

**PLAN/ZONING BOARD OF APPEALS
APPLICATION PROCEDURE
AND
HEARING PROCESS**

These instructions are provided to help in preparing a Plan/Zoning Board Application. Delay in scheduling your hearing can be minimized by complete and timely submission of all required information and documents. **APPLICATION MUST BE COMPLETE AND SIGNED. A HEARING DATE WILL NOT BE ASSIGNED UNTIL APPLICATION IS SUBMITTED.**

I. PROCEDURE AFTER APPLICATION IS SUBMITTED

- a) Staff will review the Application and then you will then be notified by phone and mailed a confirmation letter for your assigned hearing date.
- b) The City will place a legal notice in a local newspaper. The notice will be placed not less than fifteen (15) days nor more than thirty (30) days in advance of the hearing date. The notice will state the nature of the hearing, address of property, name of applicant, and the date, time and place of the hearing.
- c) The City will post a Public Hearing Notice sign on the property not less than fifteen (15) days nor more than thirty (30) days prior to the hearing.
- d) **The Applicant is responsible for mailing (*certified mail*)** the Notice to Property Owners of all properties, which lie within 350 feet of the property lines of subject property. (Please note it is also possible for the applicant to go door-to-door to obtain signatures. This should first be discussed with the Building Director). This information must be obtained from the Wheeling Township Assessor's Office, 1616 North Arlington Heights Road, Arlington Heights, IL, telephone number: 847/259-1515. The Wheeling Township Assessor's Office requires a copy of the City of Prospect Heights confirmation letter notifying the owner of the hearing date. Instructions will then be given by the Wheeling Township Assessor's Office. The Wheeling Township Assessor's Office requires 3-5 business days to process the request.

The Notices **MUST** be mailed not less than 15 days nor more than 30 days prior to the hearing. Receipts of certified mailings **MUST** be presented as evidence on the day of the hearing. **IF SAID PROOF IS NOT FURNISHED, THE HEARING WILL NOT PROCEED.**

II. AT THE HEARING

When the Chairman calls your case, he/she will first enter various exhibits into the record. He/she will then swear in the applicant and anyone else who will present testimony on the applicant's behalf. You should be prepared to briefly state your request and then be prepared to answer board members questions.

Other parties present will then be given an opportunity to ask questions or state opinions.

You may elect, but are not required to be represented by an attorney, or bring expert witnesses to the hearing.

The Board can take one of three actions on a case:

1. Vote to recommend approval
2. Vote to recommend denial
3. Vote to continue the case because further information is required.

The Chairman will prepare a report to the City Council on the results of the hearing. The Plan/Zoning Board of Appeals is a recommending body only and the final decision is made by the City Council.

III. AT THE CITY COUNCIL MEETING

The recommendation of the Board is then placed on the next City Council meeting agenda. (The City Council meets on the first (1st) and third (3rd) Mondays of every month). The application will go through three City Council Meetings:

1st Meeting – City Council votes on the request and, if the vote is favorable, they will direct staff to prepare and ordinance.

2nd Meeting - City Council votes on the first reading of the ordinance.

3rd Meeting – City Council votes on the second reading of the ordinance and the ordinance goes into effect ten (10) days after the date of the meeting.

It is possible to shorten this process by requesting City Council to waive first reading on the Ordinance. A letter should be written to the Mayor explaining the reason why you are requesting that the first reading be waived.

IV. Final Steps

Assuming that the City Council grants approval, the ordinance goes into effect ten (10) days after the second reading. Building permits can be submitted the day after the second reading, but will not be approved until the ordinance is in effect.

Building permits must be submitted within one year after the ordinance is approved, or the process will have to be repeated. One six-month extension can be granted if you request it in writing to the Plan/Zoning Board of Appeals.

STANDARDS FOR VARIATIONS

Section 11.08G of the City of prospect heights Zoning Ordinance states as follows:

The Zoning Board of Appeals shall not recommend variation of the regulations of this ordinance unless it shall make findings of fact based upon the evidence as presented that:

- 1. Special conditions and circumstances exist which are peculiar to the land, structure of building involved and which are not applicable to other lands, structures, or buildings in the same district.*
- 2. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*
- 3. The alleged hardship has not been directly created by any person presently, or a predecessor in interest, having a proprietary interest in the premises.*
- 4. The proposed variation will not be materially detrimental to the public welfare of injurious to other property or improvements in the neighborhood.*
- 5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger or fire, or endanger the public safety.*
- 6. The proposed variation will not alter the essential character of the locality.*
- 7. The proposed variation is in harmony with the spirit and intent of this Ordinance.*
- 8. Granting the variation requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*
- 9. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts, shall be considered grounds for issuance of a variation.*
- 10. The Plan/Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variation, and that the variation is the minimum variation that will make possible the reasonable use of the land, building, or structure.*
- 11. The Plan/Zoning Board of Appeals shall further make a finding that the granting of the variation will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

The Board may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

**NOTICE TO PROPERTY OWNERS
PLAN/ZONING BOARD OF APPEALS
PUBLIC HEARING**

Date of Hearing: _____

Time of Hearing: **7:00 p.m.** _____

Place of Hearing: **Prospect Heights Park District
110 W. Camp McDonald Rd
Prospect Heights, IL 60070**

**Subject Property
Address:** _____

Explanation of Request: _____

Legal Description: _____

Name of Applicant: _____

Address of Applicant: _____

This notice must be postmarked for service not less than 15 days, nor more than 30 days before the date of the public hearing. Service must be made to the owners (those persons whose names appear in the tax records) of all property owners within 350 feet in each direction of the lot lines of the subject property. The number of feet occupied by all public roads, streets, alleys and other public ways shall not be included in computing this 350 feet requirement. In no event shall this requirement exceed 450 feet (including public roads, streets, alleys and other public ways).

PLAN/ZONING BOARD OF APPEALS
2007 MEETING SCHEDULE

***Special Note: Application will be reviewed by Staff before a Plan/ZBA Meeting Date is assigned.**

PLAN/ZBA MEETING

January 25, **2007**

February 22

March 22

April 26

May 24

June 28

July 26

August 23

September 27

October 25

November 29

December NO MEETING

January 24, 2008