

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, July 10, 2007, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairperson Itkin, Members Rubinstein, Pratt, and Alternate Brusso

ABSENT: Trustee Liaison McDonough

ALSO PRESENT: Steve McNellis, Director of Community Development, Tonya Zozulya, Planner

CALL TO ORDER: Chairperson Itkin called the meeting to order at 7:00 p.m.

1.0 ROLL CALL

The roll was called by the secretary and **Chairperson Itkin** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Regular Zoning Board Meeting held on Tuesday, June 12, 2007.

Mr. Rubinstein moved and **Mr. Brusso** seconded a motion to approve the minutes as submitted. The motion passed unanimously by voice vote.

3.0 GENERAL BUSINESS

3.1 **Public Hearing** to consider a text amendment to Sections 6-5A-3(A), R1-District, 6-5A-4(A), R2-District, and 6-5A-5(A), R3-District of the Village of Lincolnshire's General Zoning Regulations regarding "established" yard setback requirements for residential buildings, to clarify that approved variations from this standard do not set a precedent for future application of this code section (Village of Lincolnshire).

3.2 Consideration and discussion of a text amendment to Sections 6-5A-3(A), R1-District, 6-5A-4(A), R2-District, and 6-5A-5(A), R3-District of the Village of Lincolnshire's General Zoning Regulations regarding "established" yard setback requirements for residential buildings, to clarify that approved variations from this standard do not set a precedent for future application of this code section (Village of Lincolnshire).

Chairperson Itkin recessed the Zoning Board meeting and opened the Public Hearing.

Steve McNellis, Director of Community Development, summarized Staff's memorandum dated July 6, 2007, and noted that, since the beginning of this year, the subject of "average yard setbacks" was reviewed and recommended to the Village Board regarding a revision of how this issue of varying setbacks should be handled. The approval of the "Average Yard Setback" Zoning Code Amendment dictated that where 75% of homes on a block have front yard setbacks greater than the minimum

required, then no new home, teardown/rebuild or addition could be any closer to the street than the closest part of the closest existing home. Staff has dubbed this requirement the “established building setback”, as it sets the front yard setback, based upon the closest established building. A subsequent request by a Lincolnshire property owner to vary this setback requirement was heard by the Zoning board at the May meeting in which this new established building setback applied. However, the home did not comply with the established building setback; and **Director McNellis** explained that based on the Findings of Fact, the Zoning Board recommended approval of the variation with the stipulation that approval of same would not affect what the closest established building setback is for one block. In other words, a property with such a front yard setback variance would not be counted when determining the established building setback.

Director McNellis further noted that, while the Village Board certainly agreed with the Zoning Board’s recommendation and the stipulation placed upon it, they wished to go a step farther and actually amend the code for established building setback to memorialize such a stipulation. In so doing, buildings with front yard setback variations would be excluded from such a determination. The Village Attorney drafted a minor code language revision to be included within Code Section listed in the aforementioned Agenda Item #1 and reads as: “*excluding existing principal buildings permitted by virtue of a variance to this regulation;*” At the same time, the Village Attorney has also revised the code language to better define “nearest” as being the building “*with the least front yard setback*”. Therefore, Staff believes that both minor revisions now clarify this code requirement, with regard to how variations should be treated, and Staff is supportive of this Code amendment.

There being no public comment, **Chairperson Itkin** closed the Public Hearing and reconvened the Zoning Board meeting.

The following motion was reviewed by the Zoning Board and it met with their satisfaction.

Having made Findings of Fact, Mr. Pratt moved and Mr. Rubinstein seconded a motion to recommend approval of a proposed Text Amendment to Sections 6-5A-3(A), R1-District, 6-5A-4(A), R2-District, and 6-5A-5(A), R3-District of the Village of Lincolnshire’s General Zoning Regulations regarding “established” yard setback requirements for residential buildings, to clarify that approved variations from this standard do not set a precedent for future application of this code section, based on the facts presented in Draft Code language provided by the Village Attorney, in a Staff memorandum dated July 6, 2007.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS

Steve McNellis, Director of Community Development, updated the Zoning Board with regard to the fence variation requests at 100 Surrey Ct. and 102 Surrey Ct. The

recommendations were heard by the Village Board and the variation requests for the 6' tall solid wood fence along the rear yard outlot abutting Route 22, for both lots, met with unanimous support. However, the variation request for a solid 4' tall wooden fence along the side yard property lines of 102 Surrey Ct. did not meet with unanimous support from the Village Board with concerns voiced for setting a precedent, and deliberations have begun with regard to same for a final determination to be made at the next regularly scheduled Committee of the Whole meeting.

Director McNellis also noted that the Petitioner for the cell tower is still not prepared to move forward at this time, and Staff made a decision not to continue the Public Hearing. All the surrounding property owners will be notified again when the Public Hearing is re-noticed. However, there is no guarantee that the cell tower company will be prepared for the August Zoning Board meeting.

Further, **Director McNellis** provided an update with regard to the Forest View Subdivision which has recently been brought back to the Village Board for reconsideration. During the course of the Village Board's consideration and discussions of the Forest View Subdivision, when the Board initially denied approval, the Petitioner retracted the fence variation. After much deliberation with regard to traffic issues, subdivision design, and the legal matters involved, the Village Board then approved the subdivision, with the recommendations of the Zoning Board, with the fence issue attached to and made part of the approval.

5.0 NEW BUSINESS

Steve McNellis, Director of Community Development, introduced Tonya Zozulya as the new Village Planner, who has joined Stephen Robles, the other Village Planner, in the Community Development Department. On behalf of the Zoning Board, **Chairperson Itkin** welcomed Ms. Zozulya to the Village.

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Rubinstein** moved and **Mr. Pratt** seconded a motion to adjourn. The motion passed unanimously by voice vote and **Chairperson Itkin** adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Linda S. Jones, Secretary