



VILLAGE OF LINCOLNSHIRE

MINUTES ZONING BOARD MEETING Tuesday, October 10, 2023

Present:

Chair Bichkoff
~~Member Cohen~~
Member Curtin
Member Hersh

Member Josephson
Member Kalina
~~Trustee Liaison Kelly~~
Planning & Development Manager Zozulya

1.0 ROLL CALL

Chair Bichkoff called the meeting to order at 7:00 p.m., and Planning & Development Manager (PDM) Zozulya called the roll.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting Held on September 12, 2023

Member Kalina moved, and Member Curtin seconded the motion to approve the minutes as presented for the September 12, 2023, Zoning Board meeting.

AYES: Bichkoff, Curtin, Hersh, Josephson, Kalina

NAYS: None

ABSENT: Cohen

ABSTAIN: None

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 of Lincolnshire)

Chair Bichkoff reviewed the public hearing procedures.

PDM Zozulya introduced Village Attorney Adam Simon and stated he was there to help answer any remaining questions to arrive at a recommendation to the Village Board for the final consideration and action on this item.

PDM Zozulya provided a summary of Zoning Board requests from the September 12, 2023, meeting and staff's and the Village Attorney's responses.

1. Whether or not Lincolnshire could enact Building Code amendments to regulate the minimum required building area per person.

Staff stated while the Village could change building codes to regulate the minimum building area per person, that was not in the scope of what the Zoning Board was asked to consider by the Village Board and building codes are not part of the Zoning Code.

2. Whether or not the Village could follow the Highland Park model of setting two approval tracks for handling residential single family rental situations ("by right" and with a Special Use permit).

Staff stated the Village could follow the Highland Park model in theory, but it would require a landlord registration process which would create administrative burden.

3. If a Special Use permit process was enacted, could it be required to be renewed every so often.

Staff stated the Village could require Special Use permits to be renewed periodically rather than granted in perpetuity.

4. Whether or not the Village could regulate the number of people living in homes that are owner occupied versus leased.

Staff stated regulating the number of people based on whether the home is owner-occupied or leased would not be possible due to fair housing laws.

PDM Zozulya stated the intent of this the amendment is to prohibit "lodging houses" in single-family neighborhoods. The Village believes these do not keep with the single-family character of the neighborhood.

Chair Bichkoff asked PDM Zozulya if she would like the Text Amendment findings of fact entered into the record to which PDM Zozulya responded affirmatively.

Member Kalina stated he is still feeling conflicted on the issue. He stated he was unsure if they were truly solving a real problem or coming up with a hypothetical problem.

Attorney Simon provided some key points about the intent and purpose of the proposed text amendment. He explained the word "family" in zoning context does not necessarily mean close relatives, as it does in common usage. In the Zoning Code, a family means one housekeeping unit, which can include unrelated people.

Attorney Simon stated the problem the Village is trying to solve is having multiple separate housekeeping units operating within a single-family dwelling like a multifamily dwelling, which is not compatible with the environment the Village wants to promote in those neighborhoods.

Attorney Simon explained if any group of people living in a dwelling operates as a single housekeeping unit, like a family would, occupying the dwelling for residential purposes, it meets the intent of the single-family zoning districts.

Member Josephson stated he sees what the Village is trying to accomplish but thinks the proposed text amendment puts too much restriction on what a homeowner can do with their property. Member Josephson doesn't think anyone would say the Village should allow full conversion of houses to apartment buildings, but the approach is being very restrictive about what homeowners can do with renting out rooms, for example. He gave an example of wanting to rent out a room if he had empty bedrooms, and questioned if that really violates the spirit of the neighborhood. Member Josephson suggested putting a limit allowing one or two leases in addition to the owner's family living there, rather than forcing the owner to leave the house when the property is rented out.

Attorney Simon clarified under the proposed definition of "residential rental", the entire dwelling unit must be rented out, so rentals would not be allowed while the owner lives in the house.

For Member Josephson's hypothetical scenario of renting a room, Attorney Simon said it is unclear if the renter would become part of the owner's housekeeping unit or be completely independent. Attorney Simon stated it is difficult to determine where to draw the line in terms of allowed leases/rentals, as it could vary based on house size, number of empty bedrooms, and other conditions.

Attorney Simon stated the current situation the Village is trying to address involves an owner renting out four separate bedrooms independently to people who do not know each other, which constitutes a lodging house that the proposed regulations are meant to prevent.

Member Kalina supported member Josephson's idea of allowing one lease in addition to the owner's family living in the house to give the homeowners some flexibility but still prevent lodging house proliferation. He noted that no matter what regulations the Village puts in place, people may try to work around them; therefore, allowing one lease only (in addition to the owner) is a reasonable compromise.

Chair Bichkoff opened the floor to public comment; however, no one came forward to speak.

Member Curtin asked how existing lodging houses would be impacted by the proposed regulations.

Attorney Simon stated it relates to how the nonconforming use ordinance would be modified as proposed in the text amendment. If a lodging house is currently operating as a nonconforming use, the ordinance would require that

use to convert to a regular dwelling unit within one year of the amendment or one year after a change of ownership, whichever comes first. Therefore, any existing leases could be fulfilled within that one-year timeframe before having to convert to a conforming use.

Member Josephson moved, and Member Hersh seconded the motion to provide a favorable recommendation to the Village Board regarding the amendments to various chapters of the zoning code in accordance with how it was prepared in the October 10th zoning board staff meeting memo, with the request the Village Board consider allowing one lease in addition to the owner's family living in the house.

AYES: Bichkoff, Curtin, Hersh, Josephson, and Kalina
NAYS: None
ABSENT: Cohen
ABSTAIN: None

PDM Zozulya declared the motion carried.

3.2 **Public Hearing Regarding Zoning Variances from Title 6 (Zoning) of the Lincolnshire Village Code, Section 6-8B-7 to Reduce the Minimum Required Side Yard Building Setback; Section 6-11-2(B)(3)(a) to Reduce the Minimum Required Parking Setback from a Side Lot; Section 6-11-2(E)(4) to Reduce the Minimum Required Width of a Landscape Area Between the Building Foundation and Parking; and Section 6-15-3(E)(2)(a) to Reduce the Minimum Required Side Yard Setback for Ground-Mounted Equipment, for a Proposed Multi-Tenant Office/Industrial Building Addition (121 Shelter Road - Fitzgerald Architecture Planning Design/TZ Properties LLC)**

PDM Zozulya gave a brief overview of for a request for a proposed addition to an existing office/warehouse building at 121 Shelter Road. She noted it was previously reviewed by the Village Board and referred to the Zoning Board for the variance requests and to the Architectural Review Board for design matters. PDM Zozulya summarized the four specific variances being requested, which related to reducing minimum setback requirements for the side yard, parking, landscaping, and ground-mounted equipment.

PDM Zozulya noted the variances were being requested due to existing conditions/nonconformances of the current building footprint that the addition would follow. Letters were sent to nearby property owners notifying them and no questions or concerns had been raised in response.

Daniela Fitzgerald, architect at Fitzgerald Architecture Planning Design representing the petitioner, explained they recently completed renovations to the existing building facade and signage. She explained the 6,000-square-foot addition was proposed to provide additional workspace for business growth. Ms. Fitzgerald stated the addition would follow the same building footprint and yard setbacks as the existing nonconforming building. The renderings and plans were shown detailing the design, materials, and landscaping plans.

Ms. Fitzgerald stated the trees being removed were tagged and assessed by the Village Arborist, with no objections to removals. The drainage plans were

reviewed by a civil engineer and no additional detention was required, and the photometric plans showed lighting would not exceed 0.5-foot candles at property lines.

Ms. Fitzgerald stated the variances were needed because they wanted to continue the existing building footprint and sidewalls rather than stepping back to required setbacks. Fitzgerald stated maintaining the existing layout was more efficient for interior space and vehicle access for their business operations.

Chair Bichkoff asked Ms. Fitzgerald if she would like the variance findings of fact entered into the record to which Ms. Fitzgerald responded affirmatively.

Chair Bichkoff opened the floor to public comment; however, no one came forward to speak.

Member Kalina moved, and Member Curtin seconded the motion to provide a favorable recommendation to the Village Board regarding the four variances, as presented in the staff report.

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

NAYS: None

ABSENT: Cohen

ABSTAIN: None

PDM Zozulya declared the motion carried.

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

PDM Zozulya notified the Zoning Board that the Village Board recently modified the eligible reasons for remote meeting participation by board members. She stated this was in response to a new state law that added unexpected childcare as a reason. Previously it was only for work or medical reasons. PDM Zozulya noted the procedure for notifying staff remains the same, by 5 p.m. the day of the meeting to allow staff to set up for remote participation.

6.0 CITIZENS COMMENTS

7.0 ADJOURNMENT

Member Curtin moved, and Member Kalina seconded the motion to adjourn the Zoning Board Meeting. The voice vote was unanimous and Chair Bichkoff declared the meeting adjourned at 7:47 p.m.

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