

**Hamel Zoning Procedure
(Appeal from Adverse Decision by Zoning Official)**

This booklet is intended to provide the zoning applicant with a general overview of Hamel's zoning appeals process. The information provided herein is merely an illustrative guide, and is not intended to provide legal advice or substitute for the Hamel Zoning Ordinance or other laws, or to be inclusive of the requirements for obtaining a zoning change. Any contradiction, dispute or difference between the contents of this booklet and applicable Village Ordinances, laws, plans, policies, or guidelines will be resolved by reference to the ordinances or other official documents. **Zoning applicants are strongly advised to consult with an attorney in interpreting the laws and in navigating through the zoning process.**

Hamel Zoning Ordinance

The Hamel Zoning Ordinance includes information regarding regulations for all districts within the Village limits, parking requirements, permanent and temporary signs, conditional zoning certificates including home occupations, planned unit developments, nonconforming uses, zoning amendments, and zoning appeals.

Purpose

The Village of Hamel Zoning Ordinance of 2005 was enacted to "regulate lots, structures and uses in order to preserve, protect and promote the public health, safety and welfare and to implement the village comprehensive plan." More specifically the ordinance is intended to assist in achieving the following objectives:

- A. To Expand Economic Opportunities and Strengthen the Community Tax Base. This will require a concentrated effort and support of effective programs for economic development. Existing agricultural support business should be maintained. Heavy industrial uses should be eliminated and commercial activities compatible with residential growth should be encouraged.
- B. To Promote Efficiency in the Use of Land. Efficiency in the use of land will conserve land resources. This will minimize the cost of public services and utilities while permitting a higher standard of service.
- C. To Develop and Enhance a Community Spirit and Identity. People must identify themselves with a community before they feel they are part of the community. Traditions and pride must be encouraged if the residents are to unite and promote the best interests of their community.
- D. To Upgrade the Housing Types Throughout the Village. Conservation, rehabilitation and redevelopment techniques should be utilized as an overall program for upgrading the Village's housing stock. Quality housing must be provided for prospective residents as population increases occur.

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- E. To Provide a Healthful Community Environment and a Full Range of Municipal or Public Amenities and Services. Community utilities and facilities have been upgraded and extended in order to attract new residents to the community. As development increases, such utilities should be monitored and provided for.
- F. To Continue the Development of an Efficient Street and Transportation System for Movement of People and Goods Within, To and From the Community. Development of street and highway system should be coordinated so that the movement of people and goods will be convenient, safe and in context with overall community needs.
- G. To Achieve Understanding and Support of the Planning Program. By providing a broad range of opportunity for citizen participation in public decisions, an increased understanding of the function and problems of the local government will develop. The continuous process of citizen participation results in public acceptance and support of the various planning insures and of the plan itself, thereby providing the community with a better environmental quality. (Purpose and Goal of Zoning Regulations (Comprehensive Plan), as adopted the Zoning Board of Appeals and the Village Board of Trustees, Joint meeting, January 28, 2002).
- H. To Provide for the Efficient Administration and Fair Enforcement of All the Regulations in this Ordinance. (Chapter 1, Section 1-1)

Regulations

The provisions of the Hamel Zoning Ordinance (hereinafter referred to as Ordinance) are minimum requirements. Whenever the Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the provisions of the Ordinance govern. (Chapter 1, Section 1-3)

The Zoning and Building Official (an appointed officer) makes initial determination in applying the Zoning Ordinance. Such decisions could be in the form of a grant or refusal of an application for building permit or the issuance of a stop order on construction that s/he believes is in violation of the Ordinance. Any person adversely affected by such a decision may bring an appeal to The Board of Zoning Appeals who acts upon such appeals as the final arbiter and interpreter of the Zoning Ordinance. Final decisions of the Zoning Board of Appeals are reviewable under the Administrative Review Act in Circuit Court.

Appeals

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the Zoning and Building Official to this Ordinance. An appeal shall be considered only if the action is taken within 15 days of the affecting decision of the Zoning and Building Official. The appeal application form must be filed with the Zoning and Building Official and the Zoning Board of Appeals. The Zoning and Building Official shall thereupon transmit to the Zoning Board of Appeals all

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papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of action appealed from, unless the Zoning and Building Official certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate, the stay would, in his opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record on application, or notice to the Zoning and Building Official and on due cause shown. The Board shall select a reasonable time and place of the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises.

Schedule for Zoning Appeals

The anticipated time frame for a final zoning decision is two to three months from the date of application. Applications are scheduled on a first-come, first-served basis.

Process

- Appeal filed.
- 15 to 30 day Legal Publication Notice
- Notice to Adjoining Property Owners
- Posting of Zoning Hearing Notice
- Zoning Board of Appeals Public Hearing
- Zoning Board of Appeals Decision

Hearing on Appeal

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The Zoning Board of Appeals shall hear the appeal in accordance with its usual procedure, reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper to the premises.

Review Under the Administrative Review Act

Decisions of the Zoning Board of Appeals is final and without further appeal within Village government. Being a final administrative decision, further review can only be accomplished by the filing of a law suit in compliance with the Administrative Review Act. Such a law suit is beyond the scope of this pamphlet. The Village will not give advice on such a suit and parties are advised to seek competent legal counsel.

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**APPEAL FROM ZONING OFFICIAL'S DECISION
VILLAGE OF HAMEL**

(For Village's Use Only)

File No: _____

Date Received: _____

Disposition: _____

APPELLANT'S NAME: _____ **PHONE NUMBER:** _____

APPELLANT'S ADDRESS: _____

APPELLANT'S ATTORNEY: (with mailing address, phone and fax numbers) _____

EXISTING ZONING: _____

EXISTING USE: _____

ADDRESS OF SITE: _____

ASSESSORS ACCOUNT NUMBER: _____

(found on tax notice - example; 123456-789-0123-45)

DECISION APPEALING FROM: Date: _____ **Ruling:** _____

(attach additional sheets, if needed)

LEGAL DESCRIPTION (attach separate sheet if necessary): _____

NAME, ADDRESS, AND SIGNATURE OF ALL PROPERTY OWNERS: This is mandatory- All owners must sign, unless a power of attorney is attached. A managing partner in a corporation may sign and submit written authorization, or write "managing partner" by the signature. If in business name or corporation, list all persons owning 5% or more. Attach separate sheet if necessary.

Name _____

Name _____

Address _____

Address _____

Signature _____

Signature _____