



MEETING MINUTES

**JOINT MEETING OF THE
PLAN COMMISSION/ZONING BOARD OF APPEALS**

FEBRUARY 18, 2015 – 7:00 P.M.

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

PLAN COMMISSION

PRESENT:

Chairman Paul Eisterhold
Patricia Goldfein
Steven Jakubowski (arrived at 7:17 p.m.)
Anthony Pauletto
Don Sampen
Mark Yohanna

MEMBERS ABSENT:

Irving Fishman

ZONING BOARD OF APPEALS

MEMBERS PRESENT:

Chairman Herb Theisen
Paul Grant
Jean Ikezoe-Halevi
Martina Keller
Christopher Nickell
Kathy O'Brien
Kirill Vorobeychik

MEMBERS ABSENT:

None

STAFF PRESENT:

Aaron N. Cook AICP, Community Development Manager
Timothy M. Clarke AICP, Community Development Director
Steven Elrod, Village Attorney
Hart Passman, Village Attorney

I. CALL TO ORDER

Noting the presence of quorums of both recommending bodies, Chairman Eisterhold of the Plan Commission and Chairman Theisen of the Zoning Board of Appeals called the joint meeting to order at 7:11 p.m.

II. TRAINING SESSION ON VARIATION HARDSHIPS

Village Attorney Elrod began by welcoming both recommending bodies to the training workshop. After a few introductory remarks, he noted that he will be seeking continuing legal education credit for tonight's training and encouraged any attorney member of either body to provide information to obtain this credit on the sign in sheet available at tonight's meeting for this purpose.

Attorney Elrod continued by noting the specific purpose of Variations, that they are specifically related to an unusual characteristic or feature of a specific parcel of land, which poses a practical difficulty or particular hardship in complying with the Zoning Code. It was noted that Variations once granted, run with the land and are not personal; therefore, they should not be granted based on an applicant's personal situation such as health, disability, or economic wherewithal.

Attorney Elrod continued by noting that for claims of health or disability by the applicant, a different procedure, that for Reasonable Accommodation, consistent with the U.S. Fair Housing Act, has been established. Discussion ensued concerning this process and how it differs from the Variation process. During this discussion, it was noted that requests for Reasonable Accommodation are handled by the Plan Commission, and that there is a separate application for an applicant to request a Reasonable Accommodation.

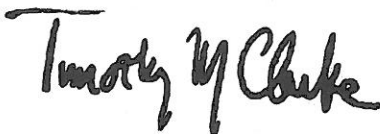
Attorney Elrod continued by noting that Variations cannot be granted to allow a use that is not permitted in a zoning district, or for multiple principal buildings on one lot or for multiple principal uses in residential districts. He also noted that Variations cannot be granted by the Village to allow for signs noted as prohibited in the Zoning Code nor for signs which encroach into the rights-of-way. He stated that Variations could be granted for all other provisions of the Zoning Code if a hardship was found.

Various questions were raised by members of the recommending bodies. In responding to questions, Attorney Elrod indicated that precedence or prior cases has no place in considering whether a Variation should be granted since the basis for granting a hardship is specifically in finding the practical difficulty of the specific property to conform to the Zoning Code. It was indicated that if several Variations from a code provisions have been granted, then a change in the code to eliminate the need for such Variations should be considered. It was also noted that an economic hardship claim or a claim that a project does not make economic senses without the requested Variation being granted is not a valid factor in determining whether a Variation should be granted.

III. ADJOURNMENT

Hearing no other questions or comments, or members of the public desiring to comment, by consensus of the recommending bodies, the joint training Session was adjourned at 8:27 p.m.

Respectfully Submitted,



Timothy M. Clarke, AICP
Community Development Director