McHenry County Unified Development Ordinance §5.9

5.9 ZONING APPEAL

5.9.A. Purpose
The zoning appeals process for review of decisions of the Zoning Enforcement Officer is intended to provide appropriate checks and balances on administrative authority as related to this Ordinance.

5.9.B. Initiation
Applications for appeals may be filed by a property owner that is directly affected by a Zoning Interpretation as provided for in Section 5.7 (Zoning Interpretation) and other decisions of the Zoning Enforcement Officer.

5.9.C. Authority
The Zoning Board of Appeals may review only those decisions of the Zoning Enforcement Officer that are directly related to the zoning provisions of this Unified Development Ordinance. The Zoning Board of Appeals may review the Zoning Enforcement Officer’s decisions with respect to the classification of uses under Section 8.6.D (Zoning District Uses). The zoning provisions include Article 18 (Signs), but exclude Article 19 (Subdivision Standards). Other decisions and actions that are the responsibility of the Zoning Enforcement Officer, but are based on ordinances separate from this Unified Development Ordinance, cannot be appealed under this process.

5.9.D. Procedure
5.9.D.1. Upon the filing of an application for an appeal of a Zoning Enforcement Officer determination, the Zoning Board of Appeals will review the appeal within ninety (90) calendar days.

5.9.D.2. The Zoning Board of Appeals may reverse, affirm or modify the determination. A concurring vote of five (5) members of the Zoning Board of Appeals is necessary to reverse any determination of the Zoning Enforcement Officer. The Zoning Board of Appeals decision shall be on the record.

5.9.E. Limitations on Appeals
An interpretation may only be appealed if an application is filed within ninety (90) calendar days of the Zoning Enforcement Officer decision.

5.9.F. Stay of Proceedings
An appeal stops all official proceedings unless the Zoning Enforcement Officer provides the Zoning Board of Appeals with a statement stating that a stay of the proceedings would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court on notice to the Zoning Enforcement Officer from whom the appeal is taken and on due cause shown.