



VILLAGE OF LINCOLNSHIRE

MINUTES ZONING BOARD MEETING Tuesday, September 12, 2023

Present:

Chair Bichkoff
~~Member Hersh~~
Member Kalina
Trustee Kelly

Assistant Village Manager/Community &
Economic Development Director Roesler

Member Cohen

Member Curtin

Member Josephson

~~Planning & Development Manager Zozulya~~

1.0 ROLL CALL

Chair Bichkoff called the meeting to order at 7:01 p.m., and Assistant Village Manager/ Community & Economic Development Director (AVM/CEDD) Roesler called the roll.

2.0 APPROVAL OF MINUTES

2.1 Approval of the minutes of the Special Zoning Board meeting held on July 26, 2023

Member Kalina moved, and Member Curtin seconded the motion to approve the minutes as presented for the July 26, 2023, Zoning Board meeting.

AYES: Bichkoff, Kalina, Cohen, Curtin, and Josephson

NAYS:

ABSENT: Hersh

ABSTAIN:

Chair Bichkoff declared the motion carried.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Continued Public Hearing Regarding a Text Amendment to Title 6 (Zoning), Chapter 2 (Zoning Definitions), Chapter 3 (General Zoning Regulations), Chapter 5 (Residence Districts), and Chapter 13 (Nonconforming Uses, Structures & Lots) of the Lincolnshire Village Code (Village Lincolnshire)

Assistant Village Manager/Community & Economic Development Director Roesler (AVM/CEDD Roesler) stated the intent of the proposed text amendment was to preserve the character of single-family zoned residential properties by prohibiting lodging houses and lodging rooms. In the absence of

these regulations, multi-lease arrangements in single-family homes could occur, thereby disrupting neighborhood character.

AVM/CEDD Roesler noted that the only change made in response to Zoning Board's questions from the July 26, 2023, meeting was a requirement for any residential rental to be under a single lease.

AVM/CEDD Roesler answered Zoning Board members' questions regarding how the text amendment would apply to caregivers, friends living with the owner, and whether a special use process should be considered.

As it relates to nannies and caregivers, AVM/CEDD Roesler stated a homeowner paying a caregiver or nanny for their services will not be subject to residential rental regulations, and therefore these arrangements would not be prohibited.

AVM/CEDD Roesler stated friends living in a single-family home with the owner is permissible so long as there is no rent being exchanged, as the household needs to function as a single household unit and the lease arrangement would qualify the home as "lodging house".

AVM/CEDD stated in consultation with the Village Attorney, staff did not see the need to require a special use process to regulate the number of tenants in residential rentals as building code regulations dictate how many people may live together within a single dwelling.

Member Curtin asked for clarification as it relates to charging rent to a family member or other renter when the owner is living in the residence, as opposed to living outside of the residence. AVM/CEDD Roesler stated if the property owner lives on the premises, they cannot charge rent to anyone living there regardless of whether they are related or unrelated as this would qualify the home as a "lodging house". An owner may charge rent if they do not live on the premises and all occupants are under a single lease.

Member Josephson asked what were the concerns the Village was trying to address with the proposed text amendment? AVM/CEDD Roesler reiterated the desire to preserve the nature of single-family neighborhoods, and ensuring they operate in a manner that is expected of single-family neighborhoods. If multiple residents don't know one another or are living under multiple leases, this could impact neighboring properties.

Member Josephson raised concern regarding the number of occupants and the lease structure. Member Cohen also expressed concern that the language in the proposed ordinance was too broad and could create problems for homeowners. Member Cohen doesn't believe it addresses scenarios like having a relative move in who pays some rent.

Chair Bichkoff asked about the enforcement process, were the proposed text amendments approved by the Village Board? AVM/CEDD Roesler stated that enforcement would begin as a conversation with the property owner to understand the living arrangement. If further investigation was needed based

on that conversation, the Village would continue investigation to make a formal determination and proceed with a citation, if necessary.

AVM/CEDD Roesler noted the situation that brought this issue up involved extenuating circumstances like building code/life safety violations in addition to potential zoning code violations.

Member Kalina asked what would happen to properties with an existing multi-lease arrangement if the Village Board adopted the proposed regulations. AVM/CEDD Roesler stated they would have a one-year amortization period, whereby if the Village knew of any arrangements, and the Village Board adopts these regulations, they would have one year to come into compliance with the Zoning Code. AVM/CEDD Roesler also stated that if the owner sold their property that would trigger the single lease provision to come into play, or if a property was annexed into the Village.

Trustee Kelly asked if the Village has the ability to amend the occupancy load regulations via its home rule authority? AVM/CEDD Roesler stated a local amendment to Lincolnshire's building codes would need to be created in order to create a larger square footage requirement and conversations would need to be held with the Village Board.

Member Josephson suggested placing a cap on the number of unrelated lessees in a property rather than focusing on the lease structure. He stated how leases are structured is irrelevant to the Village, and the Village should not restrict or overregulate what homeowners are doing with their property.

Member Cohen stated he believes there needs to be a mechanism to prevent something bad from happening but is concerned with restricting homeowner's rights when there is not a major problem.

Discussion ensued regarding the prevalence of multi-lease arrangements.

Trustee Kelly suggested a permitting process for multi-lease situations. He proposed that if a homeowner wanted a multi-lease situation, they would need to come to the Village, apply for a permit, pay a fee, and then the Village would have a record that they are compliant with code. AVM/CEDD Roesler stated the idea presented by Trustee Kelly could be a way to address the issue and the Village could look at requiring special use approvals or putting a cap on the number of persons per leased property.

Members continued the discussion and talked about what the vision for Lincolnshire is and what options are available to regulate the amount of people in a single residence.

AVM/CEDD Roesler referred to Highland Park's regulation regarding lodging houses stating the city does allow rentals of individual bedrooms up to five unrelated individuals who function by one housekeeping unit by-right, whereas 6-12 unrelated individuals are permitted under special use.

Chair Bichkoff opened the floor to public comment.

Henry Che, 29 Half Day Road, asked to clarify the details of the day Lincolnshire police performed a welfare check at his home. He expressed concern with the proposed ordinance trying to solve a problem that does not exist, and that his family is being singled out and unfairly targeted as the “use case” for the ordinance.

Member Kalina responded by thanking Mr. Che for his perspective. Member Kalina acknowledged the stress and strain the situation must have caused Mr. Che’s family.

Chair Bichkoff asked if other Zoning Board members had questions. With no further questions from the board, he opened the floor to public comment, though no other members of the public spoke.

The members discussed the issue further, agreed more research was needed, and the current proposal likely wouldn’t pass. The Zoning Board directed staff to explore options for amending the building code to restrict the number of persons able to live in a home; the viability of a special use process for residential rentals; and exploring the legality of regulating the maximum number of people living in a home if the property is owner versus leased.

Chair Bichkoff moved and Member Josephson seconded the motion to continue the public hearing to allow more time for additional proposals and research.

AYES: Bichkoff, Kalina, Cohen, Curtin & Josephson
NAYS:
ABSENT: Hersh
ABSTAIN:

Chair Bichkoff declared the motion carried.

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

AVM/CEDD Roesler informed the Zoning Board the Village recently updated its Electronic Attendance Policy per state law. This policy allows board members to participate remotely in the event of unexpected childcare obligations, so long as a physical quorum is present, and the requesting member provides two hours’ notice.

AVM/CEDD Roesler let all present members know that village staff is identifying a date for the next open house related to the Comprehensive Plan update, with a target date during early to mid-October and encouraged all members to attend.

6.0 CITIZENS COMMENTS

7.0 ADJOURNMENT

Member Kalina moved, and Member Josephson seconded the motion to adjourn the Zoning Board Meeting. The voice vote was unanimous and Chair Bichkoff declared the meeting adjourned at 8:38 p.m.

Minutes submitted by Shannon Latham, Administrative Assistant, Community & Economic Development.