

Guidelines for special use applications and appeals before the Plan Commission and Zoning Board of Appeals

These guidelines are designed to aid in making effective presentations to the Plan Commission and Zoning Board of Appeals (ZBA) for Morton residents and businesses seeking special uses, zoning variances, and in testifying for or against actions in public hearings and zoning appeals. The Plan Commission, the ZBA, and the Village Board want to ensure that all members of the community have access to and are able to effectively address their desires and concerns before these bodies – and that all issues receive a clear, fair hearing. Questions not answered in these guidelines should be directed to the Zoning Officer or to relevant Commissioners and Board members.

Presenting before the Plan Commission and Zoning Board of Appeals

- Prepare your case with a clear, succinct statement that describes your special use or variance requirement.
- Make a clear, direct opening statement
- Support your case with facts – what is the benefit of approval? Why should the Village of Morton approve your request? Remember that 3 – 5 key points are better than lengthy discussions that seek to cover every point. Avoid repetition.
- Be prepared to answer questions by Plan Commissioners, ZBA members, and citizens who may have concerns or be opposed to your application. Spend some time considering what questions might be asked, and how you will answer in a brief, clear, convincing manner.
- Provide supporting documentation where possible: drawings, maps, photos, site plans, blueprints, relevant state and federal data, agreements with neighbors, etc.
- If the request will have an impact on traffic or parking, try to determine that impact with specifics (example: our business will increase by 10 customers per day, and the three additional parking spaces will meet that need over eight hours).
- Keep in mind that Village authorities approve special uses based primarily on benefit to the Village. Economic benefit solely to the applicant is typically not a compelling reason for approval.
- Zoning appeals should show why approval benefits the Village of Morton or relieves a homeowner or business of a hardship caused by existing ordinance or other circumstances beyond the applicant's control.
- If you believe your application will affect neighboring homeowners or businesses, consider visiting with affected properties (those within 250 feet) to gain understanding. Be prepared to share maps, drawings, and other information that helps make your case and clarifies understanding. Make sure you present the same material to the Plan Commission or ZBA that you share with neighbors.

- To the extent possible, use visual aids in making your presentation – charts, maps, summary documents. Powerpoint presentations are most effective, but should be kept short and directly to the point of the request.
- Consider reviewing your proposals with the Village Superintendent of Public Works or Zoning Officer for guidance on acceptable practices or ensuring your material addresses the points Commissioners and Board members will consider.
- Keep in mind that the Plan Commission only considers questions of land use. It does not -- and legally cannot -- enforce regulation, consider social issues and similar matters. Safety issues can be addressed only as they relate to land use.
- The Zoning Board of Appeals considers only variances to existing ordinances. A ZBA decision is final, with the exception of variances within the Interchange Zone; those come before the Village Board following a ZBA review.
- Remember that the Plan Commission is a recommending body, and that final determination on Plan Commission recommendations is made by the Village Board. Applications and appeals, depending on their scope, may be continued beyond one meeting. You should plan with the recognition that you may not have a final answer within 30 days after you present. The Zoning Board of Appeals is an independent body, and all ZBA decisions are final.

Testifying in favor of or against special uses, zoning appeals, and other Plan Commission and ZBA issues

- Make sure you have the facts on the issues on which you intend to testify, and that the testimony is relevant to land use and zoning issues only. Make sure examples are relevant to Morton and to the issues at hand.
- As with applicants' presentations, support or oppose the issue with brief, factual, to-the-point statements. A few brief, strong points in favor or opposition are better than lengthy arguments that try to cover every point of support or objection, however small. A succinct 5-minute presentation is more powerful than a rambling 20-minute discussion.
- Use charts, drawings, maps, etc where appropriate to support your testimony
- All testimony is sworn before the Village attorney and recorded by a court stenographer. Rules of perjury apply.
- The Plan Commission and ZBA will also accept written statements, signed by the author(s). Such statements must contain the names and addresses of all signatories.

- Only testimony from affected residents within 250 feet of special use and zoning variance applications has legal standing, but the Plan Commission and ZBA will hear testimony from all interested parties. Those within 250 feet are encouraged to limit testimony to 10 minutes. Others will be limited to statements of five minutes only.
- Residents and business owners within 250 feet of a special use or appeal will have the opportunity to ask questions of the petitioner, Commissioners, or Board members during hearings.
- Use facts to support or oppose the issue. A statement like “We believe this is bad for neighborhood” is not as strong as a statement that documents why or how the proposed action could damage the neighborhood (example: facts, figures, measurements, etc that show damage). Remember that support and opposition must address only land use.
- Remember that Plan Commissioners, ZBA, and Village Board members are long-term members of the community, many with substantial experience in their Commission or Board positions. While they are sensitive to individual needs, their key focus is on the long-term benefit to Morton as a community.
- Plan Commissioners, ZBA, and Village Board members are happy to take your private calls and questions, but must make their decisions primarily on testimony at public hearings and legal responsibilities.

PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT

Petition Number: _____ Date: _____

1. Legal Description: _____

Street Address: _____

2. Area of subject property: _____ sq. ft. or _____ Ac.

3. Present land use: _____

Proposed land use or special use: _____

Requested zoning change: from _____ District to _____ District

4. Surrounding zoning districts:
North _____ East _____ South _____ West _____

5. Subject property is owned by:
Name: _____

Address: _____

(If subject property is owned by a trustee, a written statement must be furnished by the trustee, disclosing the names of all beneficial owners. A change in any of the beneficial owners during the amendment/special use process must be disclosed immediately.)

6. A list of names and addresses of all property owners in the petition area (within 250 feet of the area affected by this petition) will be provided by the Village of Morton and attached hereto.

7. A statement is attached hereto, indicating why, in our opinion, the amendment or special use requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment or special use will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.

8. Additional exhibits submitted by the petitioner:

9. Petitioners' Signature:

Name: _____

Address: _____

Phone No.: _____

Email Address: _____

Signature: _____

Name: _____

Address: _____

Phone No.: _____

Email Address: _____

Signature: _____

Name: _____

Address: _____

Phone No.: _____

Email Address: _____

Signature: _____