

~~variance. The application shall also include the following information.~~

- a. The legal and common description of the property on which the variance is to be considered.
 - b. The variance requested, and the reasons for the request.
 - c. The property's present zoning classification.
 - d. A site plan showing the subject property and its dimensions.
 - e. The location of all existing and proposed buildings, structures and other improvements, building sizes including square footage, and their distances from adjacent lot lines.
 - f. List of owners and their mailing addresses as required in this Article.
 - g. Any other information which the Zoning Board of Appeals requests.
2. **Burden of Proof.** In submitting an application for a variance, the burden of proof shall rest with the applicant to clearly establish that the findings of fact required in this Article are met.

15.03.03 Hearing Procedures

1. **The procedure for a hearing shall be as follows:**
 - a. Parliamentary procedure for all Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order when not addressed by this document, or other

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- c. The petitioner shall begin by presenting his case, which may include the presentation of documents, etc., and the calling of witnesses for examination by the petitioner.
- d. The objector(s) shall have an opportunity to cross-examine all witnesses of the petitioner after each has testified and examined all documents.
- e. The objector(s) shall present his/their case which may include the presentation of documents, etc., and the calling of witnesses for examination by the objector(s).
- f. The petitioner shall have an opportunity to cross-examine all witnesses of the objector(s) after each has testified and examined all documents.
- g. The petitioner shall be given fifteen (15) minutes to summarize as shall the objector(s), in that order.
- h. A representative of the Village may testify as an individual for either party or appear on behalf of the Village.
- i. Any person who is not a party to the hearing as a petitioner or objector, or not a representative of the Village, shall not have a right to testify unless formally called by a party to the hearing or the Village at the appropriate times mentioned above. The Zoning Board of Appeals reserves the right to call expert witnesses or none

- petitioner after each has testified and examined all documents.
- e. The objector(s) shall present his/their case which may include the presentation of documents, etc., and the calling of witnesses for examination by the objector(s).
 - f. The petitioner shall have an opportunity to cross-examine all witnesses of the objector(s) after each has testified and examined all documents.
 - g. The petitioner shall be given fifteen (15) minutes to summarize as shall the objector(s), in that order.
 - h. A representative of the Village may testify as an individual for either party or appear on behalf of the Village.
 - i. Any person who is not a party to the hearing as a petitioner or objector, or not a representative of the Village, shall not have a right to testify unless formally called by a party to the hearing or the Village at the appropriate times mentioned above. The Zoning Board of Appeals reserves the right to call expert witnesses or postpone a hearing date until such time as said witness may be contacted to testify.
 - j. The Zoning Board of Appeals reserves the right to question the petitioner, objector(s), and/or witnesses who may give testimony at any time during the hearing.
 - k. The Zoning Board of Appeals reserves the right to impose time limits upon any party giving testimony.

2. **Findings of Fact.** Upon review of the application and information presented at the

- k. The Zoning Board of Appeals reserves the right to impose time limits upon any party giving testimony.
- 2. **Findings of Fact.** Upon review of the application and information presented at the public hearing, the Zoning Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Zoning Board of Appeals as referenced in the Illinois Compiled Statutes.
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
 - b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the petitioner.
 - c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
 - d. The denial of the proposed variance will deprive the petitioner the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
 - e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.
- 3. **Variations.** When a property owner shows that a strict application of the terms of this

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but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth, in the following instances:

- a. To permit the extension of a district where the boundary line of a district provides a lot in single ownership as shown of record.
- b. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or act of God where the Zoning Board of Appeals shall find some compelling public necessity requiring a continuance of the non-conforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
- c. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Zoning Board of Appeals deems reasonably necessary for the public convenience or welfare.
- d. To make a variance where, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this