



DU PAGE COUNTY ZONING BOARD OF APPEALS
 JACK T. KNUEPFER ADMINISTRATION BUILDING
 421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS 60187/ 630-407-6700



#1 ZONING APPLICATION FORM

PROPERTY INFORMATION:	PETITION #: _____
PIN: _____	HEARING DATE: _____
FULL ADDRESS: _____ _____	FEE PAID: \$ _____
UTILITIES: <u>WATER / WELL</u> _____ <u>SEWER / SEPTIC</u> _____ <small>INDICATE WHAT UTILITIES WILL SERVE THE PROPERTY</small>	DATE RECEIVED: _____
ZONING: _____	RECEIVED BY: _____
	<small>TO BE COMPLETED BY STAFF</small>

OWNER INFORMATION:

NAME: _____ SIGNATURE _____

FULL ADDRESS: _____

PHONE #: _____ EMAIL: _____

APPLICANT INFORMATION: (IF DIFFERENT THAN OWNER)

NAME: _____ SIGNATURE: _____

FULL ADDRESS: _____

PHONE.#: _____ EMAIL: _____

ZONING REQUEST:

VARIATION: _____

CONDITIONAL USE: _____

REZONING: _____

NOTARY SEAL: SUBSCRIBED AND SWORN TO BEFORE ME THIS: _____ DAY OF _____, _____ _____ NOTARY PUBLIC SIGNATURE	Seal
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- BY SIGNING THIS FORM I ACKNOWLEDGE THAT I AM AUTHORIZED TO MAKE THIS APPLICATION; AND
- THAT TO THE BEST OF MY KNOWLEDGE THE INFORMATION PROVIDED IS CORRECT; AND
- THAT I AUTHORIZE COUNTY STAFF AND ZBA MEMBERS ACCESS TO THE PROPERTY TO PERFORM ALL NECESSARY SITE INSPECTIONS RELATIVE TO THE ZONING HEARING PROCESS; AND
- THAT STAFF ADVISED ME OF THE REGULATIONS, PROCESS AND STANDARDS FOR ZONING RELIEF CONTAINED IN THIS APPLICATION INCLUDING THE PATH OF THE ZBA PETITION AND THE STANDARDS FOR ZONING RELIEF AND ;; AND
- THAT ANY ZONING RELIEF GRANTED DOES NOT AUTHORIZE CONSTRUCTION WITHOUT APPROPRIATE PERMITS OR THE USE THEREOF IN VIOLATION OF ANY CODE OR ORDINANCE OF DUPAGE COUNTY.

ZONING STAFF WILL ASSIST IN THE PREPARATION OF THIS APPLICATION. HOWEVER, THE COMPLETENESS OF THE APPLICATION IS THE SOLE RESPONSIBILITY OF THE PETITIONER.

DOCUMENT SUBMITTAL REQUIREMENTS

(PLEASE NOTE THAT THE APPLICATION MAY NOT BE PROCESSED WITHOUT THE FOLLOWING INFORMATION)

1. **COMPLETED ZONING BOARD OF APPEALS APPLICATION FORM. (SEE ATTACHED FORM #1):**
 - A. **1 COPY OF THE CURRENT PLAT OF SURVEY WITH ACCURATE LEGAL DESCRIPTION:**
 - (1) Plat to be full sized with seal and signature of licensed surveyor at a scale of: 1"=10', 20'; 30'.
 - (2) For surveys over 1 year old provide an affidavit from a surveyor stating the survey is accurate.
 - B. **10 COPIES OF THE SITE PLAN/ (4 COPIES FOR 10% APPLICATIONS): Label the following at a scale of: 1"=10'; 20'; or 30' with dimensions, including distance to the lot lines:**
 - (1) Location of all proposed structures and buildings, (i.e. parking, driveway, signage, lighting).
 - (2) Location of all existing structures and buildings to remain on the property.
 - (3) Location of well, septic tank and septic field.
 - (4) The location of special management areas (Wetland/Floodplain).
 - (5) The location of all easements and attachments.
 - (6) *Topography grading plan may be required relative to a unique drainage situation.*
 - C. **PROOF OF OWNERSHIP:**
 - (1) Tax bill or trust deed showing current owner of the property.
 - (2) If the applicant is the agent representing the owner submit a letter from the owner authorizing the applicant to apply for the zoning relief.
 - (3) If the property is in trust please complete and return the attached form #7, "Compliance with an act to require disclosure of all beneficial interests" chapter 765, section 405/1 Illinois Compiled Statutes (1993)".
2. **PAYMENT OF FEE: (SEE ATTACHED #2- "ZONING FEE SCHEDULE").**
3. **KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT. (SEE ATTACHED FORM #3 KANE-DUPAGE SOIL AND WATER CONSERVATION FORM.)**
4. **10% ADMINSTRATIVE VARIATIONS PLEASE PROVIDE: (SEE ATTACHED FORM #4 SAMPLE COPY OF 10% PETITION-LETTER TO NEIGHBORS): NOTARIZED LETTERS FROM ALL ADJOINING PROPERTY OWNERS STATING THE FOLLOWING:**
 - A. Name of petitioner;
 - B. Address and Legal description of the property;
 - C. Zoning Request;
 - D. Address, name and signature of owners adjoining property;
 - E. A statement that the adjacent property owner does not object to the variation.
5. **THE PATH OF THE ZBA PETITION: (SEE ATTACHED FORM #5)**
6. **DUPAGE COUNTY ZONING BOARD OF APPEALS RULES OF PROCEDURE: (SEE ATTACHED FORM #6)**

#2-ZONING FEE SCHEDULE

(EXCERPTED FROM THE REGULATORY SERVICES FEE SCHEDULE)

VARIATIONS: (Non-refundable)	Residential	Violation	Non- Residential	Violation
Administrative Variation (10%):	\$150	\$ 300	\$ 300	\$ 600
Accessory:	\$300	\$ 450	\$ 600	\$ 900
Principal:	\$800	\$1,200	\$1,500	\$2,250
Sign:	\$300	\$ 450	\$1,500	\$2,250
Fence:	\$300	\$ 450	\$ 600	\$ 900
Continuation Fee: may be assessed	½ cost of application fee			
Additional appearance fee may be assessed	\$200			
CONDITIONAL USE: (Non- refundable)	Residential	Violation	Non- Residential	Violation
Conditional Use (General):	\$1,500	\$2,250	\$2,500	\$3,750
Accessory Housing Unit (In-Law):	\$ 300	\$ 450		
Day Care Home:	\$ 300	\$ 450		
Group Day Care Home:	\$ 500	\$ 7 50		
Planned Development:	\$3,000	\$4,500	\$3,000	\$4,500
Each dwelling unit:	\$ 50	\$ 75	\$ 100	\$ 150
Each commercial building:	\$ 100	\$ 150	\$ 100	\$ 150
Continuation Fee: may be assessed	½ cost of application fee			
Additional appearance fee may be assessed	\$ 200			
MAP AMENDMENT- (Rezoning) (Non-refundable)	Residential	Violation	Non- Residential	Violation
Less than 2 acres	\$1,500		\$ 2,500	
2-5 acres	\$1,750		\$ 3,500	
5-10 acres	\$2,000		\$ 4,500	
10-20 acres	\$2,250		\$ 6,000	
21 acres or more	\$2,500		\$10,000	
Continuation Fee: may be assessed	½ cost of application fee			
Additional appearance fee may be assessed	\$ 200			
APPEAL- (Refundable if Appeal is upheld)	Residential	Violation	Non- Residential	Violation
Appeal of: order, requirement, decision, determination or violation notice	\$1,500		\$ 1,500	
Continuation Fee: may be assessed.	1/2 cost of the application fee			
Additional appearance fee may be assessed	\$200			

ZONING PETITION REFUND POLICY

1. When petition is withdrawn prior to publication of legal notice, refund the entire fee except for \$45.00 to cover costs.
2. When petition is withdrawn after publication of legal notice, but prior to the public hearing, refund half of the fee.
3. When petition is withdrawn after the public hearing, no refund will be given.
4. If petition must be re-advertised prior to the public hearing due to a petitioner defect in the legal notice, the petitioner is charged an additional fee equal to the cost of republishing plus \$75.00 to cover staff costs.
5. If an additional public hearing needs to be held because of an amended petition, the cost is 50% of the original fee, or \$750.00, whichever is less.
6. If petitioner fails to submit a site plan ten (10) days before the public hearing, the Director at his discretion may cancel the public meeting. The petitioner then must pay an additional fee for the republication of the hearing and for staff time as in 4.
7. In all zoning petitions, where two or more different fees would be charged, the single highest fee generated by this schedule shall be the fee paid. This shall not apply to an Appeal fee.

ZONING STAFF WILL ASSIST IN THE PREPARATION OF THIS APPLICATION. HOWEVER, THE COMPLETENESS OF THE APPLICATION IS THE SOLE RESPONSIBILITY OF THE PETITIONER.

#3: KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT

LAND USE OPINION APPLICATION

Kane-DuPage Soil and Water Conservation District
 2315 Dean Street, Suite 100, St. Charles, IL 60175-4823
 (630) 584-7961 Ext. 3

Send report to:

PETITIONER: _____

ADDRESS: _____

EMAIL: _____

CONTACT PERSON: _____

TELEPHONE: _____

Please allow 30 days for inspection and processing.

FOR OFFICE USE ONLY			
LUO# _____	Date Due _____		
Date _____	initially _____	rec'd _____	rec'd _____
_____	Date _____	all _____	completed _____
_____	Date _____	_____	_____
Fee Paid _____	Refund Due _____	Overpayment _____	
By _____		No Report <input checked="" type="checkbox"/> _____	
		Gov't Agency _____	

Location:

Township _____

Section(s) _____

Township(s) _____ N Range(s) _____ E

- TYPE OF PROPOSAL:**
- Change in Zoning from _____ to _____ Project or Subdivision Name _____
 - Subdivision or Planned Unit Development (PUD)
 - Variance-Please describe fully on separate sheet
 - Special Use Permit-Please describe fully on separate sheet

Unit of Government Responsible for Permits _____ Date of Public Hearing _____

Current Use of Site _____ Proposed Use _____

Surrounding Land Use _____

Number of Acres _____

Location address (or nearest intersection) _____

PROPOSED IMPROVEMENTS: (check all applicable items)

Planned Structures:

- w/o Basements
- Dwellings with Basements
- Commercial Buildings
- Other _____

Open Space:

- Park/Playground Areas
- Common Open Space Areas
- Other _____

Water Supply: Dwellings

- Individual Wells
- Community Water

Wastewater Treatment:

- Septic System
- Sanitary Sewers
- Other _____

Stormwater Treatment:

- Drainage Ditches or Swales
- Storm Sewers
- Dry Detention Basin
- Wet Retention Basin
- No Detention Facilities Proposed
- Other _____

EXISTING SITE CHARACTERISTICS: (check all applicable items)

- Ponds or Lakes
- Floodplain
- Woodland
- Drainage Tiles
- Stream(s)
- Wetland(s)
- Floodway
- Cropland
- Disturbed Land
- Other _____

REQUIRED: INCLUDE ONE COPY EACH OF THE FOLLOWING-Processing will not begin without the following:

- APPLICATION completed and signed
- FEE according to schedule below
- PLAT OF SURVEY/SITE PLAN showing legal description, legal measurements
- SITE /CONCEPT PLAN showing lots, streets, storm water detention areas, open areas, etc. LOCATION MAP (if not on maps above)-include distances from major roadways or tax parcel number

IF AVAILABLE - NOT REQUIRED:

- ZONING or LAND USE PETITION filed with unit of government (if relevant)
- TOPOGRAPHY MAP OR WETLANDS DELINEATIONS

FEE AMOUNTS: last updated November 1, 2013

\$423.00 for 1 - 3 acres or fraction thereof

\$459.00 for 4 - 5 acres or fraction thereof For 5 - 200 acres see chart

> 200 acres: ADD \$14.00 for each additional acre or fraction thereof over the 200 acre amount.

\$65.00 processing fee if no report is required

***If there is more than one parcel in question and they are non-contiguous please contact KDSWCD for fee amount. ***

MAKE CHECKS PAYABLE TO: Kane-DuPage Soil and Water Conservation District

I (we) understand the filing of this application allows the authorized representative of the Kane-DuPage Soil and Water Conservation District to visit and conduct an evaluation of the site.

Petitioner or Authorized Agent _____ Date _____

This opinion will be issued on a nondiscriminatory basis without regard to race, color, religion, sex, age, marital status, handicap, or national origin.

Revised November 1, 2013

For the convenience of those who must comply with the provisions of the Illinois Soil and Water Conservation District Act, Section 22.02a (Illinois Compiled Statutes, Chapter 70, Paragraph 405, Section 22.02a), enacted December 3, 1971, effective July 1, 1972, we quote this section:

“The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from that municipality’s or county’s zoning ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action.”

Added by Act approved December 3, 1971.

The amendment is designed to assist the unit of government considering the proposal. The natural resources and the environment are the main concerns in the development of the Land Use Opinion.

To facilitate compliance with the Act by land developers and others, Kane-DuPage Soil and Water Conservation District has formulated a set of guidelines and a standardized set of fees, as provided for in section 22.09 of this Act:

“The District may charge fees to any person who makes a request for services or receives benefits rendered by the District, or who causes or undertakes to cause the District to perform a function prescribed by this Act, including but not limited to any function prescribed by Section 22.02a of this Act, provided that such charges are uniform. The Directors shall maintain a uniform schedule for such fees and may from time to time revise such schedule. The charging of any such fees is uniformly charged and in accordance with a uniform schedule by any District to any person for such service or benefits or performance of any such functions prior to the effective date of this amendatory Act of 1975 is ratified.”

**LAND USE OPINION FEE SCHEDULE
EFFECTIVE NOVEMBER 1, 2013**

\$423.00 for 1-3 acres or fraction thereof

\$459.00 for 4-5 acres or fraction thereof

Fig 5 - 200 acres see chart

For over 200 acres: ADD \$14.00 for each additional acre or fraction thereof over the 200 acre amount.
\$65.00 processing fee if no report is required

Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee	Acres	Fee
1	423	21	769	41	1160	61	1558	81	1942	101	2333	121	2738	141	3128	161	3519
2	423	22	788	42	1187	62	1577	82	1962	102	2360	122	2757	142	3148	162	3539
3	423	23	809	43	1206	63	1597	83	1982	103	2379	123	2776	143	3167	163	3558
4	459	24	828	44	1225	64	1616	84	2001	104	2398	124	2796	144	3188	164	3579
5	459	25	847	45	1244	65	1636	85	2020	105	2418	125	2815	145	3207	165	3598
6	483	26	866	46	1264	66	1656	86	2039	106	2438	126	2835	146	3226	166	3617
7	495	27	885	47	1284	67	1675	87	2059	107	2458	127	2855	147	3245	167	3637
8	513	28	907	48	1304	68	1694	88	2080	108	2477	128	2874	148	3264	168	3655
9	537	29	926	49	1323	69	1713	89	2099	109	2496	129	2894	149	3286	169	3676
10	555	30	945	50	1342	70	1734	90	2118	110	2515	130	2914	150	3305	170	3695
11	573	31	964	51	1363	71	1754	91	2138	111	2536	131	2933	151	3324	171	3715
12	592	32	984	52	1382	72	1773	92	2157	112	2555	132	2952	152	3343	172	3735
13	614	33	1004	53	1401	73	1792	93	2177	113	2574	133	2971	153	3363	173	3754
14	633	34	1023	54	1420	74	1812	94	2196	114	2593	134	2993	154	3383	174	3784
15	638	35	1042	55	1440	75	1831	95	2216	115	2620	135	3012	155	3402	175	3793
16	671	36	1063	56	1461	76	1851	96	2236	116	2640	136	3031	156	3421	176	3813
17	690	37	1082	57	1480	77	1863	97	2255	117	2659	137	3050	157	3442	177	3832
18	711	38	1102	58	1499	78	1884	98	2275	118	2678	138	3069	158	3461	178	3851
19	730	39	1121	59	1522	79	1903	99	2294	119	2699	139	3090	159	3481	179	3872
20	749	40	1140	60	1537	80	1923	100	2313	120	2718	140	3109	160	3500	180	3895

#4. SAMPLE COPY OF 10% PETITION-LETTER TO NEIGHBORS

Dear:

My name is: _____

I live at: _____

I am requesting a 10% administrative variation from DuPage County to allow me to build a: _____

The 10% administrative variation is to: _____ (indicate what the bulk regulation you are seeking the variation from and the section in the Zoning Code the regulation applies to) _____

The zoning request is 10% or less of the DuPage County Zoning Code requirements.
I am required to circulate this petition and have my immediate neighbors approve of the proposed variation request.
As such, if you do not object to the 10% administrative variation please sign below:

I: _____

Residing at: _____

Immediately adjacent to the subject property herein do not object to a 10% administrative variation to allow:

_____/_____
Print/and Signature of Owner

Street

City, State, Zip

Phone Number

Subscribed and sworn to before me this:

_____ Day of _____, _____

Notary Public



Owner Name seeking zoning request: _____

Owner seeking zoning request Address: _____

Phone: _____ FAX: _____ email: _____

#5. THE PATH OF THE ZBA PETITION

A. PUBLIC HEARING PRESENTATION:

1. **PETITIONER:** Petitioner or agent must attend the Public Hearing and submit the following:
 - a. One (1) copy of the current plat of survey;
 - b. One (1) copy of the site plan;
 - c. The zoning relief being requested;
 - d. Statement relative to, “STANDARDS FOR ZONING RELIEF”” as outlined on page 4 below;
 - e. The location of the property and surrounding land uses and zoning classifications;
 - f. Any other supporting material, including pictures and petitions. All petitions must be notarized.

*** Note: All exhibits will be retained by the ZBA and made part of the public hearing record.**

2. PUBLIC TESTIMONY:

- a. All witnesses giving testimony will be sworn in.
- b. Questions shall be directed to the ZBA Chairman. (See attached Procedures).
- c. Petitioner should be prepared to answer questions from the ZBA and members of the public.

B. ZBA RECOMMENDATION:

1. The ZBA generally makes recommendations at the regularly schedule recommendation meeting which is the 1st Thursday of each month. However, the ZBA may make a recommendation the night of the public hearing.
2. The ZBA Recommendation will be to grant, deny, defer or table a petition.
3. The ZBA Recommendation Meeting is closed to any new information or public comment/testimony. However the public is invited to attend the proceedings and listen to the deliberations of the ZBA.
4. The recommendation of the ZBA is sent to the County Development Committee for consideration.

C. COUNTY DEVELOPMENT COMMITTEE:

1. The ZBA Recommendation is considered by the County Development Committee, which makes a recommendation to the full DuPage County Board.
2. The Development Committee currently meets on the 1st and 3rd Tuesday of every month at 11:00 a.m. in room 3500B of the County Administration Building.
3. The Committee does not allow any new testimony but does allow participants 3 minutes to speak to the issue.

D. COUNTY BOARD: All matters before the Zoning board of Appeals, except appeals, are referred to the County Development Committee for recommendation to the full County Board.

1. The County Board renders the final decision on all zoning matters other than Zoning Appeals.
2. The County Board currently meets at 10:00 a.m. in the County Board Chambers.
3. The County Board does not allow new testimony but does allow participants 3 minutes to speak to the issue.

PLEASE REVIEW AND RETAIN FOR YOUR RECORDS THE ATTACHED STANDARDS FOR ZONING RELIEF (VARIATION, CONDITIONAL USE, MAP AMENDMENT), THE “PATH OF THE ZBA PETITION”, AND ZONING BOARD OF APPEALS RULES OF PROCEDURE.

#6. STANDARDS FOR ZONING RELIEF:

THE ZONING BOARD OF APPEALS IS REQUIRED TO MAKE FINDINGS AND RECOMMENDATIONS BASED ON THE FOLLOWING REQUIRED EVIDENCE PRESENTED BY THE PETITIONER:

VARIATION: Section: 37-1411.

- A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.
- B. That the granting of any Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
- C. That the granting of the Variation will not:
 - 1. Impair an adequate supply of light and air to the adjacent property;
 - 2. Increase the hazard from fire or other dangers to said property;
 - 3. Diminish the value of land and buildings throughout the County;
 - 4. Unduly increase traffic congestion in the public streets and highways;
 - 5. Increase the potential for flood damages to adjacent property;
 - 6. Incur additional public expense for flood protection, rescue or relief; or
 - 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

REZONING (MAP AMENDMENT): Section: 37-1412.

- A. Existing uses of property within the general area of the property in question.
- B. The zoning classification of property within the general area of the property in question.
- C. The suitability of the property in question for the uses permitted under the existing zoning classification.
- D. The trend of development, if any, in the general area of the property in question, including changes, if any, which may taken place since the property in question was placed in its present zoning classification.
- E. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.
- F. The extent to which the property values are diminished by particular zoning restrictions.

CONDITIONAL USE: Section: 37-1413.

- A. That the granting of any Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically that the granting of the Conditional Use will not:
 - 1. Impair an adequate supply of light and air to the adjacent property;
 - 2. Increase the hazard from fire or other dangers to said property;
 - 3. Diminish the value of land and buildings in the vicinity of the proposed Conditional Use;
 - 4. Unduly increase traffic congestion in the public streets and highways;
 - 5. Increase the potential for flood damages to adjacent property;
 - 6. Incur additional public expense for fire protection, rescue or relief; or
 - 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

**COMPLIANCE WITH
“AN ACT TO REQUIRE DISCLOSURE OF ALL BENEFICIAL INTERESTS”
CHAPTER 765, SECTION 405/1 ILLINOIS COMPILED STATUTES (1993)**

*THIS FORM ONLY NEEDS TO BE COMPLETED IF THE PROPERTY IS IN TRUST

NAME OF TRUSTEE _____

NAME OF BENEFICIARIES:

The above and foregoing is a complete disclosure of all beneficiaries and/or holders of any beneficial interest in the above named trust.

Trustee's Signature

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

_____ being duly sworn on oath deposes and states that he
(Trustee's Name Printed)

has read the above and foregoing disclosure of beneficiaries of a land trust by him
subscribed, knows the contents thereof and that the same are true and correct.

Trustee's Signature

Subscribed and sworn to before
Me this _____ day of
_____, 20____.

Notary Public

#5. DUPAGE COUNTY ZONING BOARD OF APPEALS
RULES OF PROCEDURE

(As Adopted by the Zoning Board of Appeals on September 9, 1988)
(Revised December 10, 1992)

SECTION 1. OFFICERS AND DUTIES

- 1.1 The officers of the DuPage County Zoning Board of Appeals shall consist of a Chairman, Acting Chairman, and Secretary.
- 1.2 Chairman. The chairman of the ZBA shall be appointed by the Chairman of the County Board with the advice and consent of the County Board and shall perform all duties required by law, ordinance, and these rules and preside at all meetings of the ZBA. The Chairman may administer oaths and compel attendance of witnesses as necessary to carry out the business of the ZBA. The chairman's signature shall be the official signature of the ZBA.
- 1.3 Acting Chairman. An Acting Chairman, from the existing ZBA membership shall be designated by the ZBA to serve in the absence of the Chairman and shall have all the powers of the Chairman during the Chairman's absence, disability or disqualification.
- 1.4 Secretary. The Secretary of the ZBA shall be the director of the County Development Department. The Secretary, subject to the direction of the ZBA and its Chairman, shall keep the minutes of all ZBA proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of all official actions. The Secretary shall execute all documents in the event of unavailability of the Chairman.
- 1.5 Chairman Pro-Tem. From time to time the Chairman may designate a Chairman Pro-Tem from the existing membership to assume the duties of Chairman at a meeting of the ZBA.

SECTION 2. PUBLIC HEARINGS AND RECOMMENDATION MEETINGS

- 2.1 All meetings of the ZBA shall be held at the call of the Chairman of the ZBA and at such times and places within the County as the ZBA may determine.
- 2.2 Public Hearings shall be conducted by the ZBA pursuant to these Rules, upon due notice published in a newspaper of general circulation published at least 15 days in advance of the hearing in the township in which the property which is the subject of the hearing is located or in the DuPage County Courthouse.
- 2.3 Recommendation Meetings. The ZBA will meet the first Thursday, or other date determined, of each month or at other times as determined by a vote of majority of ZBA to consider those matters upon which it is required to hear and decide or to recommend to grant or deny.

SECTION 3. VOTING

- 3.1 Quorum. A quorum shall consist of a majority of the seven members of the Board.
- 3.2 No recommendation meeting nor any meeting where action is to be taken may be held in the absence of a quorum. However, public hearings do not require a quorum. These hearings are fact-finding in nature, and may be held by one member of the ZBA or by a hearing officer which shall be the Secretary or duly-appointed Acting Secretary of the ZBA.
- 3.3 Voting. All matters except motions to table or defer at the option of the Chairman shall be decided by a roll call vote. The concurring vote of four (4) members of the ZBA is necessary to reverse any order,

requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance. An affirmative vote of 5 members of the ZBA is also required to recommend any variations or modifications to the County Zoning Ordinance or to decide in favor of the applicant any matter upon which it is required to pass. A recommendation to deny any requested variation or modification to the County Zoning Ordinance shall require a majority vote of the entire membership of the ZBA.

- 3.4 An application to vary or modify the County Zoning Ordinance, which receives a tie or favorable vote by a lesser number than the required majority shall be considered “not recommended.”
- 3.5 No member of the ZBA shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the ZBA in establishing the quorum for such matter.
- 3.6 A member may vote on a matter even if he has not attended the public hearing thereon, provided that he has familiarized himself with such matter by reading the record thereon.

SECTION 4. CONDUCT OF PUBLIC HEARINGS

- 4.1 General Rules for Public Hearings. Except as otherwise provided for hearings on Appeals (Sec. 4.3), the following procedures shall apply in order to ensure the maintenance of property order and the maximum public participation:
 - a. The Chairman shall regulate the conduct of the proceedings, and may disallow any testimony or evidence in accordance with the Rules.
 - b. The Chairman will announce the name of the petitioner, petition number, the nature of his request, and the publication of the required public notice.
 - c. The Board will first hear statements from the petitioner or his attorney and/or witnesses.
 - d. Upon completion of the petitioner’s presentation, the members of the Zoning Board of Appeals and staff may ask questions.
 - e. After all the questions are answered the Chairman will ask for questions only, from the public. Questions must be relevant to matters heard and be confined to the points raised during the petitioner’s presentation.
 - f. Petitioner, representatives, consultants, etc., who will give testimony on behalf of citizens will be sworn by Court Reporter or Notary Public. Any other persons wishing to testify shall raise their hands, and when recognized by the Chair, will state their name, address, and be sworn by the Court Reporter or Notary Public. Any person representing an organization must submit satisfactory proof of authority before giving testimony.
 - g. The Board will then hear statements or testimony from persons who wish to support the petitioner in the following order: (1) municipalities; (2) civic organizations, community associations; (3) persons representing the interest of surrounding neighborhood organizations; (4) other.
 - h. The Board then will hear statements, testimony, or evidence from persons opposing the request of the petitioner, in the following order: (1) municipalities; (2) civic organizations, community associations; (3) persons representing the interests of surrounding neighborhood organizations; (4) other.

- i. Any member of the Zoning Board of Appeals may ask questions of any person giving testimony at the public hearing.
- j. Testimony and evidence, which is cumulative, repetitious, harassing, argumentative, or irrelevant to the case being heard, will be disallowed.
- k. Cross-examination of persons giving testimony must be relevant to matters heard and be confined to the points raised during that person's testimony.
- l. Following the statements for and against the Petition, the Board will permit the petitioner to make a brief summation prior to closing the hearing. In the petitioner's summary there shall be no additional exhibits presented to the Board nor shall any new evidence be entered for the record.

4.2 Public Hearing Adjournment.

- a. At the request of any person present at the Public Hearing, the Chairman of the Zoning Board of Appeals may at his discretion, or at his own initiative, adjourn the Public Hearing to a date specific for the purpose of taking additional testimony and evidence. All adjourned Public Hearings shall be adjourned to a time and place designated at adjourned hearing. This procedure shall be used only in very extraordinary circumstances.
- b. At the conclusion of the Public Hearing the Chairman will close the hearing and no further testimony or evidence will be taken, unless the Chairman adjourns the hearing to a date specific for the purpose of taking further testimony and evidence.
- c. Any person may submit written statements or testimony or other documentary evidence concerning the case after the close of the Public Hearing. Such statements, testimony, or documentary evidence shall be accompanied by an affidavit (See Attachment 1) swearing or affirming to the truth and completeness of the information therein, and shall be submitted to the Secretary of the Zoning Board of Appeals by four thirty o'clock P.M. on the Friday preceding the next Thursday's recommendation, or as otherwise stated at the Public Hearing thereon, prior to the date of the Recommendation Meeting at which the case is to be considered. All such submissions shall be dated and identified as Petitioner's or an Objector's Exhibit by the Secretary of the Zoning Board of Appeals.

4.3 Appeals. An appeal may be taken to the Zoning Board of Appeals by any person aggrieved, or by any office, department, board, or bureau of the County. Such an appeal shall be taken within ten (10) days after the action complained of, by filing with the Director, County Development Department, and with the Zoning Board of Appeals, a notice of appeal specifying the grounds thereof. The Director, County Development Department, shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken. To ensure fundamental fairness, the following procedures shall apply:

- a. Chairman's Statement: Identifying Appeal, Public Notice Information, explaining Rules of Procedure
- b. Introduction into evidence of Notice of Appeal and record upon which action appealed from is taken
- c. Opening statements of Parties to appeal
- d. Prove-up of Violation (if question of fact as to Violation is presented by Appellant's pleading)
 - (1) Direct examination of Witness(es)
 - (2) Cross examination of Witness(es)

- e. Defense of violation
 - (1) Direct examination of Witness(es)
 - (2) Cross examination of Witness(es)
- f. Rebuttal by County (if any)
- g. Surrebuttal by defense (if any)
- h. After deliberation, the ZBA shall make a Statement of the findings of fact, and the decision may be rendered at close of appellant's case, or at the next ZBA Recommendation Meeting, at the discretion of Chairman. No further evidence may be taken from any party at the Recommendation Meeting.

SECTION 5. CONDUCT OF RECOMMENDATION MEETINGS

- 5.1 Attendance. The Zoning Board of Appeals Recommendation Meeting is an open meeting and the public is welcome to attend. All Recommendation Meetings are held in the DuPage Administrative Center.
- 5.2 Conduct of Meeting.
 - a. Without further testimony, each case is reviewed by the Zoning Board of Appeals.
 - b. Additional written testimony is reviewed by the Board.
 - c. Nobody, other than Zoning Board of Appeals Members, is permitted to speak during the deliberation on any case unless asked a specific question by a Board Member.
 - d. All Recommendation Meetings shall be tape recorded by the Secretary of the Zoning Board of Appeals. These tapes shall be maintained until the County Board takes action on the cases involved.

SECTION 6. GENERAL POLICIES

- 6.1 Site Plan Requirements. The petitioner must submit ten (10) copies of a site plan (not original) at least ten (10) working days prior to the scheduled Public Hearing Meeting.
- 6.2 Reconsideration of Zoning Cases. After a recommendation has been made by the Zoning Board of Appeals, the County Development Committee of the County Board may wish to send such case back to the Zoning Board of Appeals for reconsideration of its vote where significant new information has been made available. If the Committee asks the Zoning Board of Appeals to reconsider its vote in a case, the following procedure shall be used:
 - 6.3 The Committee shall not hear new testimony or evidence pertaining to the case, but may consider issues relative to the facts presented at the Public Hearing, which have not been addressed by the ZBA in their findings of fact and which issues could affect the outcome of the case.
 - 6.4 The Committee may send the case back to the Zoning Board of Appeals outlining each issue, which has been raised.
 - 6.5 The Planning and Zoning Staff shall notify the Petitioner and all those persons who objected to the case at the Public Hearing, if addresses are available, not less than one (1) week before the Zoning Board of Appeals is asked to reconsider such case.

6.6 Rules covering conduct of the Recommendation Meetings shall be used in any reconsideration of a vote, which rules do not allow the submission of additional testimony or evidence by an interested party.

SECTION 7. DECISIONS

- 7.1 Time of Decision. Decisions by the ZBA shall be made within sixty (60) days from the date of Public Hearing unless the ZBA agrees to defer or table the petition for a longer period of time.
- 7.2 Form of Decisions. Decisions shall be made in writing. Any decisions, which deny the petitioned relief, shall be signed by the Secretary of the Zoning Board of Appeals. All decisions shall state the findings of fact which were the basis of the ZBA's determination and as may be required by the DuPage County Zoning Ordinance. Decisions may state any conditions reasonably related to a petition, which the ZBA deems necessary to protect the public interest. Decisions on appeals to the ZBA may reverse or affirm, wholly or partly, or may modify the order or requirement of the administrative official appealed from.
- 7.3 Conflicts with other Laws or Regulations. The standards in any local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
- 7.4 Notice of Decision. Copies of the decisions of the ZBA shall be transmitted forthwith to the County Development Committee of the County Board and to the applicant.

SECTION 8. ADOPTION AND AMENDMENT OF THESE RULES AND REGULATIONS

- 8.1 Adoption. Upon adoption of these rules by the ZBA, the Secretary shall file a copy of these rules with the County Clerk and they shall be a public record.
- 8.2 Amendment. These rules may be amended by an affirmative vote of not less than the majority of the entire membership of the ZBA.

**FORM #7 COMPLIANCE WITH
“AN ACT TO REQUIRE DISCLOSURE OF ALL BENEFICIAL INTERESTS”
CHAPTER 765, SECTION 405/1 ILLINOIS COMPILED STATUTES (1993)**

*THIS FORM ONLY NEEDS TO BE COMPLETED IF THE PROPERTY IS IN TRUST

NAME OF TRUSTEE _____

NAME OF BENEFICIARIES:

The above and foregoing is a complete disclosure of all beneficiaries and/or holders of any beneficial interest in the above named trust.

Trustee's Signature

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

_____ being duly sworn on oath deposes and states that he
(Trustee's Name Printed)

has read the above and foregoing disclosure of beneficiaries of a land trust by him
subscribed, knows the contents thereof and that the same are true and correct.

Trustee's Signature

Subscribed and sworn to before
Me this _____ day of
_____, 20____.

Notary Public