

Ordinance 17.08
Board of Appeals (R82.4)

THE VILLAGE BOARD OF THE VILLAGE OF PARK RIDGE ORDAINS AS FOLLOWS:

Section I. BOARD OF APPEALS

1. Any person or any Officer, Department, Board or Bureau of the Village of Park Ridge aggrieved by or affected by any decision of the Zoning Administrator under this ordinance may apply to the Board of Appeals to hear their grievance. Such appeal shall be taken by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the appeal was based. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
2. The Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The members shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall designate one of the members as chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Village President shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the Village President shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
3. Meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as the Board of Appeals may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be held at a regular place and shall be open to the public. The Board of Appeals shall keep minutes of its proceeding, showing the vote of each member upon each question, or, if absent, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be public record. If a quorum is present, the Board of Appeals may take action by a majority vote of the members present.
4. The Board of Appeals shall have the following powers:
 - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator;
 - B. To hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance;
 - C. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - D. To adopt its own rules in accordance with the provisions of this ordinance and applicable state statutes.

5. The Board of Appeals may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
6. In exercising the above mentioned powers the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of Zoning Administrator, and may issue or direct the issue of a permit.
7. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any Officer, Department, Board, or Bureau of the Village of Park Ridge may within thirty (30) days after the filing of the decision in the office of the Board of Appeals, but not thereafter, present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board of Appeals shall be subject to review by certiorari as provided by law.

Section II. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Section III. SEVERABILITY

The provisions of any part of this section are severable. If any provision or subsection hereof or the application hereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

Passed and adopted by the Village Board of the Village of Park Ridge on this fifteenth day of October, 2012.