

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, May 10, 2011, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Rubinstein, Kalina, Leider, and Alternate Van de Kerckhove.

ABSENT: Member Soifer and Trustee Liaison Brandt.

ALSO PRESENT: Tonya Zozulya, Planner.

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

1.0 ROLL CALL

The roll was called by **Planner Zozulya** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, March 8, 2011.

Member Leider moved and **Member Rubinstein** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, March 8, 2011, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 **PUBLIC HEARING** regarding an amendment to Chapter 15, Fences and Screens, to modify the requirements for a variety of residential and commercial fence types (Village of Lincolnshire)

3.2 Consideration and discussion regarding an amendment to Chapter 15, Fences and Screens, to modify the requirements for a variety of residential and commercial fence types (Village of Lincolnshire)

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing regarding Agenda Items 3.1 and 3.2, which were properly noticed in the April 21, 2011, issue of the *Lincolnshire Review*.

Planner Zozulya stated that, as explained in Staff's memorandum to the Zoning Board dated May 6, 2011, Staff was unable to provide the Zoning Board with information regarding the proposed text amendment request in advance of the Village Board referral at their regular May 9, 2011 meeting. She further noted that the Village Board reviewed and referred the proposed text amendment at their meeting on May 9, 2011. Given the short turnaround between the two meetings, Staff has provided the Zoning Board with highlights of the main subject areas that

were referred for the Zoning Board Public Hearing in a separate memorandum dated May 10, 2011 prior to the beginning of tonight's meeting. **Planner Zozulya** stated that Staff requests that the Zoning Board open the Public Hearing, begin the discussion of the items that were referred, and at the end of the agenda item, continue the Public Hearing to the June 14, 2011 Zoning Board meeting. Since the discussion will involve more than one meeting, no recommendation was to be made at tonight's meeting.

Chairman Manion stated that since there is no one from the public present tonight, it would be beneficial to postpone the Zoning Board discussion regarding this matter until the next scheduled Zoning Board meeting on June 14, 2011, without discussion.

The Zoning Board reached a consensus to continue the Public Hearing and consideration and discussion to the June 14th regularly scheduled Zoning Board meeting, with regard to the proposed text amendment to Chapter 15 of Title 6 (Zoning), of the Lincolnshire Village Code.

- 3.3 **PUBLIC HEARING** regarding an amendment to Section 6-2-2, Definitions, in Chapter 2 (Zoning Definitions); Section 6-3-5(A)(2), Detached Accessory Structures (Buildings), in Chapter 3 (General Zoning Regulations); Section 6-5B-3(B) and Section 6-5B-3(H)(3), Special Uses, and Section 6-5B-4(B)(3)(b), Lot Area, Setback and Height Requirements, in Chapter 5B (R2A Single-Family Residence District); Section 6-9A-1(B), Permitted Uses, in Chapter 9 (Farming District), and Section 6-11-3(B)(2), Off-Street Parking, in Chapter 11 (Off-Street Parking and Loading), to eliminate private stables as permitted uses in the R1 Single-Family Residence District; to eliminate stables, animal husbandry and riding clubs as special uses in the R2A Single-Family Residence District, and to eliminate stables as permitted uses in the F1 Farming District (Village of Lincolnshire).
- 3.4 Consideration and discussion regarding an amendment to Section 6-2-2, Definitions, in Chapter 2 (Zoning Definitions); Section 6-3-5(A)(2), Detached Accessory Structures (Buildings), in Chapter 3 (General Zoning Regulations); Section 6-5B-3(B) and Section 6-5B-3(H)(3), Special Uses, and Section 6-5B-4(B)(3)(b), Lot Area, Setback and Height Requirements, in Chapter 5B (R2A Single-Family Residence District); Section 6-9A-1(B), Permitted Uses, in Chapter 9 (Farming District), and Section 6-11-3(B)(2), Off-Street Parking, in Chapter 11 (Off-Street Parking and Loading), to eliminate private stables as permitted uses in the R1 Single-Family Residence District; to eliminate stables, animal husbandry and riding clubs as special uses in the R2A Single-Family Residence District, and to eliminate stables as permitted uses in the F1 Farming District (Village of Lincolnshire)

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing regarding Agenda Items 3.3 and 3.4, which were properly noticed in the April 21, 2011, issue of the *Lincolnshire Review*.

Planner Zozulya stated that this is a Village-initiated text amendment whose purpose is to eliminate private stables as permitted uses in the R1 Single-Family Zoning District; to eliminate stables, animal husbandry and riding clubs as special uses in the R2A Zoning District; and to eliminate stables as permitted uses in the F1 Farming District. **Planner Zozulya** said that this issue was brought to light after Staff received an inquiry regarding the permissibility of private stables on the 15-acre property at 1700 Riverwoods Road (this property is zoned R1 Single-Family Residential). In the course of Staff's research on this issue, some Code inconsistencies were discovered. The Police Code specifically prohibits horses and other animals in all residential districts in the Village while the Zoning Code allows these uses in certain districts. Staff learned that private stables were not permitted in the R1 District until a 1995 Code amendment was adopted for reasons not clear to current Staff. All existing horse stables that came into the Village in prior years have been phased out and no new stables have been permitted in the Village since the 1995 Code revision.

There were no members of the public present wishing to speak regarding the proposed text amendment.

Member Van de Kerckhove inquired whether there are any properties in the Village currently zoned F1 Farming, to which **Planner Zozulya** responded that the F1 Farming District is a carry-over classification from previous Village Codes, which still appears in the current Zoning Code, but not on the Zoning Map as there are currently no properties with the F1 designation. **Member Van de Kerckhove** inquired whether the Liberty Farm horse property (located north of Banner Day Camp on the east side of Riverwoods Road) and the property adjacent to the Aon Hewitt campus (west of Old Mill Road, north of Rte 22 are in the Village) where he has observed horses, are within the Village's corporate limits. **Planner Zozulya** responded both properties are not in the Village but in unincorporated Lake County. She added that the Village will have the ability to incorporate any required Code exceptions related to animals into annexation agreements for specific incoming properties, on a case-by-case basis.

Chairman Manion wanted to know about the details of the inquiry regarding the property at 1700 Riverwoods Road. **Planner Zozulya** said that the inquiry came from a real estate agent whose clients were considering purchasing the 1700 Riverwoods Road property (that could be available for purchase) where they wished to build a private stable.

Chairman Manion requested clarification regarding the location of R1 Single Family Residence Zoning District in which private stables are currently permitted as of right. **Planner Zozulya** stated that, as shown in the Zoning Map provided to the Zoning Board with the Staff memo, the R1 District covers the residential area along Brookwood and Northampton Lanes; the property at 1700 Riverwoods Road; the northeast quadrant of Aptakisic Road and Barclay Boulevard, and several smaller areas throughout the Village. The R2A Single-Family Zoning District includes the residential area north of Half Day Road, on both sides of Riverwoods Road. The minimum lot size requirement in the R1 Zoning District is

80,000 square feet, although private stables are currently permitted in that zoning district as of right without lot size restrictions. The only Code restriction is that they must be located in such a way as not to be a nuisance or adversely impact neighboring properties. **Planner Zozulya** noted that the R2A Zoning District does provide minimum lot size requirements for horse-related uses, which are 10 acres for stables and animal husbandry, and 10 acres for non-commercial riding clubs and stables (she noted a Code conflict in the current minimum lot size requirements for stables).

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

Chairman Manion indicated that he is not in support of eliminating horse stables entirely from the Zoning Code, as he believes that properties of a certain size (such as the 15-acre property at 1700 Riverwoods Road) should be permitted to have stables. There used to be a horse farm on a big parcel of land adjacent to his residence on Brampton Lane, and none of the neighbors appeared to have any complaints about it. He believes that horses can add character to the Village. **Chairman Manion** stated that there are very few existing properties in the Village that could reasonably accommodate stables, based on the lot size.

Chairman Manion inquired what approval process for someone wishing to build a stable would be required if the proposed text amendment is approved. **Planner Zozulya** responded that if stables are eliminated from the Zoning Code, any existing properties wishing to build stables would need to petition for a code amendment. **Chairman Manion** felt that it would be a long process.

Member Kalina inquired why it is believed that horses may be disruptive to single-family homes in the Village. **Planner Zozulya** stated that in cases where there is no adequate buffering or screening, especially on smaller lots, horses may create a variety of concerns for neighboring properties related to noise and smell. **Chairman Manion** remarked that he would anticipate such concerns from existing single-family properties that surround the 1700 Riverwoods Road property. He said that none of those residents are present tonight to state their position regarding the proposed text amendment.

Member Leider said that he believes that horses are no longer appropriate in residential areas in the Village, as they would have been 15-20 years ago, due to the current population density. **Members Kalina, Van de Kerckhove and Rubinstein** indicated that they believed horses would be appropriate only under certain circumstances on lots bigger than 2 acres in size located on the outer edge of the Village.

Chairman Manion asked for a motion regarding the proposed text amendment. The following motion was read:

Member Kalina moved and Member Rubinstein seconded the motion to approve, and recommend to the Village Board for their approval, a text amendment to

Section 6-2-2, Definitions, in Chapter 2 (Zoning Definitions); Section 6-3-5(A)(2), Detached Accessory Structures (Buildings), in Chapter 3 (General Zoning Regulations); Section 6-5B-3(B) and Section 6-5B-3(H)(3), Special Uses, and Section 6-5B-4(B)(3)(b), Lot Area, Setback and Height Requirements, in Chapter 5B (R2A Single-Family Residence District); Section 6-9A-1(B), Permitted Uses, in Chapter 9 (Farming District), and Section 6-11-3(B)(2), Off-Street Parking, in Chapter 11 (Off-Street Parking and Loading), all of Title 6, Zoning, to eliminate private stables as permitted uses in the R1 Single-Family Residence District; to eliminate stables, animal husbandry and riding clubs as special uses in the R2A Single-Family Residence District, and to eliminate stables as permitted uses in the F1 Farming District, based on the facts, and as presented in Staff's memorandum dated May 6, 2011.

The motion carried with a roll call vote as follows:

*4 Ayes -Members Rubinstein, Leider, Kalina and Van de Kerckhove
1 Nay - Chairman Manion*

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:25 p.m.

Minutes Submitted by Tonya Zozulya, Planner