



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

PIN: _____ ZONING: _____	PETITION #: _____
PROPERTY ADDRESS: _____	TENTATIVE HEARING DATE: _____
ACREAGE: _____	FEE PAID: \$ _____ DATE RECEIVED: _____
UTILITIES: <u>WATER</u> <u>WELL</u> <u>SEWER</u> <u>SEPTIC</u> <small>(PLEASE CIRCLE)</small>	RECEIVED BY: _____ <small>(FOR OFFICE USE ONLY)</small>

ZONING REQUEST:

ZONING SECTION: _____

PROPOSED USE: _____

PRESENT USE: _____

- **I HEREBY AFFIRM:** That I am the owner or agent authorized to make this application and that the information I have provided is correct to the best of my knowledge. **(Provide letter of authorization from owner)**
- 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.
- That I have been advised by staff of the requirements and standards for zoning relief per the Zoning Ordinance.

_____/_____
Print/and Signature of Owner/Authorized Agent

Subscribed and sworn to before me this:

_____ Day of _____, _____

Street

Notary Public

City, State, Zip



Area Code and Telephone Number

Owner Name : _____

Owner Address: _____/Phone: _____

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

#2. DOCUMENT SUBMITTAL REQUIREMENTS:

1. **ZONING BOARD OF APPEALS APPLICATION FORM.** (See Front Page #1)
2. **1 COPY OF THE CURRENT PLAT OF SURVEY WITH ACCURATE LEGAL DESCRIPTION:** Only full-sized to scale copies will be accepted:
 - A. One (1) full sized copy required, showing legible seal and signature from a licensed surveyor. Surveys must be scaled: 1"=10'; or 1"=20"; or 1"=30'.
 - B. If survey is over one (1) year old, provide an affidavit from a registered land surveyor stating that the survey is true and accurate.
3. **10 COPIES OF THE SITE PLAN:** Site Plan must be scaled: 1"=10'; or 1"=20'; or 1"=30'
 - A. Ten (10) copies required.
 - B. Indicate and label all proposed structures and buildings on the property to scale with dimensions, including distance to the lot lines, cantilevers, stoops, retaining walls, etc.;
 - C. Indicate and label all dimensions from lot lines and other structures;
 - D. Indicate all easements and attachments;
 - E. Indicate location of well, septic tank and septic field (*if applicable*).
 - F. Indicate existing and proposed off-street parking, signs, lighting (*if applicable*).
 - G. Topography and/or a notation regarding grading **may** be required relative to a unique drainage situation.
4. **PROOF OF OWNERSHIP:**
 - A. Please provide a tax bill or trust deed showing current owner of the property; and
 - B. If the applicant is the agent representing the owner please submit a letter from the owner authorizing the applicant to apply for the zoning relief.
 - C. If the property is in trust please complete and return the attached form, "Compliance with "an act to require disclosure of all beneficial interests" chapter 765, section 405/1 Illinois Compiled Statutes (1993)". (Typically you can provide this form to a bank they will complete the form).
5. **PAYMENT OF APPROPRIATE FEE WHEN APPLICATION IS FILED.** (See attached "#5- Zoning Fee Schedule".)
6. **KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT.** (See attached "#6 "Kane-DuPage Soil and Water Conservation Form". Please complete and mail to Kane-DuPage Soil and Water Conservation District. See attached,)

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.

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#3. 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: Sec. 37-14.11-3.

- 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.

CONDITIONAL USE: Sec. 37-14.13.5.

- 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.

REZONING (MAP AMENDMENT): Sec. 37-14.12-3.

- 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.

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#4. THE PATH OF THE ZBA PETITION

A. **PUBLIC HEARING PRESENTATION:** Petitioner or agent must attend the Public Hearing and present the following testimony:

1. The type of zoning relief being requested;
2. The location of the property and surrounding land uses and zoning classifications;
3. “Standards For Zoning Relief”, relative to either a Variation, a Conditional Use and/or a Map Amendment (re-zoning) as outlined hereinabove. (Page #2 of this handout);
4. Submit one (1) copy of the current plat of survey, (plats submitted at time of application have been distributed and are not available at the public hearing).
5. Submit one (1) copy of the site plan (site plans submitted at time of application have been distributed and are not available at the public hearing)
6. Any other supporting material as official petitioner’s exhibits. If you plan to submit petitions from neighboring homeowners, the petition must be notarized.

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

B. **PUBLIC TESTIMONY:**

1. Petitioner should be prepared to answer questions from the Zoning Board, staff, and members of the public.
2. Questions shall be directed to the Zoning Board of Appeals Chairman. (See attached Procedures).
3. All witnesses giving testimony will be sworn in.

C. **ZBA RECOMMENDATIONS:**

1. The recommendation of the ZBA is sent to the County Development Committee for consideration.
2. The Zoning Board of Appeals generally makes recommendations on the first Thursday of each month. However, the ZBA may make a recommendation the night of the public of public hearing.
3. The ZBA Recommendation will be to grant, deny, or defer a petition.
4. The ZBA Recommendation Meeting is closed and no additional testimony is taken at this meeting. However the public is invited to attend the proceedings.

D. **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 10:00 a.m. in room 3500A of the County Administration Building.

E. **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 appeals.
2. The County Board currently meets at 10:30 a.m. in the County Board Chambers of the County Administration Building.

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#5-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 an 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			

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**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

#6. KANE-DUPAGE SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION APPLICATION

LAND USE OPINION APPLICATION

Kane-DuPage Soil and Water Conservation District
545 S. Randall Road, Saint Charles, IL 60174-1592
(630) 584-7961 Ext. 3

PETITIONER: _____

ADDRESS: _____

CONTACT PERSON: _____

ADDRESS: _____

TELEPHONE: _____

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

Location: Township Name: _____

Section(s) _____

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

Please allow 30 days for inspection, evaluation and processing. Project or Subdivision Name _____

- TYPE OF PROPOSAL:** Change in Zoning from _____ to _____
 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 (if applicable) _____

PROPOSED IMPROVEMENTS: (check all applicable items)

Planned Structures:

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

Open Space:

- ___ Park/Playground Areas
- ___ Common Open Space Areas
- ___ Conservation Area
- ___ Other _____

Water Supply:

- ___ 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 _____

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

- PLAT OF SURVEY/SITE PLAN showing legal description, legal measurements
- SITE PLAN/CONCEPT PLAN showing lots, streets, storm water detention areas, open areas, etc.
- LOCATION MAP (if not on maps above)-include distances from major roadways and/or section lines
- ZONING or LAND USE PETITION filed with unit of government (if relevant)

IF AVAILABLE:

- TOPOGRAPHY MAP

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- DRAWING SHOWING LOCATION OF FIELD TILE AND/OR DRAINAGE PATTERNS
 COPY OF SOIL BORING AND/OR WETLANDS STUDIES PERFORMED ON SITE

THE FEE, ACCORDING TO THE SCHEDULE, MUST ACCOMPANY THIS APPLICATION
EFFECTIVE January 1, 2002

\$325.00 for 1-3 acres or fraction thereof

\$350.00 for 4-5 acres or fraction thereof

PLUS \$15.00 for each additional acre or fraction thereof from 6 to 200 acres

PLUS \$12.00 for each additional acre or fraction thereof over 200 acres

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.

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.”

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**LAND USE OPINION FEE SCHEDULE
EFFECTIVE January 1, 2002**

\$325.00 for 1-3 acres or fraction thereof

\$350.00 for 4-5 acres or fraction thereof

PLUS \$15.00 for each additional acre or fraction thereof from 6 to 200 acres

PLUS \$12.00 for each additional acre or fraction thereof over 200 acres

\$55.00 processing fee if no report is required

Acre	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee	Ac	Fee
1	325	21	590	41	890	61	1195	81	1490	101	1790	121	2100	141	2400	161	2700	181	2900
2	325	22	605	42	910	62	1210	82	1505	102	1810	122	2115	142	2415	162	2715	182	2915
3	325	23	620	43	925	63	1225	83	1520	103	1825	123	2130	143	2430	163	2730	183	2930
4	350	24	635	44	940	64	1240	84	1535	104	1840	124	2145	144	2445	164	2745	184	2945
5	350	25	650	45	955	65	1255	85	1550	105	1855	125	2160	145	2460	165	2760	185	2960
6	365	26	665	46	970	66	1270	86	1565	106	1870	126	2175	146	2475	166	2775	186	2975
7	380	27	680	47	985	67	1285	87	1580	107	1885	127	2190	147	2490	167	2790	187	2990
8	395	28	695	48	1000	68	1300	88	1595	108	1900	128	2205	148	2505	168	2805	188	3005
9	410	29	710	49	1015	69	1315	89	1610	109	1915	129	2220	149	2520	169	2820	189	3020
10	425	30	725	50	1030	70	1330	90	1625	110	1930	130	2235	150	2535	170	2835	190	3035
11	440	31	740	51	1045	71	1345	91	1640	111	1945	131	2250	151	2550	171	2850	191	3050
12	455	32	755	52	1060	72	1360	92	1655	112	1960	132	2265	152	2565	172	2865	192	3065
13	470	33	770	53	1075	73	1375	93	1670	113	1975	133	2280	153	2580	173	2880	193	3080
14	485	34	785	54	1090	74	1390	94	1685	114	1990	134	2295	154	2595	174	2895	194	3095
15	490	35	800	55	1105	75	1405	95	1700	115	2010	135	2310	155	2610	175	2910	195	3110
16	515	36	815	56	1120	76	1420	96	1715	116	2025	136	2325	156	2625	176	2925	196	3125
17	530	37	830	57	1135	77	1430	97	1730	117	2040	137	2340	157	2640	177	2940	197	3140
18	545	38	845	58	1150	78	1445	98	1745	118	2055	138	2355	158	2655	178	2955	198	3155
19	560	39	860	59	1165	79	1460	99	1760	119	2070	139	2370	159	2670	179	2970	199	3170
20	575	40	875	60	1180	80	1475	100	1775	120	2085	140	2385	160	2685	180	2985	200	3285

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#7. 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.

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- 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.

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- 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 appeals 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)

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

- (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.

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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 form.

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.