



EVANSTON ZONING BOARD OF APPEALS

RULES OF PROCEDURE

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**ZONING BOARD OF APPEALS
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Article I. General Provisions

Section 1: These rules are supplementary to the Illinois Revised Statutes, specifically the “zoning enabling legislation,” Chapter 24, Section 11, Subsection 13, and the “Open Meetings Act,” Chapter 102, Sections 41 and 42, Ordinance 63-O-75 Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters,” and the Zoning Ordinance of the City of Evanston, Illinois, and are adopted pursuant to the authority contained therein.

Section 2: Nothing contained herein shall be construed to give or grant to the Board the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council following a public hearing before the Zoning Amendment Committee.

Section 3: The Office of the Board shall be located in the office of the Director of Building & Zoning and the papers pertaining to any case may be examined at this location by any interested parties.

Section 4: All meetings and hearings of the Board shall be open to the public and subject to public notice requirements.

Section 5: A quorum of the Board is required for the transaction of any business. A quorum shall consist of four (4) members.

Section 6: Information concerning any pending case shall be obtained only from the Secretary of the Board. Discussion of the merits of any pending case with any Board member, except by sworn testimony at a public hearing, is improper, and may be considered prejudicial.

Section 7: No member of the Board who has a financial interest in the property or the affairs of the applicant or appellant or believes he has some other direct conflict of interest shall participate in any way in the case involving such property or person.

Article II. Officers and Duties

Section 1: The officers shall be a chairman or acting chairman, and a secretary.

Section 2: The appointing authority shall designate the chairman; when the chairman is absent, the Board shall elect a member as acting chairman.

Section 3: The Chairman shall supervise the affairs of the Board, preside at all meetings, appoint such committees and sub-committees as may be necessary to carry out the purpose of the Board, and shall provide for an oath to be administered to all witnesses in cases before the Board. The chairman shall be ex-officio member of all committees and sub-committees so appointed.



Section 1: Applications may be made for: variation, special use, planned development, appeal for a time extension, an appeal from the decision of an enforcing officer, or a referral by the City Council.

Section 2: Any application may propose alternative forms of relief for the same proposal providing a separate filing fee, if applicable, is paid for each alternative request so filed.

Section 3: A certificate of disclosure of ownership interests of entities seeking City Council or Board approval on real estate matters shall be filed with any application on property not held in sole ownership by the applicant.

Section 4: The application shall contain requests for all zoning relief necessary to allow the proposal. In any case where physical improvements are contemplated, or deemed necessary, plans sufficient in detail for a Zoning Analysis shall first be submitted to the Department of Building and Zoning for their review and preparation of a Zoning Analysis Record, except for an appeal being filed by other than the property owner or contract purchaser.

Section 5: Applications may not be filed which are prospective with respect to a proposed change to the Zoning Ordinance. However, if a petition or reference has been made to the Zoning Amendment Committee, the Board may suspend this rule upon written application for good cause shown when the time required for consecutive consideration of a proposal by both the Zoning Amendment Committee and the Zoning Board of Appeals would cause irreparable harm.

B. APPEALS FROM DECISION

Section 1: An appeal may be taken to the Board from any zoning order, requirement, decision, or determination made by an enforcing officer, by any person aggrieved, or by any officer, department, board or bureau of the City.

Section 2: For purposes of this article III.B., “any person aggrieved” is defined in Section 6-12-6-1 of the Zoning Ordinance.

Section 3: The enforcing officer shall transmit to the secretary of the Board all papers constituting the records upon which the action appealed from was taken.

Section 4: The appellant shall provide all the information and all papers requested in application form ZBA-5, as well as any other information that may be required by the Board to aid it in reaching a decision.

Section 5: The Board 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 officer from whom the appeal was taken.

C. APPEAL FOR TIME EXTENSION

Section 1: An appeal may be taken to the Board from a directive by an enforcing officer to correct or discontinue any violation of the Zoning Ordinance by a specific date by any person aggrieved. Said appeal may be made to the Board only for the purpose of providing a longer time period for correcting or discontinuing an existing violation the Zoning Ordinance.

