and include the mailing address of the property owner. The original copy of the letter shall be submitted with the deviation application.

### **Trust Disclosure Certificate**

The trust disclosure certificate shall indicate the trust under which the property is held and who is legally responsible for matters pertaining to the trust. The trust holder shall sign the certificate and the trust holder's name shall also be printed on the certificate. The certificate shall be notarized by a state certified notary public and shall be dated. The original copy of the certificate shall be submitted with the deviation application.