

APPEAL (v.1 2021)

PROPOSED FINDINGS OF FACT
SUBMITTED TO THE ZONING BOARD OF APPEALS

In the Matter of an Appeal

for Address: _____

Submitted by: _____,

[*check one*] Applicant or Applicant's Attorney

APPEAL (v.1 2021)

ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

FINDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

IN THE MATTER OF AN APPEAL

FOR ADDRESS: _____

BY APPLICANT _____

I. THE APPELLANT

The Appellant is a(n) [check one] individual limited liability company corporation
 trust other (*please specify*: _____).

[*If the Appellant is a legal entity, please fill out this section. Otherwise skip to Section II.*]
The Appellant's [*Insert title*] _____, [*Insert name*] _____ (the
"Appellant's Representative") was present at the hearing.

[*NOTE: The Appellant or (if applicable) the Appellant's Representative **MUST** be present at the hearing.*]

II. BRIEF SUMMARY OF APPEAL

The Appellant seeks an appeal to reverse the decision of the Zoning Administrator with
respect to: _____

The particular section of the Chicago Zoning Ordinance at issue reads as follows:

The Appellant believes the Zoning Administrator has erred because: _____

III. DOCUMENTS PREVIOUSLY SUBMITTED TO THE ZONING
ADMINISTRATOR

The Appellant has previously submitted the following documents to the Zoning

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Administrator in support of his/her/its position: *[List all documents the Appellant submitted to the Zoning Administrator; add additional sheets as necessary]*_____

_____. Copies of these submitted documents are attached to these proposed Findings of Fact as Exhibit A. *[Note: **Everything previously submitted to and reviewed by the Zoning Administrator must be attached.**]*

IV. PUBLIC HEARING

A. The Hearing

The ZONING BOARD OF APPEALS held a public hearing on the Appellant’s appeal at its regular meeting held on _____, 20__, after due notice thereof as provided under Section 17-13-1206 of the Chicago Zoning Ordinance.

The *[check one]* Applicant Applicant’s Representative was present at the hearing. The Applicant/Applicant’s Representative (as applicable) testified that their testimony was consistent with the affidavit attached to these proposed Findings of Fact as Exhibit B.

[If additional witnesses are necessary to explain the Appellant’s position, including providing foundation for any of the documents previously submitted to the Zoning Administrator, please attach their affidavits to these proposed Findings of Fact as Exhibit C. The affiant of any affidavit submitted as part of Exhibit C must be present at the hearing.]

[All affidavits submitted as part of Exhibits B and C must be: (1) notarized; (2) fact-based; (3) based solely on an affiant’s personal knowledge; (4) non-conclusory; and (5) made on the form attached to these proposed Findings of Fact. Please note that these requirements do not and are not intended to provide legal advice. If you have questions regarding the drafting of affidavits, please consult an attorney. The ZONING BOARD OF APPEALS and its staff cannot provide legal advice.]

B. Criteria for an Appeal

Pursuant to Section 17-13-1201 of the Chicago Zoning Ordinance, the ZONING BOARD OF APPEALS is granted authority to hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination by the Zoning Administrator in the administration or enforcement of the Chicago Zoning Ordinance.

Pursuant to Section 17-13-1208 of the Chicago Zoning Ordinance, an appeal may only be sustained if the ZONING BOARD OF APPEALS finds that the Zoning Administrator erred. Pursuant to Section 17-13-1207 of the Chicago Zoning Ordinance, the Zoning Administrator’s decision must be granted a presumption of correctness by THE ZONING BOARD OF APPEALS, placing the burden of persuasion of error on the Appellant.

V. FINDINGS OF FACT

[Any statement set forth below shall only refer to facts and opinions expressed in Exhibits A, B, and C attached to these proposed Findings of Fact and must use those references to explain how the Zoning Administrator erred. In other words, what is written below must be explanatory and must be supported by an exhibit. Add additional sheets as necessary.]

After careful consideration of the evidence, testimony and the entire record, the ZONING BOARD OF APPEALS hereby makes the following findings with respect to the Appellant’s appeal:

1. The narrow issue on appeal is whether or not the Zoning Administrator erred with respect to *[insert issue]* _____.

2. The ZONING BOARD OF APPEALS finds that the Zoning Administrator erred because:

_____.

VI. CONCLUSION

For all of these reasons, the ZONING BOARD OF APPEALS finds that the Appellant has met its burden of persuasion that the Zoning Administrator has erred as required by Section 17-13-1208 of the Chicago Zoning Ordinance.

The ZONING BOARD OF APPEALS hereby overturns the decision of the Zoning Administrator, and the Zoning Administrator is required to *[insert requested relief]*

This is a final decision subject to review under the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

EXHIBIT A

[ATTACH ALL DOCUMENTS PREVIOUSLY SUBMITTED TO AND REVIEWED BY THE ZONING ADMINISTRATOR]

EXHIBIT B

[ATTACH APPLICANT'S/APPLICANT'S REPRESENTATIVE'S AFFIDAVIT]

EXHIBIT C

[ATTACH ALL ADDITIONAL AFFIDAVITS NECESSARY TO SUPPORT STATEMENTS MADE IN THESE FINDINGS OF FACT]

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IN THE ZONING BOARD OF APPEALS OF THE CITY OF CHICAGO

for Address: _____

AFFIDAVIT

[*Insert name*]_____, AN INDIVIDUAL, after being first duly sworn on oath, deposes and states that they have personal knowledge of facts set forth in this Affidavit and if called to testify in this matter, they would swear the following facts are true and correct:

- 1.
- 2.
- 3.
4. [*add additional pages to continue*]

Signature: _____

Name: [*INSERT NAME*] _____

Signed and sworn to before me on [*insert date*]_____ by [*insert name of affiant*]_____, at [*insert county name*] _____County, [*insert state*] _____.

Notary Public

Commission expires: _____