

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, June 10, 2008, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairman Manion, Members Rubinstein, Pratt, and Soifer and Alternate Kalina

ABSENT: Trustee Liaison McDonough

ALSO PRESENT: Steve McNellis, Director of Community Development, Stephen Robles, Planner, Tonya Zozulya, Planner, Jennifer Hughes, Village Engineer, and Adam Simon, Village Attorney.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:03 p.m.

1.0 ROLL CALL

The roll was called by the secretary and **Chairman Manion** 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, May 13, 2008.

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

Steve McNellis, Director of Community Development, gave recognition to Irene Itkin, former Chairperson, who was a member of the Zoning Board since its inception in February, 2004, and became Chairperson in July, 2005, and remained as such until earlier this year when a change of residency to Deerfield terminated her position. During her tenure on the Zoning Board, Ms. Itkin was consistent, fair, and impartial in the leadership of this group. She possesses the traits that helped the Zoning Board be successful in its role as a recommending body to the Village Board. On behalf of the Village Board, the Staff, and the Zoning Board, **Director McNellis** presented Ms. Itkin with a plaque and a gift as a token of appreciation from the Village for her time and the many hours spent for the betterment of the community. Upon acceptance of same, **Ms. Itkin** expressed her appreciation and noted that it has been a great learning experience for her, as well.

3.0 GENERAL BUSINESS

3.1 Continued Consideration and Discussion regarding proposed text amendments to Sections 6-2-2, Definitions, for the purpose of establishing definitions for memorial facilities, and 6-5A-2, Special Uses (in the R1, R2, and R3 Single-Family Residence Districts), 6-5B-3, Special Uses (in the R2A Single-Family Residence District), 6-5C-3, Special Uses (in the R4 Single-Family Attached Residence District, and 6-5D-3, Special Uses (in the R5 Mixed Use General Residence District) of the Village of Lincolnshire's Zoning Regulations regarding the permissibility of memorial assembly facilities and memorial gardens as Special Uses in the R1, R2, R2A, R3, R4 and R5 Residence Zoning Districts (Village of Lincolnshire)

Stephen Robles, Planner, summarized Staff's memorandum dated June 10, 2008, and noted that the Zoning Board felt that the previously proposed text amendments presented at the May Zoning Board meeting did not address many of the citizen's concerns regarding memorial assembly facilities and recommended the following changes be made:

- Outdoor memorial facilities should not be permitted in any Residential Zoning District, unless accessory to a cemetery use, with cemetery uses remaining as a Special Use in the R2A and R4 Districts.
- Memorial assembly facilities in Residential Districts would be acceptable as an accessory to a religious institution or assembly use provided that such facility is located within the principal structure.
- Consider addition specific requirements to the Memorial Garden standards since no specific standards are proposed.

Based on this direction, a revised version of the proposed text amendments have been included within the packet that reflect specific changes requested by the Zoning Board. **Planner Robles** pointed out the exclusion of "landscaped area" from the proposed definition of "Memorial Assembly Facility, and a revised definition of the same, which now includes "landscaped area", has been distributed to the Zoning Board prior to this meeting and should be included in any recommendation and motion issued by the Zoning Board. The revised definition for a "Memorial Assembly Facility" now reads as: "A landscaped area or structure such as a columbarium or memorial wall intended as a memorial for deceased persons and used for the burial or internment of cremated human remains." As discussed by the Zoning Board at last month's meeting, if memorial facilities were located inside a building, then the visual concerns of many residents would be minimized. Therefore, the text amendments have been revised so that "columbaria" shall only be permitted as Special Uses for religious and assembly facilities provided that they are located within the interior of the principal structure. The modified text amendments would continue to permit cemeteries as a Special Use in R2A and R4 Districts, along with any proposed exterior memorial assembly facility that may be permitted as an accessory to a cemetery use. Also, unlike other comparable communities to Lincolnshire that define "memorial gardens" as areas that contain cremated human remains, the Village's proposed definition of memorial gardens will exclude any type of human remains. This will offer assembly uses the option to create memorial areas that truly are landscaping improvements. Therefore, Staff believes that specific standards do not need to be created since many of the types of improvements that would be found in a memorial garden are currently permitted through Administrative review. In the event a proposed memorial garden would contain a structure, an amendment to the special use would be required, unless an existing special use shows the structure being proposed. Based on the direction provided by the Village Board, Staff feels the Zoning Board has addressed their request and developed standards to regulate memorial assembly facilities and is supportive of the revisions. **Planner Robles** further noted that, if the Zoning Board's recommendation is favorable to accept the proposed text amendments, consideration should be given to "grandfathering" the existing columbaria facility located at the Lutheran Church of the Holy Spirit, 30 Riverwoods Road.

Chairman Manion requested any comments with regard to the existing columbaria facility, to which there was an immediate consensus from the Zoning Board to accept grandfathering of same.

Having made findings based on facts covered in a Public Hearing held on May 13, 2008, and further discussed on June 10, 2008, Mr. Soifer moved and Mr. Rubinstein seconded a motion to recommend approval to the Village Board of a text amendment to Sections 6-2-2, Definitions for the purpose of establishing definitions for “Memorial Assembly Facility” and “Memorial Garden”, and 6-5A-2, Special Uses (in the R1, R2, and R3 Single-Family Residence Districts), 6-5B-3, Special Uses (in the R2A Single-Family Residence District), 6-5C-3, Special Uses (in the R4 Single-Family Attached Residence District), and 6-5D-3, Special Uses (in the R5 Mixed Use General Residence District) of the Lincolnshire Village Code to permit memorial assembly facilities and memorial gardens as Special Uses in the R1, R2, R2A, R3, R4, and R5 Residence Zoning District, based on the facts and as presented in Staff’s memorandum dated June 6, 2008 and the Draft Text amendments language, last revised May 27, 2008, and further subject to grandfathering the existing columbaria facility located at the Lutheran Church of the Holy Spirit, 30 Riverwoods Rd., Lincolnshire, IL.

With a roll call vote, the motion carried as follows: 4 Ayes (Chairman Manion, Mr. Rubinstein, Mr. Pratt, & Mr. Soifer)

Chairman Manion recessed the Zoning Board and opened the following Public Hearing which was properly noticed in the May 24, 2008, issue of the *Daily Herald*.

- 3.2 **Public Hearing** regarding a request to appeal an administrative decision of the Village of Lincolnshire’s Enforcement Officer, the Director of Community Development, that the subject property violates Section 5-5-12, Prohibited Pools, of the Village of Lincolnshire’s Building Regulations, insofar as an above-ground pool is not permitted on a single-family residence located at 23423 Indian Creek Road in the R1 Single-Family Residence District (Alexander Kuzmenko).

Adam Simon, Village Attorney, noted that this agenda item is an Administrative Appeal of the decision of the Village’s Zoning and Enforcement Officer, who is interpreted to be Steve McNellis, Director of Community Development, along with the Staff of the Community Development Department. The CD Department has evidence describing and supporting their decision for the alleged violation against Section 5-5-12 of the Village Code. In accordance with this violation, a notice of violation was issued to the owner of the property at 23423 Indian Creek Road, Lincolnshire, IL. **Attorney Simon** explained that, under the Village Code, the owner has the right to appeal the decisions and interpretations of the Enforcing Officer to the Zoning Board of Appeals, and in this case, will act as a judicial tribunal. Therefore, at this meeting, the Appellant and Staff will present the facts, for the first time to the Zoning Board, for the purpose of examining the facts and evidence relative to this case, in order to deliberate and make a recommendation to the Village Board to either grant or deny this appeal. Also, the decision of the Zoning Board is based upon the interpretation of the Code as it exists at this time, and any change to the code would be subject to a different

hearing. At the request of the Village Attorney, the Appellant and Staff were sworn in by Chairman Manion.

Alexander Kuzmenko, owner of the subject property at 23423 Indian Creek Rd., Lincolnshire, IL, and **Dimitry Kuzmenko**, son of the owner, spoke on behalf of his father and presented their appeal. He testified that the above ground swimming pool was purchased from the Great Escape, and they installed it on the property which they have been renovating since their ownership began in 2006. He noted that they were not aware of the Village Codes as they since have learned from the notice of violation. In addition, the Great Escape assured them, since they had certified installers to install the pool, everything was up to code with the Village, it should be fine and there would be no need to worry. **Alexander Kuzmenko** testified that the Great Escape told them it would not be a problem, and they would apply for the permit and install the pool. Upon receiving the notice of violation, **Mr. Kuzmenko** questioned the Great Escape as to their commitment for the permit, to which he was told that it was his responsibility to get the permit and he could see it would be impossible to argue. Shortly after purchasing his property, **Mr. Kuzmenko** spent over \$35,000 to clean up the river area and his property to make its appearance better. He also noted that they were told by the Village that the property was in a floodway/floodplain. In checking with the Township Assessor's Office, he was told that they had no problem with an above ground pool. In his opinion, **Mr. Kuzmenko** sees nothing wrong with the swimming pool because it does not pose a danger, as he lives on approximately 3 acres and he is 400 feet from the nearest neighbor. He pointed out that another neighbor, about 600' in distance from his house, has a swimming pool which was installed in 1979-1980, after which the Village of Lincolnshire regulations were changed.

Mr. Rubinstein asked when the pool was installed, to which **Mr. Kuzmenko** responded that it was June, 2007. He also inquired if Mr. Kuzmenko returned to the Great Escape after the pool installation and notification of violation from the Village to inform them of his circumstances and a lack of permit, to which **Mr. Kuzmenko** stated that the Great Escape had nothing to do with it and referenced the contract he had signed upon the purchase of the pool. **Mr. Rubinstein** further inquired if the Appellant had discussed this with his legal counsel in order to bring action against the pool installers. **Dimitry Kuzmenko** explained that there was a small clause on the reverse of the paperwork they had signed and apparently overlooked at the time of purchase, which clause indicated the Great Escape takes no responsibility for whatever should occur from the purchase and/or installation of the product. **Mr. Soifer** questioned if there was an initial contact with the Village with regard to the installation of the pool, to which he responded negatively and noted that the neighbor had an above ground swimming pool, as well as the Great Escape had assured them that there would be no issues related to the pool.

There being no further questions from the Zoning Board, **Attorney Simon** offered Staff the opportunity to present their case.

Tonya Zozulya, Planner, offered a brief time line of the project and noted that the Village Staff and Lake County SMC met with Mr. Kuzmenko on site on October 17, 2007, after a number of violations were discovered on his property, such as a pool,

barn, chain-link fencing, and a few other violations pertaining to floodway regulations and forestry issues, and some of those violations have been resolved to date. A few days later, Staff forwarded a letter to Mr. Kuzmenko requesting that the pool, which was installed without a permit and in violation of the Village code, be removed. On that same day, Lake County SMC sent a separate letter informing Mr. Kuzmenko that the above ground pool appears to be in the regulatory floodway and the Village of Lincolnshire does not allow above ground pools, and therefore, the structure will have to be removed to restore the lost floodplain storage. On November 12, 2007, the Petitioner attended a Village Board meeting to request that he be allowed to retain the existing pool. The Village Board was not in support of his request because the Village Code does not allow above ground swimming pools, as well as there was no direction from the Village Board to Staff to pursue any type of a text amendment with regard to same. Due to weather issues, Staff agreed not to require removal of the pool during the winter months. However, on April 17, 2008, a second letter was sent to Mr. Kuzmenko requesting removal of the pool by May 8, 2008, and that the Village would pursue legal action and fines should it not occur. The property owner contacted Staff in April expressing an interest to pursue this appeal and filled an application on May 8, 2008 to do so. Staff notified the property owner that the appeal hearing would be scheduled on June 10, 2008. Further, **Planner Zozulya** stated that Staff acknowledges the property owner's efforts to improve their property as stated, but does not believe that it relieves the responsibility of the property owner from following Village codes. Obviously, the subject pool was installed in violation and should be removed. Staff speculated that the Village Board originally decided, back in the 1970's, to disallow above ground pools because of maintenance and appearance issues.

Chairman Manion inquired as to the status of the above ground pool on the property at 23461 Indian Creek Road, to the north of the Appellant. **Planner Zozulya** stated that the above ground pool was permitted by Annexation Agreement which occurred in the 1990's. She noted that a specific clause within the Annexation Agreement which states the Village's acknowledgment of the existing pool as shown on a Plat of Survey attached to the Agreement. Also, if the existing pool referenced in the Annexation Agreement were to be replaced, expanded, or abandoned, it would no longer be "grandfathered in" and be subject to the regulations currently in place. However, routine maintenance is allowed to ensure safety of the structure. **Chairman Manion** questioned if there were other above ground pools "grandfathered in", to which **Planner Zozulya** stated that Staff is not aware of any at this time.

Mr. Soifer noted that the Appellant's pool is located in a floodplain and questioned if it creates a disruption in terms of water storage. **Jennifer Hughes, Village Engineer**, noted that, even once the Zoning Board determines the pool's permissibility, there still would be the issue to provide compensatory storage to offset the fill, which has been placed in the floodplain, and would still need to be resolved. As a consequence for retaining the pool, **Engineer Hughes** explained that the yard would have to be regraded to remove ground to compensate for the volume of the pool which is within the floodplain. However, Lake County SMC has suspended enforcement of that regulation due to the fact the Village Code requires removal of the pool. **Mr. Kuzmenko** requested clarification as to the extent of the compensatory storage. **Engineer Hughes** clarified that it would most likely not be a detention pond, instead, it

would involve 4"-6", up to 12" maximum, over a larger area of soil, which would have to be removed to accommodate same. She explained that the only volume needed for compensation is the volume below the base flood elevation. Therefore, the biggest cost to incur would be for the surveys required to determine the volume to be removed, and once the soil is removed, another survey would be required for verification of same. Limited discussion ensued with regard to the impact and the resolve of the floodplain issues relative to the pool. **Attorney Simon** cautioned the Zoning Board against spending too much time speculating on issues which may or may not be relevant.

Alternate Kalina inquired if the Appellant had attempted to strike a compromise with the Great Escape with regard to the issues. **Mr. Kuzmenko** reiterated that the Great Escape references the signed contract for the purchase of the pool and notes that it is not the responsibility of the seller. He believes that it is normal for a buyer to depend on the professional selling the product. **Chairman Manion** noted that it appears the issue is between the Appellant and the Great Escape.

Steve McNellis, Director of Community Development, was sworn in by Chairman Manion, and offered a reminder that this is an appeal of Staff's interpretation of the Code. He noted that there are a lot of issues that would come into play if this were a variation process, however, we are not present for a variation process, as the appeal is whether or not pools of this type are prohibited. Also, prior to opening this meeting, **Director McNellis** informed Alternate Kalina that he would be unable to vote due to full attendance of the Zoning Board members. However, he presented a procedural concern to Attorney Simon wherein, albeit there is a full Zoning Board of members, there is still an opening for another member, and therefore, would Alternate Kalina be permitted to vote. **Attorney Simon** referenced the Village Code section and interpreted that by reason of the fact that there is a vacancy on the Zoning Board, and Alternate Kalina is present and familiar with the issues, he would be permitted to vote.

There being no further testimony, questions, or concerns, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

- 3.3 Consideration and discussion regarding a request to appeal an administrative decision of the Village of Lincolnshire's Enforcement Officer, the Director of Community Development, that the subject property violates Section 5-5-12, Prohibited Pools, of the Village of Lincolnshire's Building Regulations, insofar as an above-ground pool is not permitted on a single-family residence located at 23423 Indian Creek Road in the R1 Single-Family Residence District (Alexander Kuzmenko).

Alternate Kalina offered his empathy for the Appellant and their belief in the professionalism of the seller. Based on the aerial map provided within the packets, he noted the location of the above ground pool, which appears to be secluded enough; however, the pool is not permissible and the issue is between the buyer and the seller. **Chairman Manion** and **Mr. Pratt** concurred with Alternate Kalina. **Mr. Soifer** also empathized with the Appellant, and likewise, could not see the pool as he passed by the subject property. However, he noted that the Zoning Board's role is to act as a judicial board and interpret the Village Code accordingly, and he is in agreement with the other

members. **Mr. Rubinstein** also concurred with everything that has been said by the other members. He noted that it is a violation of the Code and the Appellant's action should have been against the seller and installers of the pool. He added that the Appellant should have applied for a permit and checked with the Village before proceeding with his purchase.

Alternate Kalina moved and Mr. Pratt seconded a motion to recommend affirming the appeal and overturning the decision of the Enforcing Officer.

With a roll call vote, the motion did not carry as follows: 5 Nays (Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)

Chairman Manion recessed the Zoning Board and opened the following Public Hearings.

- 3.4 **Public Hearing** regarding a variation request of Section 6-5A-5(B) (1), Yard Requirements, of the Village of Lincolnshire's Zoning Regulations to reduce the minimum permitted front yard setback by 3', from 30' to 27' at the nearest point and Section 6-5A-5(B) (2), Yard Requirements, to reduce the minimum permitted side yard setback by 0.75', from 10' to 9.25' for the northern corner of the west side yard, for a proposed single-family residence located at 7 Stonegate Circle in the R3 Single-Family Residence District (John Van Duynhoven)
- 3.6 **Public Hearing** regarding a variation request of Section 6-5A-5(A) (5), Site and Structure Provisions, to exceed the maximum permitted building height by 4', from 30' to 34', for a proposed single-family residence located at 7 Stonegate Circle in the R3 Single-Family Residence District (John Van Duynhoven).

Tonya Zozulya, Planner, summarized Staff's memorandum dated June 6, 2008, and noted that the owner of the subject property is requesting two types of variations for a proposed single-family residence in the R3 Zoning District, in which his current house is located. The first type pertains to a 3' reduction in the front yard setback, from 30' to 27', at the nearest point, and a 0.75' reduction in the west side yard setback at the northern corner (the required side yard setback is 10'). The second variance request is for an increased overall building height from a maximum permitted building height of 30' to 32'-11" from the established grade to the peak of the roof. **Planner Zozulya** clarified that the Petitioner's original 34' building height request has been amended since the publication of the legal notice, and the Zoning Board meeting agenda reflects the original building height. The property owner is requesting these variations due to his desire to demolish his existing house to the foundation level and rebuild the house while reinforcing the foundation and raising the house out of the floodplain. According to state, federal and local floodplain regulations, the owner may only rebuild the house within the existing footprint by expanding the house vertically, not horizontally, because of the house's location in the floodplain/floodway. The Village Code requires that the first floor of a house be at least 2' above the Base Flood Elevation. The Petitioner is in compliance with this requirement, since they are raising the first floor by approximately 3' over the Base Flood Elevation, to make it a safer structure. Further, Staff is concerned with the proposed front yard setback reduction

and the side yard reduction, albeit minimal, and believes that a viable alternative exists to shift the existing foundation east and south. Staff recommended that the Zoning Board consider this in their deliberations. **Planner Zozulya** noted that the Petitioner has submitted responses to the required Standards for Variation, regarding both the building setbacks and building height, and should be reviewed independently of each other. Also, the legal notice of the Public Hearings to consider both variation requests was published in the May 22, 2008, Lincolnshire Review, and the adjacent property owners within 250' were notified by certified mailings.

David Ogden and **Donald Jeffers**, with Raino Ogden Architects, 737 W. Wrightwood Ave., Chicago, were sworn in by Chairman Manion, and stated that they are working with the owner, John VanDuynhoven, to demolish the house, reinforce the current foundation and elevate and build a new home in the floodplain/floodway. **Mr. Ogden** noted that the Petitioner wishes to raise the floor level slightly higher than the minimum of two feet above the 100-year Base Flood Elevation. The foundation of the new house would be reinforced with flood ports and helical piers, to allow floodwaters to flow beneath the house and protect the foundation from settlement. In so doing, the bottom of the first floor is two feet above the flood level, which provides a height of 4'-3" in order to allow the capability to clean out any debris and/or residue from a flood, should it occur. **Mr. Ogden** questioned if the flood level would be re-calibrated, to which **Village Engineer Hughes** stated that the base flood elevation for the Des Plaines River is established by FEMA. Over time as the watershed develops and there is more impervious surface, the ground is not able to absorb more water, and therefore, the base flood level tends to go up due to revised rainfall counts, climate changes, etc. Further, **Mr. Ogden** alluded to the excess building height of 2'-11" and noted that the proposed sloped roof was designed to keep in context with the neighboring two-story house to the west and to minimize the visual effect of a taller house and maintain the single story nature of the cul-de-sac.

With regard to the building setback issues, **Mr. Ogden** explained that it is a reasonable foundation, however, soil studies indicated the current soil would not support a new home. Thus, the soil under the existing foundation would need to be reinforced by support piers. The piers would allow the foundation to remain in place, avoiding extensive excavation, that would entail the removal of soil from the site, trucking the soil back to the site for backfill, and cause a lot of disruption to an otherwise quiet and serene neighborhood. Additionally, there are four prominent trees on the site, three mature trees planted by the Petitioner's father and an additional tree in the side yard, all of which would be affected by shifting the foundation to satisfy the setbacks.

Donald Jeffers, with Raino Ogden Architects, addressed the setback issue and noted that the front yard setback is equivalent to a variance of 10% and the side yard setback variance is 7.5%, and both variances would need to occur in order to keep the existing slab. **Mr. Jeffers** reiterated the demolition and site excavation process and noted that their concern is to keep the disturbances at a minimum, and by shifting the foundation, it would only further disrupt the neighborhood, and be cost prohibitive, considering the minimal setback requirements. In using the existing slab, he explained that their engineer has determined, through soil borings, the need to place the footings 10 feet below grade to reach stable soil in order to build the house.

Chairman Manion questioned if they intended to drill the borings into the pad, to which **Mr. Jeffers** stated that the borings would be drilled along the side of the pad, and possibly two in the middle. **Chairman Manion** stated his satisfaction with the building height, because there is hardship with the site, and it is in the flood zone. He also questioned the feasibility of moving the front of the house back three feet and adding three feet on the south side. **Tony Van Crey**, the contractor for the Petitioner, was sworn in by Chairman Manion, and explained that the 10' footing wall would still need to be in place, and the cost would be approximately \$40,000 to move the foundation back.

Andy Muzik, 8 Stonegate Circle, Lincolnshire, has the two-story house to the west of the Petitioner's property, lived there 25 years, and noted that all 12 houses on Stonegate Circle have some setback issues. He pointed out that, albeit the Petitioner's side yard setback affects his property, he has no concern with it. Also, the Petitioner's trees provide shade for Mr. Muzik and he is hoping that the Zoning Board considers Mr. VanDuynhoven's plight. He built a second story onto his home approximately 15 years ago, and did not experience all these issues.

John VanDuynhoven, 7 Stonegate Circle, Lincolnshire, was sworn in by Chairman Manion, and stated that he is the owner of the subject property and ever since the flood in 1986/1987, it was his desire to build a new home on the site by elevating the house out of the floodway. He pointed out that the side yard setback violation affecting Mr. Muzik's property is only at a very small corner of his foundation. **Mr. VanDuynhoven** noted the support from his neighbors and recognized the five who were present at the meeting. **Director McNellis** asked the Petitioner if he wanted the Standards for Variation and the signatures of the Stonegate Circle residents which were submitted be entered into and made part of the record, to which **Mr. VanDuynhoven** responded affirmatively.

Chairman Manion closed the Public Hearing and reconvened the Zoning Board meeting.

- 3.5 Consideration and discussion regarding a variation request of Section 6-5A-5(B) (1), Yard Requirements, of the Village of Lincolnshire's Zoning Regulations to reduce the minimum permitted front yard setback by 3', from 30' to 27' at the nearest point and Section 6-5A-5(B) (2), Yard Requirements, to reduce the minimum permitted side yard setback by 0.75', from 10' to 9.25' for the northern corner of the west side yard, for a proposed single-family residence located at 7 Stonegate Circle in the R3 Single-Family Residence District (John Van Duynhoven).
- 3.7 Consideration and discussion regarding a variation request of Section 6-5A-5(A) (5), Site and Structure Provisions, to exceed the maximum permitted building height by 4', from 30' to 34', for a proposed single-family residence located at 7 Stonegate Circle in the R3 Single-Family Residence District (John Van Duynhoven).

Mr. Soifer expressed his satisfaction with the responses to the variance requests and noted that the rebuild will serve to increase the value of the neighborhood and the Petitioner's property, as well. Because Stonegate Circle is a cul-de-sac, and not a

through street, the only people affected by the construction are those residents within the subdivision and it appears that the Petitioner has their full support. Also, there is no reason for Mr. VanDuynhoven to incur additional costs by reconstructing and shifting the foundation, given the unique circumstances here. There was immediate concurrence from the Zoning Board to recommend approval for both variance requests.

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Having made Findings of Fact, along with additional facts covered in a Public Hearing held on June 10, 2008, the Zoning Board recommends approval to the Village Board of a variation to Section 6-5A-5(B)(1), Yard Requirements, of the Village of Lincolnshire's Zoning Regulations, to permit a proposed building to encroach 3' into the required front yard setback; and Section 6-5A-5(B)(2), Yard Requirements, of the Village of Lincolnshire's Zoning Regulations, to permit a proposed building to encroach 0.75' into the required west side yard setback, based on the facts and as presented in Staff's memorandum, dated June 6, 2008.

With a roll call vote, the motion carried as follows: 5 Ayes (Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)

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3.7 *Having made Findings of Fact, along with additional facts covered in a Public Hearing held on June 10, 2008, the Zoning Board recommends approval to the Village Board of a variation to Section 6-5A-5(A)(5), Site and Structure Provisions, of the Village of Lincolnshire's Zoning Regulations, to permit a proposed building to exceed the maximum permitted building height by 2'-11", based on the facts and as presented in Staff's memorandum, dated June 6, 2008.*

With a roll call vote, the motion carried as follows: 5 Ayes (Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Rubinstein** moved and **Mr. Pratt** seconded a motion to adjourn, **Chairman Manion** adjourned the meeting at 8:29 p.m.

Respectfully submitted,

Linda S. Jones, Secretary