

## **TIMBERLAKE BUILDING PERMIT PROCEDURE FORM**

Applicant to submit two complete sets of building plans to Zoning/Maintenance Inspector.

Zoning/Maintenance Inspector and Applicant to date and sign at time of submittal.

**Inspector:** \_\_\_\_\_ **Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **WITHIN 10 BUSINESS DAYS**

All new construction and remodeling construction plans pertaining to properties and structures located in the Village Of Timberlake are to be submitted to the Zoning Maintenance Inspector. Upon his review if **NO Improprieties** relating to the Village of Timberlake Building and Zoning Codes are found, one set of plans marked approved are to be **returned to Applicant with permit, or with instructions to contact the Lake County Building Department to obtain a permit.**

If **Improprieties** are found, Zoning/Maintenance Inspector will note in detail on plans or paper all such improprieties that do not comply with the Village of Timberlake Building and Zoning Codes, one set of plans marked rejected and any paper with improprieties noted are to be **returned to Applicant** for re submittal upon correction of improprieties.

Inspector and Applicant to date and sign at time of return.

**Zoning/Maintenance Inspector:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Applicant may elect to appeal findings of Building Inspector and may do so by following the Appellate Procedure steps noted on the attached sheets.**

## **1240.02 MEETINGS; QUORUM; MINUTES.**

(a) Regular sessions designated as public hearings of the Board of Zoning Appeals shall be held on such date and at such time and place as the Board establishes.

(b) All hearing sessions shall be open to the public.

(c) A quorum of the Board shall consist of four members.

(d) The Board shall keep minutes of its proceedings showing the vote of each member on every question, or, if absent or failing to vote, indicating such fact, and it shall also keep records of its examinations and other official actions.

(e) The concurring vote of a majority of members of the Board shall be necessary to revise any order, requirement, decision or determination of the enforcing officer or administrative commission, to decide in favor of the appellant on any matter upon which it is required to pass under the Zoning Code, or to effect any variation therein.

(f) Appeals shall be taken within thirty days after the date of the decision of the enforcing officer or administrative commission, by filing with the Board a notice of appeal specifying the grounds thereof.

(Ord. 1991-8. Passed 7-16-91.)

## **1240.03 APPELLATE PROCEDURE.**

Every appeal shall be made to the Board of Zoning Appeals in writing. The procedure for appeals shall be as follows:

(a) A written appeal shall be filed with the enforcing officer or administrative commission by the party aggrieved by any order or decision of the enforcing officer or administrative commission. Such appeal shall be accompanied by accurate plans and specifications of the proposed work, showing the plot of land to be built upon, together with the placement of the proposed building and all other existing or proposed structures.

(b) Every appeal shall be taken within thirty days from the date of any refusal by the enforcing officer or administrative commission to issue a permit.

(c) Any communication purporting to be an appeal shall be regarded as mere notice to seek relief and shall not be considered by the Board until it is made on the required form.

(d) Upon receipt of any such communication, the applicant shall be supplied with the proper form before placing his or her appeal. If he or she fails to file with the Board the form properly filled out and executed and fails to supply the required data within thirty days from the date of refusal of the permit by the enforcing officer or administrative commission, his or her case shall be dismissed for want of prosecution.

(e) Such appeal shall be accompanied by the sum of fifty dollars (\$50.00), either in cash or certified check payable to the Board of Zoning Appeals, which amount shall be used to defray the cost of the required notices. Any unused balance shall be returned to the appellant after the final action of the Board in each case.

(f) At the public hearing of the case before the board, the appellant shall appear on his or her own behalf or be represented by counsel. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain order during the procedure, each side shall proceed without interruption by the other.

(g) Every person before the rostrum shall abide by the order and direction of the Chairperson. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the Chairperson deems proper.

(Ord. 1991-8. Passed 7-16-91.)

#### **1240.04 NUMBERING OF APPEALS; ORDER OF HEARINGS; NOTICE.**

(a) Appeals shall be assigned for hearing in the order in which they appear on the calendar thereof, except that an appeal may be advanced for hearing by order of the Board upon good cause shown.

(b) A minimum of five days notice of the hearing of an appeal shall be given by regular mail to all directly affected property owners. The notice to the appellant shall be sent by certified mail to the address given in the appeal. The cost of publishing any legal notice and the postage for mailing the required notices to the appellant and affected property owners shall be deducted from the fifty dollar (\$50.00) deposit made with the Board at the time of filing the appeal.

(Ord. 1991-8. Passed 7-16-91.)

#### **1240.05 FINAL DISPOSITION OF APPEAL.**

(a) The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of a motion, which motion shall affirm, modify or reverse the refusal of a permit by, or any order or decision of, the enforcing officer or administrative commission.

(b) The Board may set out in such motion the condition or conditions upon which the permit may be issued in order to carry out the purpose and intent of the Zoning Code. The concurring vote of a majority of the members shall be necessary for a decision.

(c) Any appellant may withdraw an appeal at any time prior to the decision of the Board thereon.

(Ord. 1991-8. Passed 7-16-91.)

## 1240.06 POWERS AND DUTIES.

(a) The Board of Zoning Appeals shall have such powers and duties as are set forth in the various sections of the Zoning Code and herein. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of the Zoning Code. It shall hear and decide all questions brought before it by appeal from the refusal, granting or revocation of permits by the enforcing officer or administrative commission under the Zoning Code. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Chapter. Within its powers, the Board may reverse or affirm, wholly or in part, or modify, an order, requirement, decision or determination as, in its opinion, ought to be done under the circumstances, and to that end shall have all the powers of the office or administrative commission from which the appeal is taken, and it may issue or direct the issuance of a permit.

(b) The Board shall have the power to permit exceptions to and **variances** from the Zoning Code, as follows:

(1) To permit the extension of an existing or proposed building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district;

(2) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Code in a specific case, to vary the application of any provision in harmony with the general purpose and intent of the Zoning code so that the public health, safety, morals and general welfare may be secured and substantial justice done;

(3) To grant **variances** for side, front or rear yards whenever the provisions of the Zoning Code, with respect to these requirements, affect construction on any lot which is nonconforming as to size or area as a result of the adoption of the Zoning Code. Owners of such property must show that the normal application of the standards of the Zoning Code to the relevant lot would deprive the owner of practical use of the lot or would be contrary to established front, side or rear yard setbacks for a majority of the structures within the same block in which the lot is located. Such **variance** shall be to the minimum degree necessary to permit the reasonable use of the lot. Such **variance** shall not be granted if a majority of the buildings on lots within the block in which the lot for which the **variance** is requested are not substandard with respect to the **variance** requested.

(4) To decide any question as to the interpretation of any of the provisions of the Zoning Code; and

(5) To hear any appeal taken by a property owner as a result of the denial of a building permit or a certificate of occupancy, when the property owner holds that such a denial is unreasonable or unjust or would require him or her to adhere to standards not adhered to by at least fifty percent of the property owners in the block in which the lot is located.

(Ord. 1991-8. Passed 7-16-91.)

