

**ARTICLE 34**  
**APPEALS**

**7 TCC 1-34 (a) Purpose.** The ZBA is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Community Development Administrator or other administrative official in the enforcement of these regulations. An Appeal may be initiated by any person aggrieved by any decision of the Community Development Administrator.

**7 TCC 1-34 (b) Notice of Appeal.** A notice of appeal authorized under the provisions of this Section shall be filed with the Community Development Administrator and ZBA within thirty-five (35) days from the date of the challenged administrative action. The Community Development Administrator shall transmit to the ZBA a complete file constituting the record on appeal.

**7 TCC 1-34 (c) Stay of Proceedings.** When an appeal is filed, all proceedings in furtherance of the action appealed from shall be stayed, unless the Community Development Administrator certifies to the ZBA that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the ZBA or by a court of record on application, on notice to the Community Development Administrator, and on due cause shown.

**7 TCC 1-34 (d) Review and Public Hearing.** The ZBA shall review the notice of appeal and shall give notice and conduct a public hearing on the appeal in accordance with the requirements of 7TCC 1-27(b) of this Ordinance.

**7 TCC 1-34 (e) Standards and Decision by Zoning Board of Appeals.** In evaluating the merits of the Appeal, the ZBA shall consider factors that may include: the consistency with the terms of these regulations, the implications of setting any precedent, and the availability of other alternatives for the applicant. The ZBA shall, in whole or in part, grant the Appeal, grant the Appeal subject to the specified conditions, or deny the Appeal and to that end, shall have all the powers of the Community Development Administrator.

**7 TCC 1-34 (f) Fees.** The applicant shall be required to pay a fee at the time of filing a notice of Appeal and all required publication costs. The publication cost shall be paid prior to any final disposition of the request by the ZBA.

**7 TCC 1-34 (g) Appeals of Administrative Decisions of the Zoning Board of Appeals.** All final administrative decisions of the Zoning Board of Appeals shall be subject to judicial review pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term “administrative decision” is defined as in Section 3-101 of the Code of Civil Procedure (735 ILCS 5/3-101).