

Administrative Appeal Information



***Ogle County Planning & Zoning Department
911 W. Pines Rd.
Oregon, IL 61061
Telephone (815) 732-1190 • Fax (815) 732-2229
www.oglecounty.org***

Michael Reibel, Planning & Zoning Administrator

Introduction

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.

Illinois Compiled Statutes, Chapter 55, Section 5/5 -12011 and 5/5 -12012 et. seq. contains statutory provisions relating to Administrative Appeal. 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 call the Ogle County Planning and Zoning Department at (815) 732-1190. If you wish to visit the office to discuss your application, please call ahead for an appointment.

Before Filing the Application

You are strongly urged to meet with the Planning & Zoning Administrator before preparing an application. The Planning & 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 must be prepared in essentially the same format as the attached sample application (pages 3 & 4). A blank application is also attached (pages 5 & 6).
- **Application Fee:** The application fee in the amount of \$300.00 shall be paid at the time of filing an application.
- **Disclosure:** Whenever applicable, 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.

- **Maps:** If the appeal involves a parcel of land, certain information should be graphically shown on maps which must accompany an application. If any map to be submitted measures larger than 8-1/2" by 14", fifteen copies of such map must be submitted. The following information may be shown on these maps:
 - ▶ The parcel subject to the appeal (a plat of survey is preferred, if available).
 - ▶ The dimensions and acreage (or square footage) of the subject parcel.
 - ▶ The location of all improvements, if any, on the subject property and the distances of these improvements from all property lines.
 - ▶ All existing uses (e.g. "house", "pastureland", "gas station", etc.; not to be confused with zoning district) on all adjacent properties within 500 feet of the boundaries of the subject property (tax maps, which show individual parcels at a scale of 1"= 100' or 1"=400', are useful base maps for this item and are available from the Ogle County Supervisor of Assessments or the Ogle County GIS Committee). The map shall also show the current names of all roads within 500 feet of the property.
 - ▶ Approximate locations of natural resources such as steep slopes, woodlands, floodplain, wetlands, etc. present on the property.

The Public Hearing

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 Zoning Board of Appeals (ZBA), and the hearing is held in the Ogle County Courthouse, Oregon, IL or other location designated by the ZBA. The attached sheet (page 7) outlines the procedure followed by the ZBA at the public hearing. In addition to the filing fee, you will be billed separately for the cost of publishing the legal notice of the hearing in the newspaper, and for the actual cost of the public hearing (court reporter fees).

After the Public Hearing

Once the public hearing is concluded, the ZBA may make its determination 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.

NOTE: This is a guide to be used in the preparation of an original petition. An original copy of the application, maps, and all other required documents must be submitted.

APPEAL

TO: ZONING BOARD OF APPEALS
911 W. Pines Rd.
Oregon, IL 61061

Now come _____ **(Name of Applicant(s))** _____ and petitions the Ogle County Zoning Board of Appeals to review the decision of the Ogle County Planning & Zoning Department which adversely affects petitioner and, in support of this appeal, alleges as follows:

1. That on _____ **(Date)** _____, _____ **(Name and Title of official being appealed)** _____ has
(Explain nature of decision)
(Example: denied a zoning certificate to petitioner)
(or issued a zoning certificate to _____)
(or determined that _____)

2. That this decision was issued relative to property legally described as:
(Insert legal description of property)
Which is located at _____ in _____
Township, Ogle County, Illinois, a map of which is attached.

3. That petitioner believes this decision is in error in that:
(Explain reasons for disagreement with decision)

WHEREFORE, your petitioner prays that the Ogle County Zoning Board of Appeals direct
_____ **(Name and Title of official being appealed)** _____ to _____ **(Insert action desired - example: issue its zoning certificate, revoke a zoning certificate, etc.)** _____.

Name

Address

Date

State of Illinois)
)
County of Ogle)

I, _____, a Notary Public in and for the County and State
aforesaid, do hereby certify that _____,
personally known to me is/are the person(s) who executed the foregoing instrument bearing the date of
_____ and appeared before me this day in person and
acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and
purposes therein set forth.

Given under my hand and Notarial Seal this ____ Day of _____, 20__.

(Seal)

My Commission expires _____

Note: It is solely the responsibility of the applicants to make sure that all information submitted, including the legal and general description of the property, is accurate as the information will be used for publication of the legal notice required by the Statutes. The County disclaims all responsibility if any of the information submitted by applicants is inaccurate. The required filing fee of \$300.00 must accompany the Appeal. You will be billed separately for the cost of publishing a legal notice and for a court reporter to transcribe the bearing. Regardless of the final action on your appeal, all fees including application fee and publication costs are non-refundable.

APPEAL

TO: ZONING BOARD OF APPEALS
911 W. Pines Rd.
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Now come _____ and petitions the Ogle County Zoning Board of Appeals to review the decision of the Ogle County Planning & Zoning Department which adversely affects petitioner and, in support of this appeal, alleges as follows:

1. That on _____, _____ has

2. That this decision was issued relative to property legally described as:

Which is located at _____ in _____
Township, Ogle County, Illinois, a map of which is attached.

3. That petitioner believes this decision is in error in that:

WHEREFORE, your petitioner prays that the Ogle County Zoning Board of Appeals direct
_____ to _____
_____.

Name

Address

Date

State of Illinois)
)
County of Ogle)

I, _____, a Notary Public in and for the County and State
aforesaid, do hereby certify that _____,
personally known to me is/are the person(s) who executed the foregoing instrument bearing the date of
_____ and appeared before me this day in person and
acknowledged that he/she/they signed, sealed and delivered the same instrument for the uses and
purposes therein set forth.

Given under my hand and Notarial Seal this ____ Day of _____, 20____.

(Seal)

My Commission expires _____

**CONSENT TO ON-SITE INSPECTION AND
ACCEPTANCE OF FEES FOR COURT REPORTING SERVICES**

Your Petitioner(s), _____, hereby represent to the County of Ogle, Illinois as follows:

That I/we are the owners of record of the real estate described in the foregoing zoning application; and,

That the Petitioners of the described real estate subject to said zoning application do hereby freely and voluntarily consent to 1) the erection of a sign by the County of Ogle in a conspicuous location on the property subject to this petition or in adjacent public right-of-way, stating that a zoning hearing has been requested on said property; and 2) inspection of the site for purposes of determining the appropriateness of the pending proposed zoning petition by the Ogle County Planning & Zoning Department staff, Ogle County Regional Planning Commission and the Ogle County Zoning Board of Appeals, and hereby release such persons from any liability based in whole or in part on the inspection of the site in question; and,

That in exchange for such actions by the Petitioner(s), Ogle County agree that Ogle County Planning & Zoning Department staff and at least one (1) member of the Regional Planning Commission and Zoning Board of Appeals will inspect the site in question prior to considering the evidence presented upon the above petition.

Furthermore and in addition to the above, the petitioner(s) hereby: 1) agree to pay, upon receipt of notice of amount owed, the actual postage costs incurred by County of Ogle for adjoining owner notification via Certified Mail, and the actual cost of publication of legal notice(s) in newspaper(s) as required by law; and, 2) verify that I/we are aware of the written agreement between the County of Ogle and *In Totidem Verbis, LLC* court reporting service. Petitioner(s) agree to utilize the court reporting services as provided for by Ogle County and agree to reimburse said reporting service, through the Ogle County Planning & Zoning Department, for the costs of transcripts of hearings and other related costs before the Ogle County Zoning Board of Appeals unless determined otherwise by the County of Ogle. The petitioner(s) further recognize(s) that failure to fully reimburse said court reporting service by providing payment to the Planning & Zoning Department prior to the scheduled County Board date will grant Ogle County the unconditional right to withhold the petition from Ogle County Board action. Petitioner(s) further understand(s) that transcripts shall be retained by Ogle County as part of the permanent zoning application file.

(Signature)

(Signature)

SUBSCRIBED and SWORN to before me
this ____ Day of _____, 20 ____.

NOTARY PUBLIC

**Procedure of Hearing for an Administrative Appeal
Ogle County Zoning Board of Appeals**

- A) State purpose of hearing, acknowledge publication, posting of property and written notifications; acknowledge comments received from the County departments and other public agencies.

- B) Presentation of evidence by the petitioner or designated representative(s).
 - ▶ Opening statements.
 - ▶ Testimony by petitioner's witness(es).
 - ▶ Questioning/cross-examination of each witness by the members of the Board.
 - ▶ Questioning/cross-examination of each witness by any interested party that has filed an appearance with the Board office no later than five (5) business days prior to the hearing. **Note: This is an opportunity only to question the witness, not to make statements or offer personal testimony.**
 - ▶ Close of petitioner's evidence.

- C) Presentation of evidence of the administrative official.
 - ▶ Opening statements.
 - ▶ Testimony by witness(es).
 - ▶ Questioning/cross-examination of each witness by the members of the Board.
 - ▶ Questioning/cross-examination of each witness by any interested party that has filed an appearance with the Board office no later than five (5) business days prior to the hearing. **Note: This is an opportunity only to question the witness, not to make statements or offer personal testimony.**
 - ▶ Close of petitioner's evidence.

- D) Presentation of statements by any person attending the hearing.

- E) Closing statements and rebuttal by the petitioner or designated representative, if desired.

- F) Closing statements and rebuttal by the objectors or designated representative, if desired.

- G) Closing of public testimony.

- H) Zoning Board of Appeals decision.