



**MEETING MINUTES
OF THE
PLAN COMMISSION
June 7, 2023 – 7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

Present: Chairman Mark Yohanna, Commissioners Mark DeAngelis, Adi Kohn, Henry Novoselsky, Sue Auerbach

Absent: Commissioners Steven Jakubowski and Don Sampen

Staff Present: Planning and Economic Development Manager Doug Hammel, Community Development Coordinator Marcos Classen, Village Attorney Greg Smith, and Mayor Jesal Patel

I. Call to Order

Chairman Yohanna noted a quorum and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the May 10, 2023, Plan Commission Minutes was made by Commissioner DeAngelis and seconded by Commissioner Kohn.

Aye: DeAngelis, Kohn, and Novoselsky

Nay:

Abstain: Auerbach, and Yohanna

Motion Approved: 3-0

IV. Case #PC-07-23: 6465 North Tower Court - Reasonable Accommodation Related to Impervious Coverage and Fence Height and Design

Planning and Economic Development Manager Doug Hammel went over the details of the case. The original construction request for the property was approved via a building permit, however, the petitioner submitted amended plans that would require relief from the zoning code. The proposed amendment would include an increase in the impervious surface of the property from 60% to 69.5% percent. There is also an additional request to install a solid 6-foot fence enclosing

the inside side yard and rear yard of the property. This would require relief for not only the height in the side yards (6-foot) but also the style of fence (solid). The petitioner is applying for the relief as a Reasonable Accommodation and not a variation. Mr. Hammel noted that the Village has received a signed affidavit testifying that an occupant of the property does indeed have a disability.

Commissioner Novoselsky asked if the resident benefiting from the Reasonable Accommodation is no longer at a property, does the property have to be modified to come back into compliance. Attorney Greg Smith stated that by law that type of condition cannot be placed on a reasonable accommodation.

There was some additional discussion about discussing alternatives to the proposed amendments and how to appropriately discuss changes.

Mr. Hammel went over information presented in the petitioner's application including:

- A young family member who will be occupying the home is paralyzed and requires the full-time use of a wheelchair
- The interior of the home has been designed to fully be wheelchair accessible
- The owner intends to use the rear portion of the first floor of the home and the outdoor patio area for therapy related to the occupant's disability
- An increase in the amount of allowed impervious coverage is necessary to make the property fully wheelchair accessible
- The proposed fence would provide privacy for the occupant from surrounding properties during therapy sessions
- Additional stormwater drains and transmission lines have been added to respond to any added runoff and revised patio configuration

Mr. Hammel also noted that the revised stormwater plans have been reviewed by the Village Engineer and they have offered their approval for the updated plans.

Respondents for the petitioner included:

Julia Barkan – Petitioner

Ryan Barkan – Petitioner

Nate Lochner from A. Perry Homes, general contractor for the construction.

Mrs. Barkan discussed her daughter's disability, stated why the additional patio space has been requested and described how the space would be utilized as their daughter grows up.

Commissioner Auerbach asked why were this improvement not included in the original plans. Mr. Barkan spoke about how they purchased the home around their time their daughter was born and that she was only diagnosed around a year ago. Since then, they have been trying to figure out what they actually needed and how to accommodate her unique needs.

There was some discussion about the pad included for the pool equipment and why it was located on the side of the home. Mr. Barkan spoke about how in the original plans they had the A/C units located on the side of the house, but since that is not allowed by Village code the

locations were swapped and the A/C units were moved to the back of the house and the pool equipment was moved to the side.

There was discussion about the fence placement and if it needed to extend as far as they do on both sides of the home. Mr. Barkan spoke about that being more of an aesthetic choice so that the fence would be symmetrical but that they would be amenable to adjusting the fence if needed.

There was additional discussion about where the pool equipment would be stored, and the petitioners were agreeable to looking for alternative locations for storing the pool equipment as that has no bearing on the reasonable accommodation request itself.

Chairman Yohanna asked for any public comment:

Josef Ehrenberg of 6472 Tower Court spoke in favor of the request.

Ann Spiotto of 6425 Tower Court expressed concerns about stormwater issues that may arise from additional impervious surface. Mr. Lochner addressed Ms. Spiotto's issues and stated that they believe their proposed stormwater solutions would not increase the impact of stormwater on her home.

There was some discussion about the specific improvements to mitigate stormwater and Mr. Lochner spoke about the proposed design and compared it to a French drain in function.

Ms. Spiotto addressed the commission again to speak about the look of the proposed fence.

Prior to making a motion, Commissioners again asked about the location of the pool equipment and whether it could be moved so that the amount of encroachment of the fence into the interior side yard could be minimized. The petitioner stated that they are willing to explore other locations.

A Motion was made by Commissioner Auerbach to approve staffs Recommended Actions with the following caveats:

- 1) The fence on the north end of the property can only extend into the interior side yard up to 3 feet past the edge of the door providing access to the storage area housing therapy equipment.***
- 2) If the pool equipment pad is installed in the interior side yard on the south side of the home as shown in the revised plans, then the fence may extend into the south side yard to the extent that it encloses the equipment pad. However, if the pool equipment pad is not installed in that location, the fence must stop at the rear corner of the structure and cannot extend into the interior side yard.***

The motion was seconded by Commissioner Novoselsky

Aye: DeAngelis, Kohn, Novoselsky, Auerbach, and Yohanna

Nay:

Abstain:

Motion Approved: 5-0

This item will go to the Village Board on June 20th, 2023

Chairman Yohanna called for a 5-minute recess.

V. **Case #PC-08-23: Zoning Code Text Amendment – Regulations regarding the Design of Solar Energy Systems**

Planning and Economic Development Manager Doug Hammel went over the background of the proposed amendment. There have been 82 solar panel permit applications over the past 5 years warranting a proposed text amendment. Solar panels provide environmental benefits; however, the issue of aesthetics is a concern. Currently, there are no regulations for solar panels in the zoning code. The Northwest Municipal Conference (NWMC) survey of peer communities found that roof-mounted systems are most commonly permitted. Some communities permit ground mounted systems with requirements and a few communities permit wall-mounted systems with elevation requirements. Additionally, some communities offer flexibility for “integrated systems” (photovoltaic windows or façade materials) if approved by the Architectural Review Board.

Regarding impacts on surrounding properties, some communities explicitly prohibit glare onto neighboring properties, the pruning of trees to increase sun exposure, and the rotation or change of the mounting angle. Regulations on the aesthetic of the solar systems are common.

Some communities permit solar panel systems through the administration Building Permit process with regulations that are objective and measurable. Other communities require approval from an Architectural Review Board for design modifications or conditions, a board the Village does not currently have.

Mr. Hammel summarized the COTW discussion with notes on how system capacity should be considered, obsolete panel removal should have a process, and that weight-based mounting on roofs, rather than structural anchors should be examined. Additionally, the condition of solar panels should be surveyed after significant storms, installations should be inspected, and permit application should be required with structural calculations. Staff approval rather than Planning Commission or ZBA review was mentioned as a procedural consideration. Additionally, the City of Chicago can be used as a reference for design standards and the permitting process.

Mr. DeAngelis asked a question about battery storage requirements (internal versus external).

Staff recommendations highlight three sections to amend: Section 2.02, 6.03, and 6.09:

Section 2.02 – add a definition for a solar energy collection system.

Section 6.03(non-single-family residential homes) – add a subsection to the code for a solar energy collection system to be mounted on the roof of the main structure and no freestanding solar systems. Requirements for the mounting of solar panels were listed.

There was some discussion about mounting on flat roofs and the roof setback of the panel.

Section 6.09 (single-family residential development) – would apply the same standards from 6.03.

There was discussion on infrastructure questions with proposed language and whether requirements to house infrastructure within the primary structure are feasible based on the specific design and engineering needs of a solar panel system.

Commissioner Auerbach asked about getting a solar panel expert to present information to the commission. Commissioner Novoselsky was interested as well.

Commissioner DeAngelis asked about federal regulations on communities being required to allow solar panel systems. There are currently no federal regulations for community code.

Auerbach asked about the obsolete panel removal processes. Mr. Hammel responded that other communities have requirements for this process, and that this can be explored.

Direction to come back with more information from a solar panel expert on mounting practices, obsolete panel removal, and battery storage parameters.

A Motion to amend was made by Commissioner Novo to continue the case till the next scheduled Plan Commission Meeting on July 5th

The motion was seconded by Commissioner Auerbach

Aye: DeAngelis, Kohn, Novoselsky, Auerbach, and Yohanna

Nay:

Abstain:

Motion Approved: 5-0

VI. Discussion: Update Regarding Recent Plan Commission Cases

Planning and Economic Development Manager Doug Hammel summarized recent cases. The Planning Commission recommendations on the case of permitted or special uses in the MB zoning district was supported by the Village Board with a slight revision. The revision is for a threshold for live-work spaces to ensure they remain mixed-use. Mr. Hammel is working on the text with the Village Attorney.

Regarding the 6995 Central Park (religious institution and community center), the Village Board approved the development with revisions. Revisions include no outdoor amplification, no outdoor congregation after dark, flashing lights for the crosswalk, and a provision that states if there are demonstrated or observed parking impacts (overflow parking) they must work with the Village to resolve the issue.

VII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday July 5, 2023.

VIII. Public Comment

Chairman Yohanna announced the opportunity for additional comments from the public. Let the record show that no one came forward.

IX. Adjournment

A motion to recommend adjournment was made by Commissioner novo and seconded by Commissioner Auerbach.

Aye: DeAngelis, Kohn, Novoselsky, Auerbach, and Yohanna

Nay:

Abstain:

Motion Approved: 5-0

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Marcos Classen
Community Development Coordinator