

CHAPTER 1

ZONING BOARD OF APPEALS

SECTION:

- 2-1-1: Creation and Membership
- 2-1-2: Meetings
- 2-1-3: Minutes and Records
- 2-1-4: Jurisdiction
- 2-1-5: Powers of the Board
- 2-1-6: Appeals to the Board

2-1-1: **CREATION AND MEMBERSHIP:** A Board of Appeals is hereby established. The word "Board", when used herein, shall be construed to mean the Board of Appeals. The Board of Appeals shall consist of seven (7) members appointed by the President of the Village with the approval of the Village Board of Trustees.

The term of office of the members shall be five (5) years, excepting that the seven (7) members first appointed shall serve, respectively, for terms as follows:

- One for 1 year,
- One for 2 years,
- One for 3 years,
- One for 4 years,
- One for 5 years,
- One for 6 years, and
- One for 7 years.

After such first appointment, one member shall be appointed annually for a term of five (5) years. One of the members so appointed shall be named as chairman, at the time of his appointment, by the Village President. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

The Board of Trustees shall have the power to remove any member of the Board of Appeals for cause and after public hearing thereon.

2-1-2: **MEETINGS:** All meetings of the Board of Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. A quorum of the Board shall consist of four (4) members.

2-1-3: **MINUTES AND RECORDS:** The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of said Board and shall be a public record.

2-1-4: **JURISDICTION:** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector. The Board shall also hear and decide all matters referred to it or upon which it is required to pass under the zoning regulations of the Village. The concurring vote of four (4) members of the Board is necessary to reverse any order, requirement, decision or determination of the Building Inspector, to decide in favor of the applicant any matters upon which it is required to pass hereunder, to effect any variation of the zoning regulations or to recommend any variation or modification in said zoning regulations, to the Board of Trustees.

2-1-5: **POWERS OF THE BOARD:** Except as otherwise provided in the zoning regulations of the Village, the Board shall not have the power to change the classification of property as shown on the "Zoning District Map" nor to make any changes in the regulations of said zoning provisions, but shall have only the following powers:

A.

To adopt, from time to time, such rules and regulations as may be deemed necessary to carry into effect the provisions of the zoning regulations.

B.

To interpret the provisions of the zoning regulations and to hear and decide appeals where it is alleged there is an

error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of the zoning regulations.

C.

To permit public utilities and public service uses and structures in any district when found to be necessary for the public health, convenience or welfare.

D.

To permit a temporary building for commerce or industry in the Family Residence District which is incidental to the residential development, such permit to be issued for a period of not more than one year.

2-1-6: **APPEALS TO THE BOARD:** An appeal to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule by filing with the Building Inspector and with the Board a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board the papers constituting the record upon which the action appealed from was taken.

A.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, or notice to the Building Inspector and on due cause shown.

B.

The Board shall fix a reasonable time for the hearing of the appeal, and shall give due notice thereof to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end has all the powers of the Building Inspector.

C.

A fee of Ten Dollars (\$10.00) is required to cover the costs of publication of the notice or notices of the public hearing and shall be paid to the Building Inspector at the time the notice of appeal is filed, which official shall forthwith pay over to the Village Treasurer, to the credit of the general revenue fund of the Village.