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June 10, 1977

FILE NO. S-1252

**ZONING:
Petition For Amendment
Or Variation of a County
Zoning Ordinance**

Honorable Peter J. Woods
State's Attorney
Ogle County
Courthouse - Second Floor
Oregon, Illinois 61061

Dear Mr. Woods:

I have your letter wherein you inquire whether it would be legal for a private citizen or group of citizens to petition for an amendment or variation to a county zoning ordinance in regard to property in which they do not have an ownership interest. For the reasons hereinafter stated, it is my opinion that private citizens may petition for amendment of a zoning ordinance even if they do not have

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an ownership interest in the property affected. One who petitions for a variation to a zoning ordinance, however, must have an ownership interest in the affected property.

Amendments to a zoning ordinance may be had through procedures set forth in section 5 of "AN ACT in relation to county zoning". (Ill. Rev. Stat. 1975, ch. 34, par. 3158.) No restrictions whatsoever are placed on petitions for such amendments. Therefore, there would appear to be no problem with a concerned citizen, perhaps an owner of adjacent or nearby property, petitioning the county board for amendment of the county zoning ordinance as that ordinance affects property in which he has no ownership interest.

There would appear to be no adverse effects should a person or persons not having an ownership interest in the affected property be allowed to petition for amendment of the zoning ordinance. Public hearings before the zoning board of appeals are required to be held prior to the amendment of a zoning ordinance so the owner of the affected property will have an opportunity to be heard before any action altering the classification of his property is taken. (Ill. Rev. Stat. 1975, ch. 34, par. 3158.) Furthermore, since amendment of

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an ordinance is at the discretion of the county board, the board is in a position to screen out the petitions of persons not having a legitimate concern in modifying the zoning classification of a particular parcel of property.

Variations to a county zoning ordinance are authorized by section 3.1 of "AN ACT in relation to county zoning". (Ill. Rev. Stat. 1975, ch. 34, par. 3154.) Like section 5, section 3.1 contains no restriction concerning who may petition the county zoning board of appeals for a variation. A variation, however, has been defined as "a grant of relief to an owner from the literal requirements of an ordinance where literal enforcement would cause him undue hardship". (International Harvester Company v. Zoning Board of Appeals (1963), 43 Ill. App. 2d 440, 446; Rosenfeld v. Zoning Board of Appeals (1958), 19 Ill. App. 2d 447, 450.) Therefore, private citizens having no ownership interest in the affected property may not petition for a variation.

Very truly yours,

A T T O R N E Y G E N E R A L