

Memo

To: Trustee Messer
From: Robert Kosin
CC: Board of Trustees, Village President
Date: October 22, 2012
Re: Zoning Board of Appeals Rules

The Zoning Board of Appeals at its meeting of October 15, 2012 adopted, with assistance of Village Attorney, additions to its rules regarding the production of the required proof of notice.

No action is required of the Board of Trustees and the ZBA will implement going forward.

**VILLAGE OF BARRINGTON HILLS
RULES OF THE ZONING BOARD OF APPEALS
EFFECTIVE OCTOBER, 2012**

1. One original and eight copies of the type written petition and all supplemental attachments (surveys, legals, plats, plans, etc.) shall be provided when the petition is filed, at least 30 days before hearing date.
2. The petition shall be signed by the legal owner (s) or the written consent of the legal owner (s) shall be provided separately. Evidence of legal ownership shall be provided with the petition.
3. The petition shall be sworn to.
4. A plat of survey shall be provided detailing the improvements involved and where necessary, or in cases where they may be affected, detailing the improvements or uses of adjoining properties.
5. Special Uses involving artificial lakes, land-fills or private landing fields for aircraft shall require soil boring data, elevation and/or topographical surveys, and engineering studies addressing existing and changed conditions for drainage, topography, vegetation. etc.
6. The petition shall contain the following minimum information:
 - (a) Names and addresses of all owners, including beneficiaries of land trusts of the property in question;
 - (b) Names and addresses and tax property index numbers of all owners of the contiguous and adjoining properties;
 - (c) Legal description and local address of the property involved; if the petition relates to more than one lot, all legal descriptions must be given;
 - (d) A specific description of the relief requested shall be detailed; and
 - (e) Factual statements supporting the requested relief as they pertain to the requirements of the specific sections of the Zoning Ordinance.
7. The petitioner shall conform to the following notice requirements:
 - (a) The petitioner shall serve notice of the petition and hearing date upon the owners of all contiguous or adjoining properties within 250 feet of petitioner's property. The petitioner shall ascertain the owners of such properties by obtaining a copy of the applicable tax map. The mailing of a notice pursuant to this subparagraph addressed to the name and address on the most recent County real estate tax records shall be deemed a

- satisfaction of this notice by mail requirement. A copy of the tax map and such records shall be submitted by the petitioner. If petitioner, directly or indirectly, owns or controls adjoining or contiguous property, notice shall be given to the owner of the next contiguous or adjoining property. Service of notice shall be either by certified mail, return receipt requested or in person, and shall be made after the hearing date has been set by the ZBA. Notice of the petition and hearing date shall be served upon the owners, as aforesaid, not less than fifteen (15) days nor more than thirty (30) days before the hearing. Petitioner shall provide evidence of proper service of the notice at least two (2) business days prior to the hearing by submitting the cancelled certified mail receipts and signed return cards or an affidavit of personal notice to adjacent property owners.
- (b) The petitioner shall be responsible to provide notice to state or federal agencies of their opportunity to provide comment on the purpose of the petition.
 - (c) In order to avoid any inconvenience to parties or witnesses, the responsibility is placed on the petitioner or petitioner's counsel to verify if the matter will be able to go forward and the day for the scheduled hearing. The Village Clerk will endeavor to advise people when Clerk's Office is informed of the inability to hear the matter as the Board is without a quorum that day, but the burden rests on the petitioner to be responsible for notifying his witnesses.
 - (d) At least fifteen (15) days and not more than thirty (30) days prior to the hearing date, a two foot by three foot (2' x 3') notice thereof, including the time and place of the hearing, the relief requested, identification of the property by real estate index number, the name of the petitioner and the Code section authorizing the petitioner to seek such relief, shall be posted by the petitioner on the road or street frontage(s) of the property for which the petition has been filed. An example of the sign requirements is attached to these rules as [Exhibit A](#).
8. The ZBA shall cause publication of the petition and hearing to be made in a local newspaper at least fifteen (15) and not more than thirty (30) days prior to the hearing.
 9. No publication shall be made or hearing scheduled until the petitioner conforms to all of the above rules and the necessary filing fee is deposited with the Village Treasurer. The filing fee schedule is attached as [Exhibit B](#) and made a part of these rules.
 10. The decision of the Chairman shall be final in all matters concerning conformance to these rules.
 11. ZBA Chairman: Judith K. Freeman (847) 551-3000