



## ZONING & BUILDING SAFETY

ZONING BOARD OF APPEALS

# ADMINISTRATIVE APPEAL APPLICATION

AND INSTRUCTIONS

## INTRODUCTION & INSTRUCTIONS

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 at the Zoning Board of Appeals (ZBA).

Illinois Compiled Statutes, Chapter 55, Section 5/5 -12011 and 5/5-12012 et. seq. contains statutory provisions relating to Special Use Permits. Once your application is accepted, the entire appeal process generally takes approximately 30 to 45 days to complete. Careful and proper preparation of your application is essential and, in the long run, you will save considerable time and expense for both yourself and the County. If you should have any questions, please feel free to contact the Rock Island County Zoning & Building Safety Department at (309) 558-3771. If you wish to visit the office to discuss your application, please call ahead for an appointment.

### What is an Appeal?

An administrative appeal is a legally contested order or decision of the zoning administrator. Decisions that are appealed to the ZBA as an administrative appeal include appeals of zoning administrative decisions, such as:

- Ordinance ambiguity or interpretation,
- Reasonableness or accuracy of measurements,
- Issuance of permitted uses, or
- Whether the administrative official had authority to make a decision.

The applicant has the burden of proof to demonstrate that the administrative decision is incorrect or unreasonable.

### Before Filing the Application

You are strongly urged to meet with the Zoning Administrator before preparing an application. The Zoning Administrator 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. An appeal may be taken by any aggrieved person or by an officer, department, board or bureau of the County. An original application shall be filed with the Planning & Zoning Department.

### 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 is two parts. The first is this document explaining more detail your property and your request. The second part is a form auto-generated by staff within the office permit program. The Appeal process cannot begin without the application being fully completed by the appellant and submitted to the Zoning & Building Safety Department. It is extremely important that the application be filled out completely.
- **Owner's Consent:** The owner shall consent to allow staff & the ZBA to enter upon the property described on this application for the purpose of inspection and determining the appropriateness of the petition. See Appendix A.
- **Disclosure of Interest:** Whenever applicable, See Appendix B, for 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 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, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent 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.
- **Site Plan:** A site plan could be provided as a supplement to the Appeal showing all existing and proposed buildings and structures on the site with pertinent setback lines. This should be drawn to scale on no larger than 11"x17" and be reproducible. This may include: Traffic circulation pattern (arrows illustrating direction of traffic flow); Parking and loading areas and individual berths; Proposed sewerage and water systems; Placement of exterior lighting; Landscaping, existing and proposed; General surface water drainage patterns, ponding areas, SFHA, etc.
- **Staying of Work on Premises.** An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrative Officer certifies to the ZBA, after the application for appeal has been filed, that by reason of acts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property.
- **Application Fee:** The appellant is responsible for paying the required \$100 filing fee, along with all publication fees, which are billed at cost. Fees for all permits (if applicable) will be charged in addition to the above fees.

## **After the Application is filed and Before the Public Hearing**

Upon receipt of an application, the Department begins processing of said application and preparing the file. Letters of notification are prepared and sent to the Township Supervisor and the County Board member representing the township or district of the subject site and to all affected parties. A public notice is prepared and published in a local newspaper at least fifteen (15) days prior to the public hearing with the ZBA. A Staff Report is completed prior to the meeting of the ZBA.

## **The Public Hearing**

This is where all testimony will be taken. 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 Rock Island County Office Building or other location designated by the ZBA.

## **After the Public Hearing**

Once the public hearing is concluded, the ZBA may make its recommendation on the day of the hearing after the testimony has concluded or it may take the application under advisement and make its determination at a continued meeting date. The decision of the ZBA is final. An affirmative vote of three 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 30 to 45 days to complete from the date the application is filed.**



# Administrative Appeal Application

Return Completed Form To: Zoning & Building Safety Dept, 1504 3rd Ave., Room 305, Rock Island, IL 61201

## SECTION A – SUPPLEMENTAL APPLICATION

1. **Name(s) of Property Owner(s):** \_\_\_\_\_

(Must be the legal names of all owner(s) with a 20% or more interest in the property. See Appendix A & B)

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Telephone: \_\_\_\_\_  
(Home) (Business) (E-mail)

2. **Petitioner (if different from owner):** \_\_\_\_\_

(Must be the legal names of all owner(s) with a 20% or more interest in the property. See Appendix B)

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Telephone: \_\_\_\_\_  
(Home) (Business) (E-mail)

3. **Contact Person (if different from owner):** \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Telephone: \_\_\_\_\_  
(Home) (Business) (E-mail)

4. **Property Information:**

Property Address: \_\_\_\_\_

Political Township: \_\_\_\_\_ Township: \_\_\_\_\_ Section: \_\_\_\_\_ Range: \_\_\_\_\_

PIN: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ Parcel Size: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

PIN: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ Parcel Size: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

PIN: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ Parcel Size: \_\_\_\_\_ Zoning Classification: \_\_\_\_\_

Surrounding Zoning Classifications:

North: \_\_\_\_\_ East: \_\_\_\_\_ South: \_\_\_\_\_ West: \_\_\_\_\_

Land Use – Current: \_\_\_\_\_ Proposed: \_\_\_\_\_

School District(s): \_\_\_\_\_, \_\_\_\_\_

Fire Protection District: \_\_\_\_\_

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## SECTION B –APPEAL

1. Have you received a violation notice from the Zoning Administrator?  Yes  No
2. Has a development permit been denied?  Yes  No
3. State exactly what is intended to be done on or with the property which conflicts with the Zoning Administrator's order, requirement, decision or determination.

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4. Identify how the Zoning Administrator's decision is not clearly supported by the text of the appropriate sections of the Zoning Ordinance and/or how the Zoning Administrator's decision is contrary to the intent of the Zoning Ordinance.

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5. What unique and unusual adverse effect does the Zoning Administrator's decision have or will have on the reasonable use, enjoyment and value of the property?

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**Note: Use multiple copies of this page for each separate violation or code section to be appealed.**



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## SECTION C – PETITIONER’S CERTIFICATE

I hereby attest that I understand the request and consent to the filing of the petition and consents to the Rock Island County Zoning Administrator or his/her designee(s) and the Zoning Board of Appeals permission to enter upon the property described on this application for the purpose of inspection and determining the appropriateness of the pending proposed petition, and hereby release such person from any liability based in whole or in part on the inspection of the site in question.

AFFIDAVIT

STATE OF ILLINOIS }

} SS

COUNTY OF ROCK ISLAND }

Before me, the undersigned Notary Public, in the County of \_\_\_\_\_, State of \_\_\_\_\_, personally appeared \_\_\_\_\_, who, being duly sworn upon his oath deposes and says: (Print Name)

I (we) hereby certify that all the facts and statements made in this petition are true to the best of my knowledge, and that there are no restrictions, covenants or limitations which are filed of record in Rock Island County, Illinois, which limit or effect the request that we are submitting.

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public



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## APPENDIX A - OWNER'S CONSENT

RE: Application/Permit/Case Number: \_\_\_\_\_

I (print property owner's name) \_\_\_\_\_

understand that (print applicant name) \_\_\_\_\_

is petitioning for a(n) (explain request) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

at (list address) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_;

Parcel ID (s): \_\_\_\_\_

with the Rock Island County Department of Zoning & Building Safety.

I hereby attest that I understand the request and consent to the filing of the petition by the applicant listed above and consents to the Rock Island County Zoning Administrator or his/her designee(s) and the Zoning Board of Appeals permission to enter upon the property described on this application for the purpose of inspection and determining the appropriateness of the pending proposed petition, and hereby release such person from any liability based in whole or in part on the inspection of the site in question.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

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## APPENDIX B - DISCLOSURE OF INTEREST

**RE: Application/Permit/Case Number:** \_\_\_\_\_

- 1. Statement of Status:**       Applicant  
 (circle one or both)               Owner

**2. Type:**

- Individual(s)
- Alter Ego or representative of Individual(s). List names of the actual true principal.
- Land Trust. The applicant is a land trust or trustee of a 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.
- Corporation. The applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
- Business Entity. 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.
- Other (circle one). 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.

**3. List name, address, title, and ownership percentage of all officers:**

Name	Address	Title	%