



Administrative Appeal Information

Zoning Board of Appeals

Lake County Planning, Building and Development Department

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Telephone (847) 377-2600 • Email: LCPermits@lakecountyil.gov • Fax (847) 984-5854

Website: <http://lakecountyil.gov/185/planning-building-development>

Introduction

The information contained in this package is to help you become familiar with the various requirements which must be met before an application for an appeal is accepted and also to prepare you to provide testimony and address any questions which might be raised at the public hearing.

Illinois Compiled Statutes, Chapter 55, Section 5/5 -12011 and 5/5 -12012 contain statutory provisions relating to an Administrative Appeal.

Once your application is accepted, the entire appeal process generally takes about 2 to 3 months to complete. Careful and proper preparation of your application is essential and, in the long run, will save considerable time and expense for both yourself and the County.

If you should have any questions, please feel free to call the Lake County Planning, Building and Development Department at (847) 377-2600. If you wish to visit the office to discuss your application, please call ahead for an appointment.

Before Filing the Application

You are strongly urged to meet with the Staff of the Zoning Board of Appeals (ZBA) before preparing an application. The Staff will advise you on the correct form to use, how to complete the application, explain the procedures involved and attempt to identify potential problems which might be encountered. You should also obtain a copy of Chapter 151 of the Lake County, Illinois Code of Ordinances (the Lake County Code) available from the Lake County Planning, Building and Development Department or on-line at <http://www.lakecountyil.gov/2051/Unified-Development-Ordinance> and become familiar with the standards and requirements applicable to the property subject of an appeal.

An appeal may be taken by any aggrieved person or by an officer, department, board or bureau of the County. **An appeal shall be taken within thirty-five (35) days after the date of the administrative officer's decision.** A copy of the application shall be filed with the officer from whom the appeal is taken, and an original copy shall be filed with the office of the ZBA.

Filing the Application

The following documents, information, and the correct filing fee must be submitted in proper form before any application will be accepted for processing.

- **The Application:** The application must be prepared in essentially the same format as the attached sample application (Page 6 & 7).
- **Application Fee:** The application fee shall be paid at the time of filing an application. Lakecountyil.gov/3678/Fee-Schedule
- **Disclosure:** Whenever applicable, the following disclosures must be made:

When the applicant is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All applicants shall be verified by the applicant in his or her capacity as trustee.

When the applicant is a corporation, the applicant shall include the correct names and addresses of all officers and directors of the corporation and the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.

When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.

When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

- **Plans:** If the appeal involves a parcel of land, certain information should be graphically shown on maps which must accompany an application. If any map to be submitted measures larger than 11" by 17", fifteen copies of such map must be submitted. The following information may be shown on these maps:
 - ✓ The parcel subject to the appeal (a plat of survey is preferred, if available).
 - ✓ The dimensions and acreage (or square footage) of the subject parcel.
 - ✓ The location of all improvements, if any, on the subject property and the distances of these improvements from all property lines.
 - ✓ All existing **uses** (e.g. "house", "pastureland", "gas station", etc.; not to be confused with zoning district) on all adjacent properties.
 - ✓ Approximate locations of natural resources such as steep slopes, woodlands, floodplain, etc. (as defined by the UDO) present on the property.

The Public Hearing

The public hearing is generally held approximately five weeks after an application is accepted and filed. The time of the hearing is scheduled by the ZBA, and the hearing is held in the Central Permit Facility, Libertyville, IL. The attached sheet (page 4) outlines the procedure followed by the ZBA at the public hearing. In addition to the filing fee, you will be billed separately for the cost of publishing the legal notice of the hearing in the newspaper. Further, in all cases it is required that a court reporter be present to transcribe the proceedings and to provide a copy of the transcript to the office of the ZBA. If you wish to arrange for a court reporter, you must so inform staff when you file the appeal, otherwise staff will schedule a court

reporter and you will be billed separately. In either case, you are responsible for all costs incurred.

After the Public Hearing

Once the public hearing is concluded, the ZBA, may make its determination on the day of the hearing after the testimony has concluded or it may take the application under advisement. A decision may not be reached until the monthly review meeting of the ZBA which is held on the first Friday of each month. These meetings are open to the public. However, no additional evidence or testimony is accepted unless such was specifically requested at the public hearing.

One continuation of the hearing is allowed. A fee will be assessed whenever a further continuation is requested by the applicant or is required due to the failure of the applicant to produce evidence previously requested by the Board.

The ZBA will generally make its decision within five weeks of the hearing. This determination will depend upon when, during the month, the hearing was held, the adequacy of the evidence submitted and the receipt of the transcript. The ZBA is required to render a written decision within 30 days of the receipt of the hearing transcript. The decision of the ZBA is final. An affirmative vote of four members of the ZBA is required in order to reverse any order, requirement, decision or determination of any administrative official.

Again, the entire process generally takes from 2 to 3 months to complete from the date the application is filed.

**LAKE COUNTY ZONING BOARD OF APPEALS
PROCEDURE OF HEARING FOR AN ADMINISTRATIVE APPEAL**

1. CALL MEETING TO ORDER.
2. ROLL CALL AND DETERMINATION OF QUORUM.
3. PLEDGE OF ALLEGIANCE (if flag is present).
4. PRELIMINARIES BY CHAIRMAN: State purpose of hearing, acknowledge legal publication, and explain procedure to be followed for the remainder of the hearing.
5. ACKNOWLEDGEMENT OF COMMENTS RECEIVED FROM THE COUNTY DEPARTMENTS, OTHER AGENCIES AND PUBLIC.
6. PUBLIC COMMENT OR STATEMENT BY ANY INDIVIDUAL ATTENDING THE HEARING. Public Comment does not qualify as testimony at the hearing and thus shall not be subject to judicial review. Each individual wishing to comment or provide an oral statement shall complete and submit to the Chairman a Public Comment Request Form. The form should be submitted prior to the time for Public Comment. Public Comment shall be subject to the following rules and procedures:
 - a. The total time available for Public Comment during any meeting shall be limited to 45 minutes, unless the Chair waives the rule. The Chair shall not be required to allow every person who wishes to address the Board to do so where the comments are repetitive of prior comments. Any person who is not allowed to make remarks during Public Comment shall be permitted to submit written Comments to the Board Secretary.
 - b. Each person will be permitted to speak one time only.
 - c. Each person speaking shall be permitted to speak for no more than three (3) minutes.
 - d. All comments must be civil in nature. Any person who engages in threatening, slanderous or disorderly behavior when addressing the Board may be deemed out of order by the Chair and his or her time to address the Board at said meeting shall end.
7. ADMINISTRATION OF OATH: The Chair will administer the oath of those who wish to testify.
8. PRESENTATION OF EVIDENCE BY THE APPELLANT OR HIS/HER REPRESENTATIVE.
 - a. Opening Statement.
 - b. Testimony by the appellant and/or his/her representatives/witnesses.
 - c. Questioning of each witness by the members of the ZBA.
 - d. Questioning of each witness by the administrative official and/or his/her representative.
 - e. Questioning of each witness by any person attending the hearing.
 - f. Close of appellant's evidence.
9. PRESENTATION OF EVIDENCE OF THE ADMINISTRATIVE OFFICIAL.
 - a. Opening statement.
 - b. Testimony by the administrative official and/or his/her representatives/ witnesses.

- c. Questioning of each witness by the members of the ZBA.
- d. Questioning of each witness by the appellant and/or his/her representative.
- e. Questioning of each witness by any person attending the hearing.
- f. Close of administrative official's evidence.

10. PRESENTATION OF EVIDENCE BY INTERESTED PARTICIPANTS ATTENDING THE HEARING.

- a. Presentation of statements, testimony or evidence by any witness.
- b. Questioning of each witness by the members of the ZBA.
- c. Questioning of each witness by the appellant, administrative official or other persons attending the hearing.

11. REBUTTAL BY APPELLANT.

12. CLOSING STATEMENT BY THE APPELLANT OR HIS/HER REPRESENTATIVE, IF DESIRED.

13. CLOSING STATEMENT BY THE ADMINISTRATIVE OFFICIAL OR HIS/HER REPRESENTATIVE, IF DESIRED.

14. CLOSING OF TESTIMONY.

15. ZBA DECISION - The ZBA may make its decision on an appeal immediately or may take the matter under advisement and consider it at a subsequent review meeting. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done. The decision of the ZBA shall be in writing. The basis for the determination of the appeal and a detailed summary of the findings of fact upon which the determination is made shall be recorded in the decision and shall constitute a part of the record thereof.

16. ADJOURNMENT.

NOTE: This is a guide to be used in the preparation of an original petition.
APPEAL

TO: ZONING BOARD OF APPEALS
Central Permit Facility
Libertyville, IL 60048

Now come _____ and petitions the Lake County
(Name of Applicant)

Zoning Board of Appeals to review the decision of

(Name of Department rendering decision)

which adversely affects petitioner and, in support of this appeal, alleges as follows:

1. That on _____, _____ has
(Date) (Name & Title of official being appealed)

(Explain nature of decision)

2. That this decision was issued relative to property legally described as:

(Insert legal description of the property)

3. Which is located at _____ in _____
Township, Lake County, Illinois, a map of which is attached.

4. That petitioner believes this decision is in error in that:

(Explain reasons for disagreement with decision)

WHEREFORE, your petitioner prays that the Lake County Zoning Board of Appeals direct
_____ to _____
(Name of Department of official being appealed) (Insert action desired: i.e.- issue its
permit, approve petitioner's site plan, etc.)

Name

Address

Date

State of Illinois)
) SS
County of Lake)

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that _____, personally known to me is (are) the person(s) who executed the foregoing instrument bearing the date of _____ and appeared before me this day in person and acknowledged that he (they) signed, sealed and delivered the same instrument for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____

(Seal) My Commission expires _____.

Note: It is solely the responsibility of the applicants to make sure that all information submitted, including the legal and general description of the property, is accurate as the information will be used for publication of the legal notice required by the Statutes. The County disclaims all responsibility if any of the information submitted by applicants is inaccurate.

The required filing fee and the “court reporter acknowledgement” must accompany the Appeal.

Regardless of the final action on your appeal, all fees including application fee and publication costs are non-refundable. (Lakecountyil.gov/3678/Fee-Schedule)

COURT REPORTER ACKNOWLEDGEMENT

CHECK ONE OF THE FOLLOWING:

I authorize the County to act on my behalf to retain a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I further agree to pay the Reporter reasonable fees for his/her services. If I do not pay the Reporter and the County is invoiced and pays the Reporter, I agree to reimburse the County. If the County sues to obtain reimbursement, I agree to pay the County its reasonable attorney's fees in bringing suit and obtaining a judgment.

I will furnish a Certified Shorthand Reporter to transcribe the public hearing and provide a transcript to the Zoning Board of Appeals. I realize that the failure to do so may result in the continuation of the public hearing in which case I agree to reimburse the County for all additional expenses caused by such continuation.

Signature

THIS SIGNED ACKNOWLEDGEMENT MUST ACCOMPANY YOUR APPLICATION