

# GUIDE TO THE ZONING BOARD OF APPEALS

STEPHENSON COUNTY ZONING DEPARTMENT  
TERRANCE GROVES, ZONING ADMINISTRATOR  
295 W. Lamm Rd.  
FREEPORT IL 61032  
599-0344

HOURS 8:30 AM TO 4:30 PM MONDAY THROUGH FRIDAY  
Closed from 12:00 - 1:00 for lunch

THE ZONING BOARD OF APPEALS (ZBA) CONSISTS OF FIVE AREA CITIZENS ORGANIZED UNDER THE ZONING ORDINANCE TO HEAR SEVERAL TYPE OF ZONING ISSUES.

WHILE THE ZONING BOARD OF APPEALS DOES NOT MAKE THE FINAL DECISION ON THE REQUEST, WITH THE EXCEPTION OF VARIANCES WHICH CAN BE GRANTED OR DENIED THAT EVENING, THEY DO SEND A RECOMMENDATION TO THE FULL COUNTY BOARD AT WHICH TIME THE COUNTY BOARD WILL MAKE THE FINAL DECISION. ANY MEMBER OF THE PUBLIC HAS AN EQUAL RIGHT TO ATTEND THESE MEETINGS AND VOICE THEIR OPINIONS.

1. SPECIAL USE/CONDITIONAL USE --- REQUEST FOR A CERTAIN SPECIAL USE OF LAND FOR A USE NOT NECESSARILY ALLOWED IN THAT ZONING I.E. NON-FARM DWELLING IN A-1 DISTRICT, GIFT SHOP IN E-3 ZONING DISTRICT.
2. VARIANCE --- REQUEST FOR A VARIATION FROM WHAT IS ALLOWED IN CERTAIN DISTRICTS. I.E. SETBACK FROM THE ROAD, NUMBER OF RESIDENCES ON A LOT.
3. REZONING/TEXT AMENDMENT --- REQUEST FOR A PARCEL TO BE ZONED FROM ONE CLASSIFICATION TO ANOTHER. I.E. A-1 PARCEL OF LAND THAT THE OWNER WISHED TO PLACE A BUSINESS ON. OWNER MAY CHOOSE TO HAVE IT REZONED TO M-1.

PRIOR TO THE HEARING ALL ADJACENT LAND OWNERS WILL BE NOTIFIED BY CERTIFIED MAIL AS TO WHAT IS PROPOSED FOR THE PARCEL OF LAND AND GIVEN THE OPPORTUNITY TO FILE A WRITTEN OBJECTION TO THE PROPOSED REQUEST.

WHEN THE APPLICATION IS FILED, THE ZONING DEPARTMENT WILL TAKE CARE OF ALL NOTIFICATION OF ADJACENT LAND OWNERS, PREPARING AND DELIVERING THE LEGAL AD TO THE JOURNAL STANDARD FOR PUBLICATION, MAKING SURE ALL PAPERWORK IS MAILED TO THE COUNTY BOARD, THE ZONING BOARD OF APPEALS, AND ANY OTHER AGENCIES REQUIRED TO RECEIVE COPIES. AERIAL PHOTOS WILL BE MAILED IN THESE PACKAGES SO THE ZONING BOARD OF APPEALS AND THE COUNTY BOARD CAN BE CERTAIN WHERE THE PROPERTY IS LOCATED. THE APPLICANT WILL RECEIVE COPIES OF ALL CORRESPONDENCE SENT TO COUNTY BOARD MEMBERS OR THE ZONING BOARD OF APPEALS, COPIES OF THE APPLICATION, AERIAL PHOTO, AND IF A LAND EVALUATION SITE ASSESSMENT (L.E.S.A.) WAS DONE A COPY OF THIS ALSO.

# **THE COST**

THE COST IS AS FOLLOWS:

\$250.00 TO THE STEPHENSON COUNTY TREASURER. THIS COVERS THE COST OF THE HEARING.

\$150.00 TO THE ZONING TRUST FUND. THIS COVERS THE POSTAGE TO MAIL CERTIFIED LETTERS TO ADJACENT LAND OWNERS, THE RECORDER AT THE MEETING, AND THE COST OF THE LEGAL AD. ANY MONEY NOT SPENT WILL BE REFUNDED TO YOU WITH A LETTER DETAILING WHAT THE COSTS WERE.

\$25.00 TO SOIL AND WATER FOR A L.E.S.A. (LAND EVALUATION SITE ASSESSMENT) THIS IS GENERALLY ONLY FOR APPLICANTS REQUESTING A NON-FARM DWELLING IN A-1 ZONING.

## **THE HEARING**

THE TIME AND DATE OF THE HEARING IS SET AT THE PREVIOUS MEETING BY THE ZONING BOARD OF APPEALS CHAIRMAN. WHEN THE MEETING CONVENES THE CHAIRMAN WILL ASK THAT THE ROLL BE CALLED TO ASSURE THAT A QUORUM IS PRESENT. THE MINUTES FROM THE PREVIOUS MEETING WILL BE APPROVED. THE FIRST HEARING OF THE EVENING WILL BE ANNOUNCED. THE APPLICANT OF HIS/HER DESIGNATED REPRESENTATIVE WILL BE SWORN IN AND ASKED TO EXPLAIN WHAT THEY ARE REQUESTING. SEVERAL QUESTIONS WILL BE ASKED BY MEMBERS OF THE ZBA AND AFTER ANSWERING THE QUESTIONS PUT TO THE APPLICANT HE/SHE WILL RETURN TO HIS/HER SEAT. THE CHAIRMAN WILL THEN ASK IF ANYONE ELSE WOULD LIKE TO PRESENT EVIDENCE EITHER FOR OR AGAINST THE REQUEST. IF A MEMBER OF THE AUDIENCE DOES WISH TO PRESENT EVIDENCE THEY WILL THEN BE SWORN IN AND THEIR EVIDENCE HEARD. IF THERE IS NO ONE ELSE WHO WOULD LIKE TO TESTIFY THE PORTION OF THE HEARING IS THEN CLOSED TO THE PUBLIC AND THE ZBA THEN DISCUSSES THE MATTER FURTHER. A MOTION IS MADE ON WHETHER TO RECOMMEND GRANTING OF THE REQUEST AND ROLL IS CALLED AGAIN. AT WHICH TIME THE MEMBERS OF THE ZBA WILL STATE THEIR VOTE. THIS INFORMATION IS THEN FORWARDED TO THE FULL COUNTY BOARD, STATES ATTORNEY, THE HIGHWAY DEPARTMENT, CONSERVATION DEPARTMENT AND THE COUNTY CLERKS OFFICE.

THE FULL COUNTY BOARD, AT THEIR NEXT MEETING WILL THEN VOTE ON THE APPLICATION USING THE RECOMMENDATION OF THE ZBA . AFTER THE VOTE OF THE COUNTY BOARD YOU WILL BE NOTIFIED BY MAIL AS TO THE DECISION OF THE BOARD. OR IF YOU WISH YOU MAY CALL INTO THIS OFFICE THE AFTERNOON OF THE BOARD MEETING AND BE TOLD OF THE DECISION. (YOU WILL STILL RECEIVE THE DECISION BY MAIL AFTER IT HAS BEEN SIGNED BY THE COUNTY CLERK.)

