



# BOARD OF ZONING APPEALS PETITION

This form must be completed and submitted with the appropriate fee to the Office of the Director of Community Development. Two sets of all required documents must also be submitted with this petition. A public hearing will not be scheduled on the petition until all required submissions are on file with the Director’s office.

**APPLICANT/PETITIONER:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Home Phone #

\_\_\_\_\_  
Address

\_\_\_\_\_  
Business Phone #

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Cell Phone #

**OWNER FOR THE PROPERTY FOR WHICH THE REQUEST IS MADE:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Home Phone #

\_\_\_\_\_  
Address

\_\_\_\_\_  
Business Phone #

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Cell Phone #

NOTE: If the owner of the property is not the applicant (petitioner) listed above, a letter from the owner must accompany this petition which authorizes the applicant (petitioner) to see the action being requested. If the “owner” of the property is a trust or a bank, a letter of direction from the trustee of the trust or the bank authorizing the petition must be attached.

**NATURE OF REQUEST:**

- Variation of Zoning Requirements
- Modification of Fencing Provisions
- Modification of Sign Provisions
- Modification of Screening Provisions

Appeal from an Order, Requirement, Decision, or Determination Made by the Director of Community Development or Other Authorized Official of the Village Having Jurisdiction Under the Zoning Ordinance

Extension of Temporary Occupancy Permit  
Other Matter (Please Specify) \_\_\_\_\_  
\_\_\_\_\_

# BOARD OF ZONING APPEALS

## PETITION, PAGE 2

### REQUIRED SUBMISSIONS FOR ALL PETITIONS:

A letter which contains a short detailed description of the requested variation or modification, addressing each of the applicable standards listed on page 3.

Legal Description of the subject property and spotted survey of the property.

An accurate site plan of the property drawn to scale showing lot and setback dimensions as found on the spotted survey and indicating the location and setback dimensions of the proposed structure(s).

Proof of Ownership of the property.

If in a Land Trust, an affidavit stating the beneficial interest(s) in the Trust.

Letters of Authorization/Direction if required as outlined above.

Other documents and information as deemed necessary to render a recommendation.\*

Floor plan of the existing structure showing how it relates to the request, if applicable.

Fee (\$175.00)

\*In the case of a request for a yard variation to accommodate an addition, construction drawings showing floor plan relationship to existing structure

\*In the case of a request for fence modification fully dimensioned drawings, including elevations.

\*In the case of a request for sign modification fully dimensioned drawings showing colors, text, method of illumination, method of mounting, and elevations.

# APPLICABLE STANDARDS FOR REQUESTED VARIATION OR MODIFICATION

## **VARIATION:**

1. NOT A USE VARIATION  
That the variation does not permit a use otherwise excluded from the particular district in which requested.
2. UNIQUE TO THE PROPERTY  
That the special circumstances or conditions, such as exceptional narrowness, topography, or siting, apply to the land for which a variation is sought and that these conditions do not apply generally in the district.
3. NOT SELF-IMPOSED  
That the special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of the ordinance, whether or not in violation of the provisions thereof.
4. NOT EXCLUSIVELY MONETARY  
That, for reasons fully set forth in the report of the Board of Zoning Appeals, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of the land.
5. MINIMUM ADJUSTMENT NECESSARY  
That the variation granted is the minimum adjustment necessary for a reasonable use of the land
6. NOT DETRIMENTAL TO THE PUBLIC WELFARE  
That the granting of any variation is in harmony with the general purpose and intent of this Ordinance, and will not be detrimental to the public welfare or to other property or improvements in the neighborhood, and will not alter the essential character of the neighborhood.
7. NOT DETRIMENTAL TO THE NEIGHBORHOOD  
That the proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire or endanger the public safety.

## **MODIFICATION:**

1. UNNECESSARY OR UNDESIRABLE  
That the strict application of the requirements in the case of the subject property has been shown to be either unnecessary or undesirable.
2. NOT DETRIMENTAL TO THE NEIGHBORHOOD  
That the modification will not produce adverse effects on the surrounding properties nor adversely affect the character of the neighborhood.
3. UNIQUE CHARACTER OF PROPERTY  
That modification will be based on the unique character of the subject property.
4. NOT FOR LACK OF OPPOSITION  
That modification shall not be granted merely because of the absence of objection from adjacent property owners.

# ZONING CODE: ARTICLE 13

## ADMINISTRATION AND ENFORCEMENT

### 13.07 VARIATIONS

#### 13.07-A Purpose

It is the intent of this Article to provide for exceptions in the application of this Ordinance in order to achieve a parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or unnecessary hardship in such a way as to prevent an owner from using his property as intended by Ordinance. The term “variation” shall not apply to relief from the provisions of Article 9, Sign Regulations and those provisions pertaining to fencing and screening. These shall be called “modifications” and shall be processed as provided for in Article 13.08.

#### 13.07-B Authorized Variations

Variations from the regulations of this Ordinance shall be granted only in accordance with the following:

1. Lot Requirements

Variation from the applicable lot area and lot width requirements, subject to the following limitations:

- a. The minimum lot width requirement shall not be reduced more than twenty-five (25%) percent.
- b. The minimum lot area for a single-family or two-family dwelling shall not be reduced more than twenty (20%) percent.
- c. The minimum lot area per dwelling unit requirements for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.

2. Bulk Regulations

Variation from the applicable bulk regulations, including maximum height, maximum lot coverage, maximum floor area ratio and minimum yard requirements.

3. Off-Street Parking and Loading

Variation from the applicable off-street parking and off-street loading requirements.

4. Nonconformity

- a. Variation from the applicable regulations relating to restoration of damaged or destroyed nonconforming buildings, other than those buildings in a residential district containing a permitted use.
- b. Variation to permit the expansion of structural alteration of a nonconforming structure or use, other than those buildings in a residential district containing a permitted use.

#### 13.07-C Application for Variation

1. Standing

Application for a variation from this Ordinance may be made by the owner of the subject property or anyone having a proprietary interest in the property.

# ZONING CODE: ARTICLE 13

## ADMINISTRATION AND ENFORCEMENT

2. Filing (Ord. 0-81-70)  
Applications shall be filed in writing with the Director of Building and Zoning and shall be accompanied by such documents and information as the Board of Zoning Appeals may by rule require in order to render a recommendation. The materials required for filing may include, but are not limited to, a legal description of the subject property, ownership or proprietary interest, and if a land trust is involved, disclosure of all beneficial interests.
  
3. Fee  
Each application for variation shall be accompanied by a filing fee as set forth in Article 13.14.

### **13.07-D Public Hearing**

1. Timing  
The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete application for variation, hold a public hearing.
  
2. Public Notice (Ord. 0-86-22)
  - a. By Applicant  
The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested, except in those instances where the applicant seeks a variation from height restrictions, in which case notice shall be given to each owner of property within five hundred (500) feet of the subject property.
  
  - b. By the Board of Zoning Appeals  
The Board of Zoning Appeals shall publish notice of the hearing at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.
  
  - c. Content of Notice  
The public notice provided by the applicant and published by the Board of Zoning Appeals shall contain, at a minimum, the following:
    - (1) Date of hearing.
    - (2) Place of hearing.
    - (3) Time of hearing.
    - (4) Purpose of hearing.
    - (5) Legal description of subject property.
    - (6) Common description of subject property.

# ZONING CODE: ARTICLE 13

## ADMINISTRATION AND ENFORCEMENT

3. Posting of Sign Notice (Ord.0-01-23)

Display of Sign Notice by Applicant.

The applicant shall post and display a sign notice supplied by the Village continuously for a period not more than thirty (30) nor less than fifteen (15) days before the public hearing. The sign shall be two-sided with a minimum sign face of fourteen (14) inches by twenty-two (22) inches. After the public hearing has been concluded, the applicant shall promptly remove the sign and return it to the Village.

Location of Sign Notice.

A sign notice shall be displayed on the street frontage of the property that is the subject of the public hearing. Unless otherwise directed by the Director of Building and Zoning, the sign shall be placed not closer than twelve inches (12"), nor further than ten feet (10') from the right-of-way line of the fronting street, at a location easily visible to the public. Properties having more than one street frontage shall display one sign on each frontage. Properties having three hundred fifty feet (350') or more of frontage on one street shall display two (2) signs, and one additional sign for each additional two hundred feet (200') of street frontage thereafter. Where the Director of Building and Zoning determines that a ground sign is not feasible, or will be less effective than a wall sign in providing notice to the public, the sign notice provided herein can be placed in a window facing the street frontage of the subject property.

Content of Sign Notice.

The sign notice provided by the Village and displayed by the Applicant shall indicate that a public hearing is to be held concerning the property on which the sign is located. Said sign shall note the date of the public hearing which is to be held at the Village Hall and a phone number to call for additional information.

### **13.07-E Standards for Variation**

The Board of Zoning Appeals may recommend to the Board of Trustees the granting of a variation when and only when, it shall have determined from evidence presented to it, recorded in writing and placed in its records, that all of the following conditions have been met:

1. Not a Use Variation

That the variation does not permit a use otherwise excluded from the particular district in which requested.

2. Unique to the Property

That special circumstances or conditions, such as exceptional narrowness, topography, or siting, apply to the land for which a variation sought and that these conditions do not apply generally in the district.

3. Not Self-Imposed

That the special circumstances or conditions have not resulted from any act of the applicant subsequent to the adoption of this Ordinance, whether or not in violation of the provisions thereof.

4. Not Exclusively Monetary

That, for reasons fully set forth in the report of the Board of Zoning Appeals, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of a reasonable use of his land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of the land.

## ZONING CODE: ARTICLE 13

### ADMINISTRATION AND ENFORCEMENT

6. Not Detrimental to Public Welfare

That the granting of any variation is in harmony with the general purposes and intent of this Ordinance, and will not be detrimental to the public welfare or to other property or improvements in the neighborhood, and will not alter the essential character of the neighborhood.

7. Not Detrimental to Neighborhood

That the proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the potential damage of fire or endanger the public safety.

#### **13.07-F Conditions of Variation (Ord. 0-81-70)**

The Board of Zoning Appeals shall recommend that such conditions and restrictions be required upon the premises benefited by a variation as may be necessary to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

#### **13.07-G Decisions**

1. Necessary Vote

The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend a variation.

2. Action of Board of Trustees (Ord. 0-81-70)

The Board of Trustees, upon recommendation of the Board of Zoning Appeals, may grant or deny any variation or may refer it back to the Board of Zoning Appeals for further consideration.

3. Time Limit

No ordinance authorizing a variation shall be valid for a period longer than twelve (12) months from the date of such ordinance unless a building permit is obtained and work pertinent thereto is initiated or the use is commenced within such period.

### **13.08 MODIFICATIONS**

#### **13.08-A Purpose**

It is the intent of this section to provide for modifications of the requirements of this Ordinance relating to Article 9, Sign Regulations, and those provisions pertaining to fencing and screening in those cases when strict application of the requirements would produce unnecessary or undesirable results. It is intended that the spirit and purpose of this Ordinance and of those Articles be upheld at all times, but it is recognized that unusual conditions may require modification of certain requirements.

#### **13.08-B Application**

1. Standing

Application for modification may be made by the owner of the subject property or anyone having a proprietary interest in the property.

## ZONING CODE: ARTICLE 13

### ADMINISTRATION AND ENFORCEMENT

2. Filing  
Applications shall be filed in writing with the Director of Building and Zoning and shall be accompanied by such documents and information as the Board of Zoning Appeals may, by rule, require to render a decision.
3. Fee  
Each application for modification shall be accompanied by filing fee as set forth in Article 13.14.

#### **13.08-C Public Hearing**

1. Timing  
The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete application for modification, hold a public hearing.
2. Public Notice
  - a. By Applicant  
The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorded of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.
  - b. By the Board of Zoning Appeals  
The Board of Zoning Appeals shall publish notice of the hearing at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.
  - c. Content of Notice  
The public notice provided by the applicant and published by the Board of Zoning Appeals shall contain, at a minimum, the following:
    - (1) Date of hearing.
    - (2) Time of hearing.
    - (3) Place of hearing.
    - (4) Purpose of hearing.
    - (5) Legal description of the subject property.
    - (6) Common description of the subject property.
  - d. Posting of Sign Notice (Ord. 0-01-23)  
The applicant shall post and display a sign notice in accordance with the provisions of Section 13.07-D,3



# ZONING CODE: ARTICLE 13

## ADMINISTRATION AND ENFORCEMENT

### **13.08-D Standards (Ord. 0-81-70)**

The Board of Zoning Appeals shall not recommend to the Board of Trustees the modification of the regulations of Article 9, Signs, and those provisions pertaining to fencing and screening as authorized in this Article, unless it shall make findings of fact based upon the evidence presented with respect to the following matters.

1. Unnecessary or Undesirable  
That strict application of the requirements in the case of the subject property has been shown to be either unnecessary or undesirable.
2. Not Detrimental to Neighborhood  
That the modification will not produce adverse effects on the surrounding properties nor adversely affect the character of the neighborhood.
3. Unique Character of Property  
That modification will be based on the unique character of the subject property.
4. Not for Lack of Opposition  
That modification shall not be granted merely because of the absence of objection from adjacent property owners.

### **13.08-E Conditions (Ord. 0-81-70)**

The Board of Zoning Appeals shall recommend to the Board of Trustees the imposition of such conditions and restrictions upon the premises benefited by a modification as may be necessary to insure compliance with the standards set forth in Article 13.08-D to reduce or minimize the effect of such modification upon other properties and to better carry out the intent of the Ordinance.

### **13.08-F Decisions (Ord. 0-81-70)**

1. Necessary Vote  
The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to recommend a modification.
2. Time Limit  
No order of the Board of Trustees granting a modification shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained and work pertinent thereto is initiated within such time period.

### **13.09 APPEALS (Ord. 0-81-70)**

#### **13.09-B Scope of Appeals**

An appeal may be taken to the Board of Zoning Appeals by any person or any office, department, or board aggrieved by a decision of the Director of Building and Zoning or other Village official acting within the authority of this Ordinance. The Board of Zoning Appeals shall make a recommendation to the Board of Trustees on such application.

# ZONING CODE: ARTICLE 13

## ADMINISTRATION AND ENFORCEMENT

### **13.09-B Application**

1. Standing  
Any appeal shall be filed within thirty (30) days after the decision or action aggrieved.
2. Filing  
An appeal shall be filed in writing with the Board of Zoning Appeals along with such information as the Board of Zoning Appeals may by rule require.
3. Fees  
Each appeal to the Board of Zoning Appeals shall be accompanied by a filing fee as set forth in Article 13.14.

### **13.09-C Transmittal of Record**

The Director of Building and Zoning shall, at the time of filing of an appeal, forthwith transmit to the Board of Zoning Appeals all of the documents constituting a record upon which the action appealed from was taken.

### **13.09-D Effect of Appeal**

An appeal shall stay all proceedings in furtherance of the action appealed; provided however, that if the Director of Building and Zoning certifies in writing that such a stay would cause imminent peril to life and property, the proceedings shall not be stayed.

### **13.09-E Public Hearing**

1. Timing  
The Board of Zoning Appeals shall, within sixty (60) days of receiving a complete filing of appeal, hold a public hearing.
2. Public Notice
  - a. By Applicant  
The applicant shall give written notice by personal service or certified or registered mail, return receipt requested, not less than 15 days nor more than 30 days prior to such meeting or hearing date to all persons who are either (i) owners of record as of not more than 10 days prior to the date of service and as shown on the records kept by the County Recorder of Deeds, or (ii) persons listed on the most recently published tax rolls of the Township or County Assessor who paid the general real estate taxes for the last preceding year, on parcels of real estate being within 250 feet of the boundaries of the property for which rezoning is requested.
  - b. By Board of Zoning Appeals  
The Board of Zoning Appeals shall publish notice of the hearing at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

## ZONING CODE: ARTICLE 13 ADMINISTRATION AND ENFORCEMENT

c. Content

The Public Notice provided by the applicant and published by the Board of Zoning Appeals shall contain at a minimum, the following:

- (1) Date of hearing.
- (2) Place of hearing.
- (3) Time of hearing.
- (4) Purpose of hearing.
- (5) Legal Description of the subject property.
- (6) Common description of subject property.

d. Posting of Sign Notice (Ord.)-01-23)

The applicant shall post and display a sign notice in accordance with the provision of Section 13.07-D,3.

**13.09-F Decision (Ord. 0-81-70)**

The Board of Zoning Appeals may recommend to the Board of Trustees to reverse or affirm wholly or partly, or to modify the order, requirement, decision or determination of the Director of Building Zoning upon the concurring vote of four (4) members.

# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

### **Section I - General Provisions**

- A. These rules are supplementary to the provisions of the Municipal Code, the Zoning Ordinance and the Subdivision Ordinance of the Village of Deerfield, as they relate to the Board of Zoning Appeals (the “Board”).
- B. Nothing herein shall be construed to give or grant the Board the power or the authority to alter or change the Zoning Ordinance, the Subdivision Ordinance, or the Zoning Map, which authority is reserved to the Board of Trustees.
- C. Any member who has any financial interest or other conflicting interest in a matter before the Board shall excuse himself and shall not participate in any hearing at which said matter is under consideration or vote in any vote involving said matter.
- D. The Village attorney shall be consulted in cases where the powers of the Board are not clearly defined.
- E. Roberts Rules of Order shall be used as the parliamentary authority in situations not covered by the Village Ordinances or these Rules of Procedure.

### **Section 2 - Offices and Duties**

- A. The Officers shall be the Chairperson appointed by the Mayor with the advice and consent of the Board of Trustees; a Vice-Chairperson elected by the Board; and a Secretary appointed by the Village Manager. The Secretary shall be the Director of Community Development or his designated representative and shall not be a member of the Board and shall not vote.
- B. The Chairperson shall preside at all meetings of the Board and shall otherwise supervise the affairs of the Board. The Vice-Chairperson or Acting Chairperson, in the absence of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the remaining members of the Board shall elect an Acting Chairperson from the members of the Board.
- C. The Secretary shall record minutes of the Board’s proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize the testimony of those appearing before the Board, and record their names and addresses. The minutes of all hearings and meetings and all recommendations of the Board shall be filed in the office of the Director of Community Development and shall be of public record.

# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

### **Section 3 - Jurisdiction**

The Board of Zoning Appeals shall hear and make recommendations to the Board of Trustees on the following:

- A. Appeals on any order, requirement, decision, or determination made by the Director of Community Development or other authorized official of the Village having jurisdiction under the Zoning Ordinance.
- B. Applications for variations from the requirements of the Zoning Ordinance.
- C. Applications for modifications from the Zoning Ordinance provisions of Article 9, Signs, and from those provisions pertaining to fencing and screening.
- D. Any other matters referred to it by the Board of Trustees.

### **Section 4 - Procedures for Public Hearings**

#### A. Application.

A complete application must be on file with the Board's Secretary before a public hearing date will be scheduled by the Secretary. No public hearing date will be scheduled unless the required documents comprising the application are submitted to the Secretary. Application forms may be secured from the Board's Secretary. Two copies of any proposed plans must be submitted with the application. See application forms for specific required submissions.

Three weeks prior to the public hearing, the petitioner is required to submit to the Board's Secretary ten (10) sets of all materials which will be presented to the Board prior to the public hearing in support of the petitioner's request. Failure to submit these materials three weeks prior to the public hearing will result in the continuation of the public hearing to the first open meeting date on the Board's schedule.

The petitioner is also responsible for submitting an additional fourteen (14) sets of the materials submitted for the public hearing to the Board's Secretary for attachment to the BZA recommendation to the Board of Trustees. The fourteen (14) sets of materials must be on file with the Board's Secretary one (1) week prior to the meeting of the Board of Trustees at which the recommendation will be considered.

#### B. Legal Notice.

The Zoning Ordinance places the responsibility on the petitioner for the preparation of the legal notice which will be published in the local newspaper. If requested by the petitioner, the Secretary of the Board of Zoning Appeals will prepare the legal notice. If the petitioner wishes to prepare the legal notice, that notice must be submitted with the complete application mentioned above. Any legal notice submitted to the Secretary of the Board of Zoning Appeals shall be reviewed by the Secretary and will be subject to the Secretary's approval.

# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

The Board's Secretary shall publish notice of the hearing at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

1. Content of Notice.

- 1) Date of hearing
- 2) Place of hearing
- 3) Time of hearing
- 4) Purpose of hearing
- 5) Legal description of subject property
- 6) Common description of subject property

C. Public Notice.

The applicant shall provide notification of the hearing by Certified or Registered Mail, return receipt requested, or by personal service to each owner of property within two hundred fifty (250) feet of the subject property, except those instances where the applicant seeks a variance from height restrictions, in which case notice shall be given to each owner of property within five hundred (500) feet of subject property. Such notice shall be given not more than thirty (30) days, nor less than fifteen (15) days before the hearing.

1. This notification must be to all persons who are either:

- a. owners of record as shown on the records kept by the County Recorder of Deeds,  
or
- b. persons listed on the most recently published tax rolls of the Township or County Assessor as persons who paid the general real estate taxes for the last preceding year.

2. Contents of the Notification to adjacent property owners.

- a. Name and address of owner and/or applicant.
- b. A copy of the Legal Notice as it appears in the newspaper.
- c. Any other information deemed pertinent by the petitioner to the request before the Board of Zoning Appeals.

3. An affidavit stating the applicant has given notice as required to the surrounding property owners shall be presented to the Chairperson of the Board at the beginning of the public hearing. The affidavit shall include a listing of all those who were notified and their addresses.

D. Failure to meet any of the above requirements may result in the Board continuing the Public Hearing to the first available meeting date.

# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

### Section 5 - Meetings

- A. All meetings of the Board shall comply with the Illinois Open Meetings Act and be open to the public.
- B. Regular meetings of the Board will be held on the first and third Tuesday of each month at 7:30 P.M. in the Village Hall or other advertised place, unless such day shall be a recognized holiday, for the purpose of holding public hearings and conducting other business. Any regular meeting may be canceled by the Board if any case or matter is not ready to proceed, or if a quorum of the Board is not available for a regular meeting.
- C. Special meetings of the Board may be called by the Chairperson, or upon the request of any member of the Board provided forty-eight (48) hour notice is given each member of the Board, and posted in a public place in the Village Hall.
- D. An agenda will be prepared by the Secretary, with the approval of the Chairperson, for each regular or special meeting of the Board and distributed to each member prior to the meeting. The Secretary or other designated person will also distribute such material as plats, surveys, petitions, copies of public notice, etc., as may pertain to the agenda.
- E. A quorum shall consist of four members of the seven member Board, but shall not include any member who has a financial interest or other conflict in a matter before the Board.
- F. All testimony by witnesses at any public hearing provided for in the Ordinance shall be given under oath. The Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses.
- G. All decisions regarding applications may be recorded by voice vote except in the event of a non-unanimous outcome, in which case a roll call vote would be required. All members present, including the Chairperson, may vote on each issue. A motion shall be considered passed with a concurring vote of four (4) members of the Board.
- H. Proxies shall not be permitted and only members actually in attendance at a meeting may vote. Members not present may have their views recorded.
- I. A member not present when evidence on a petition is taken during a public hearing shall not vote on such petition unless they have reviewed a transcript or tape recording of the public hearing when evidence was presented. The required review of material prior to vote must take place before the conclusion of the Public Hearing at which the evidence was given.
- J. In the event that the Board of Trustees sends a petition back to the Board for reconsideration, any member of the Board who took part in the original public hearing and recommendation may vote on that petition. Also, any Board member who was not present at the public hearing may vote on the reconsideration of the petition if that member has reviewed all the minutes of the public hearing and workshop meeting and all of the documents submitted in support of the petition. If the tape recordings are still available, the Board members not present at the public hearing must also review the tape recordings of the public hearing and workshop meeting.

# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

- K. If, during the course of a meeting, it becomes apparent that the Board cannot conclude an agenda item before 10:00 P.M., those items may be adjourned to the next available Board of Zoning Appeals meeting.
- L. All written recommendations of the Board will be sent to the Village Board within sixty (60) days of the closing of the public hearing. Any Board member may submit a minority opinion to the Village Board, stating opposition to the Board's recommendations.
- M. A member of the Board will attend meetings of the Village Board where recommendations of the Board are on the agenda for consideration. This responsibility shall be rotated among Board members, and the member presenting the opinion should agree with the majority.

### **Section 6 - Continuances**

- A. Hearings may be continued. All continuances shall be to a date certain; no further notification is required.
- B. One continuance must be granted to the applicant, if requested. Further continuances will be at the Board's discretion.
- C. If after the presentation of the petitioner's proposal, other interested parties wish to have the hearing continued so that they might prepare evidence or testimony of their own concerning or in response to the petitioner's proposal, the Board may grant a continuance.

### **Section 7 - Code of Conduct**

Hearings will be conducted according to the following Code of Conduct. This Code is calculated to result in a just and lawful determination of the issues as promptly as possible and in an orderly fashion.

- 1. Each person speaking shall first be sworn in as a witness, and shall stand and give his/her name and address. So far as practical, each person speaking should cover all the points they wish to make while they have the floor.
- 2. Everyone wishing to make a statement will be recognized one time by the Chairperson. However, the Chairperson has the right not to recognize anyone a second time until everyone else has spoken once.
- 3. All statements must be relevant to the subject matter of the public hearing or meeting. The Chairperson shall rule out of order any person who make statements which are not relevant.
- 4. The Chairperson may impose a time limit for any particular hearing or for any individuals statement or testimony. Groups sharing a particular view are encouraged to make their feeling known through a single spokesperson.
- 5. All materials presented as evidence will be retained and filed by the Board.
- 6. Applicants or objectors may present witnesses for direct questioning. The Board may limit the number of witnesses whose testimony is cumulative.



# BOARD OF ZONING APPEALS

## RULES OF PROCEDURE

7. Cross-examination of witnesses by attorneys representing the applicant or objectors will be permitted upon request made to the Chairperson.
8. The Chairperson may require a preliminary statement of the nature of the evidence proposed to be elicited from the witness.
9. All questions or statements from the floor must be directed to the Chairperson. All others will be ruled out of order.
10. Testimony regarding statements made by persons not present at the hearing are discouraged, but may be considered at the discretion of the Board.
11. Witnesses shall refrain from attacks on the integrity of the applicants, witnesses, or on the interested parties, that are not directly relevant to the matter before the Board.

### **Section 8 - Amendments**

These rules may be amended in a meeting at which the Chairperson is present and by a vote of four (4) members of the Board provided, however, that every member of the Board shall be furnished with a copy of the amendment at least seven (7) days before consideration of adoption.