

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, October 9, 2012, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina and Leider.

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

ABSENT: Trustee Liaison Brandt and Member Van de Kerckhove.

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, September 11, 2012.

Member Kalina moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, October 9, 2012, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 Continued workshop regarding proposed revisions to Chapter 2 of Title 6 (Zoning), Definitions, and Chapter 13 of Title 6 (Zoning), Nonconforming Buildings and Uses.

Planner Zozulya stated the first workshop was held in October regarding the proposed revisions to Chapter 2 (Definitions) and Chapter 13 (Non-Conforming Buildings and Uses). She noted there were several questions and concerns raised in that workshop about the term “commercial use” and whether it would include multi-family structures such as apartment complexes. Staff consulted with the Village Attorney who stated apartment buildings and condominiums are not considered a commercial use by planning and zoning standards, unlike hotels or half way homes. The Village Attorney also indicated if there is any question as to the meaning of “commercial use” in the future, the Village will need to make a determination on a case-by-case basis. With regard to the hypothetical scenario of a multi-family development with insufficient parking in a residential district, the Village Attorney stated as a residential use, a multi-family development will be permitted to remain as is without being required for elimination. **Planner Zozulya** said the second workshop will focus on the proposed non-conforming structures, lots and variance procedures. She stated the draft Code has been provided to the Zoning Board in advance of the meeting. She noted Staff intends to schedule a Public Hearing for the November Zoning Board meeting, provided no major issues or concerns remain after tonight’s meeting.

Planner Zozulya stated the current Zoning Code requires any structure, which is used for either a use not permitted in any district or a use permitted only in a less restrictive district, be eliminated within 180 days after the end of its normal useful life established by Code, based on the type of construction and assessed value. Only ordinary repairs or alterations, with some exceptions, are permitted by the current Code. Additions, enlargement or relocation is not permitted, except in specific cases noted in the Code. **Planner Zozulya** further noted damaged non-conforming residential structures or non-residential structures in any zoning district can only be restored to their original non-conforming condition if the restoration costs are less than 50% of estimated new construction costs for the same structure. When a non-conforming structure becomes unoccupied or unused for 120 consecutive days, its occupancy can only be resumed when it is brought into compliance. The current Code does not contain specific provisions for non-conforming lots and variation procedures for non-conforming uses and structures.

Planner Zozulya requested the Board's comments for each of the proposed sections regarding non-conforming structures, lots and variations. She reviewed Sections 6-13-3(A) and 6-13-3(B) and noted the draft contains an illustration of the type of encroachment that would not be permitted to be enlarged. **Chairman Manion** inquired what areas of the lot shown in the illustration would be appropriate for a house addition. **Planner Zozulya** said an addition would be permitted in one of the side yards (in the area between the house and the property line) and within the rear line, within the dashed building envelope.

In reviewing Section 6-13-3(C), **Planner Zozulya** noted only non-structural repairs would be permitted for non-conforming structures, as described in the fence example in Staff's memo.

Planner Zozulya summarized Section 6-13-3(D) with regard to the damage or destruction of non-conforming structures, noting non-conforming institutional uses such as schools, churches and library will be permitted to be rebuilt to their original condition regardless of the extent of their damage.

Planner Zozulya stated Section 6-13-3(E) requires compliance for non-conforming non-residential uses of any non-conforming structures that have been abandoned for 12 consecutive months. **Chairman Manion** requested the language be clarified that compliance will apply to new occupancy of previously abandoned structures. **Planner Zozulya** said Staff will discuss this with the Village Attorney and noted the proposed language states "...shall terminate any rights conferred by this Section to continue the non-conforming use and occupancy (emphasis added) of such non-conforming structure."

Planner Zozulya reviewed Section 6-13-3(F), which prohibits relocation of a non-conforming structure on the same or any other lot.

Planner Zozulya continued with the review of Section 6-13-4(A)(1) and Section 6-13-4(A)(2) with regard to non-conforming lots. She stated Staff prepared a formula that explains the requirements for permitted setback and frontage reductions for new construction on non-conforming lots. **Director McNellis** stated the Village would not allow subdivision of lots unless they meet minimum Code requirements with regard to size and frontage.

Planner Zozulya stated Section 6-13-5 (Variances) is intended to supplement the general Variations requirements in Chapter 14 of the Code.

4.0 UNFINISHED BUSINESS

Chairman Manion stated the Zoning Board has been receiving Manager's Notes electronically, in addition to printed copies. **Planner Zozulya** said the Village is also sending out a weekly electronic Lincolnshire E-News, and interested Zoning Board members can sign up to receive it through the Village website. She further added her understanding was the quarterly (printed) NewsLetter will be continued.

5.0 NEW BUSINESS

Director McNellis stated there is a temporary sign on the downtown "triangle" property directing people to the Village website to obtain information regarding the grocery store development.

Member Kalina inquired about the status of the Zoning Board appointments to fill the vacant slots. **Director McNellis** stated the Mayor and the Board are aware of Board vacancies.

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:42 p.m.

Minutes Submitted by Tonya Zozulya, Planner