

Deerfield Board of Zoning Appeals

4/19/2022 7:30PM

Remote Meeting Held Via Zoom

Meeting instructions for public participation:

Please click the link below to join the webinar:

<https://deerfieldil.zoom.us/j/89639503110?pwd=aktkbmlVeEFTNkhZa2YzTndyWHNtQT09>

Passcode: 9!RbyhXPuG

312-626-6799 or 646-558-8656

Webinar ID: 896 3950 3110

Passcode: 8200233778

Village residents wishing to respectfully share thoughts about any matter concerning the Village may do so by submitting an email to BZACOMMENT@deerfield.il.us prior to the meeting. Emails received will be read aloud during Public Comment. Any e-mails received during the meeting will be read during the second public comment before the end of the meeting. We ask that you keep your emailed response to under 200 words to allow time for others to be heard and for the Board to progress through the public meeting agenda. In addition, members of the public may provide oral comments by telephone or web-based video conference during all meetings of the Village Board during the time designated for public comment or during the consideration of items on the agenda provided that such comments do not exceed three minutes in duration. The Board typically does not immediately respond to public comments or engage in open dialogue, but we are of course actively listening to your comments.

At least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to Restore Illinois Phase 4, the opportunity to view the virtual meeting at Village Hall is available on a “first come, first-served” basis due to limited capacity.

Type of meeting: Public Meeting

Note taker: Digital

Attendees: CH. Bob Speckmann
Leonard Adams
Mark Horne
Herb Kessel
Ted Kuczek
Matthew Kustusich
Karen Scott

Clint Case (staff)

Please read: Distribution

Agenda

1. Call To Order
2. Roll Call
3. Introduction – New Member, Mark Horne
4. Public Comment
5. Consideration of Minutes – Sept 21, 2021
6. Training – Rules of Procedure- Presentation by Village Attorney’s Office
7. Consideration and Action on Resolution Amending the Rules of Procedure for the Deerfield Board of Zoning Appeals
8. Other Items for Discussion – Subsequent meetings to be held in-person at Village Hall
9. Public Comment
10. Adjourn

Additional Information

Memo

To: Members of the Deerfield Board of Zoning Appeals
From: Clinton E. Case
Date: February 7, 2022
Re: Updated Rules and BZA Training Meeting

Please keep April 19, 2022, 7:30 PM, the third Tuesday in April available for a BZA Rules of Procedure update, training and adoption meeting, I'm not sure at this time if this meeting will be Zoom or in person.

Benjamin Schuster and/or Lucy Prather of Elrod Friedman LLP will provide the instruction and will be available, should there be questions.

Attached are:

1. The current BZA Rules should you want to compare, which are provided to each petitioner as part of the request for hearing application.
2. The updated Rules and the adoption resolution.
3. September 21 2021 BZA Meeting Minutes.
4. Agenda for 04/19/2022

If you have questions, give me a call (847) 514-6301

BOARD OF ZONING APPEALS
VILLAGE OF DEERFIELD
RULES OF PROCEDURE

Section I - General Provisions

- A. These rules are supplementary to the provisions of the Municipal Code, the Zoning Ordinance and the Subdivision Ordinance of the Village of Deerfield, as they relate to the Board of Zoning Appeals (the "Board").
- B. Nothing herein shall be construed to give or grant the Board the power or the authority to alter or change the Zoning Ordinance, the Subdivision Ordinance, or the Zoning Map, which authority is reserved to the Board of Trustees.
- C. Any member who has any financial interest or other conflicting interest in a matter before the Board shall excuse himself and shall not participate in any hearing at which said matter is under consideration or vote in any vote involving said matter.
- D. The Village attorney shall be consulted in cases where the powers of the Board are not clearly defined.
- E. Roberts Rules of Order shall be used as the parliamentary authority in situations not covered by the Village Ordinances or these Rules of Procedure.

Section 2 - Offices and Duties

- A. The Officers shall be the Chairperson appointed by the Mayor with the advice and consent of the Board of Trustees; a Vice-Chairperson elected by the Board; and a Secretary appointed by the Village Manager. The Secretary shall be the Director of Community Development or his designated representative and shall not be a member of the Board and shall not vote.
- B. The Chairperson shall preside at all meetings of the Board and shall otherwise supervise the affairs of the Board. The Vice-Chairperson or Acting Chairperson, in the absence of the Chairperson, shall perform all the duties and exercise all the powers of the Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the remaining members of the Board shall elect an Acting Chairperson from the members of the Board.

- C. The Secretary shall record minutes of the Board's proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize the testimony of those appearing before the Board, and record their names and addresses. The minutes of all hearings and meetings and all recommendations of the Board shall be filed in the office of the Director of Community Development and shall be of public record.

Section 3 - Jurisdiction

The Board of Zoning Appeals shall hear and make recommendations to the Board of Trustees on the following:

- A. Appeals on any order, requirement, decision, or determination made by the Director of Community Development or other authorized official of the Village having jurisdiction under the Zoning Ordinance.
- B. Applications for variations from the requirements of the Zoning Ordinance.
- C. Applications for modifications from the Zoning Ordinance provisions of Article 9, Signs, and from those provisions pertaining to fencing and screening.
- D. Any other matters referred to it by the Board of Trustees. Board of Zoning Appeals

Section 4 - Procedures for Public Hearings

A. Application.

A complete application must be on file with the Board's Secretary before a public hearing date will be scheduled by the Secretary. No public hearing date will be scheduled unless the required documents comprising the application are submitted to the Secretary. Application forms may be secured from the Board's Secretary. Two copies of any proposed plans must be submitted with the application. See application forms for specific required submissions.

Three weeks prior to the public hearing, the petitioner is required to submit to the Board's Secretary ten (10) sets of all materials which will be presented to the Board prior to the public hearing in support of the petitioner's request. Failure to submit these materials three weeks prior to the public hearing will result in the continuation of the public hearing to the first open meeting date on the Board's schedule.

The petitioner is also responsible for submitting an additional fourteen (14) sets of the materials submitted for the public hearing to the Board's Secretary for attachment to the BZA recommendation to the Board of Trustees. The fourteen (14) sets of materials must be on file with the Board's Secretary one (1) week prior to the meeting of the Board of Trustees at which the recommendation will be considered.

B. Legal Notice.

The Zoning Ordinance places the responsibility on the petitioner for the preparation of the legal notice which will be published in the local newspaper. If requested by the petitioner, the Secretary of the Board of Zoning Appeals will prepare the legal notice. If the petitioner wishes to prepare the legal notice, that notice must be submitted with the complete application mentioned above. Any legal notice submitted to the Secretary of the Board of Zoning Appeals shall be reviewed by the Secretary and will be subject to the Secretary's approval.

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The Board's Secretary shall publish notice of the hearing at least once, not more than thirty (30) days nor less than fifteen (15) days before the hearing, in a newspaper of general circulation in the Village.

1. Content of Notice.

- 1) Date of hearing
- 2) Place of hearing
- 3) Time of hearing
- 4) Purpose of hearing
- 5) Legal description of subject property
- 6) Common description of subject property

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C. Public Notice.

The applicant shall provide notification of the hearing by Certified or Registered Mail, return receipt requested, to each owner of property within two hundred fifty (250) feet of the subject property, except those instances where the applicant seeks a variance from height restrictions, in which case notice shall be given to each owner of property within five hundred (500) feet of subject property. Such notice shall be given not more than thirty (30) days, nor less than fifteen (15) days before the hearing.

1. This notification must be to all persons who are either:
 - a. owners of record as shown on the records kept by the County Recorder of Deeds,
 - or
 - b. persons listed on the most recently published tax rolls of the Township or County Assessor as persons who paid the general real estate taxes for the last preceding year.
2. Contents of the Notification to adjacent property owners.
 - a. Name and address of owner and/or applicant.
 - b. A copy of the Legal Notice as it appears in the newspaper.
 - c. Any other information deemed pertinent by the

petitioner to the request before the Board of Zoning Appeals.

3. An affidavit stating the applicant has given notice as required to the surrounding property owners shall be presented to the Chairperson of the Board at the beginning of the public hearing.
The affidavit shall include a listing of all those who were notified and their addresses.
- D. Failure to meet any of the above requirements may result in the Board continuing the Public Hearing to the first available meeting date.

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Section 5 - Meetings

- A. All meetings of the Board shall comply with the Illinois Open Meetings Act and be open to the public.
- B. Regular meetings of the Board will be held on the first and third Tuesday of each month at 7:30 P.M. in the Village Hall or other advertised place, unless such day shall be a recognized holiday, for the purpose of holding public hearings and conducting other business. Any regular meeting may be canceled by the Board if any case or matter is not ready to proceed, or if a quorum of the Board is not available for a regular meeting.
- C. Special meetings of the Board may be called by the Chairperson, or upon the request of any member of the Board provided forty-eight (48) hour notice is given each member of the Board, and posted in a public place in the Village Hall.
- D. An agenda will be prepared by the Secretary, with the approval of the Chairperson, for each regular or special meeting of the Board and distributed to each member prior to the meeting. The Secretary or other designated person will also distribute such material as plats, surveys, petitions, copies of public notice, etc., as may pertain to the agenda.
- E. A quorum shall consist of four members of the seven member Board, but shall not include any member who has a financial interest or other conflict in a matter before the Board.

- F. All testimony by witnesses at any public hearing provided for in the Ordinance shall be given under oath. The Chairperson or Acting Chairperson may administer oaths and compel the attendance of witnesses.
- G. All decisions regarding applications may be recorded by voice vote except in the event of a non-unanimous outcome, in which case a roll call vote would be required. All members present, including the Chairperson, may vote on each issue. A motion shall be considered passed with a concurring vote of four (4) members of the Board.

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- H. Proxies shall not be permitted and only members actually in attendance at a meeting may vote. Members not present may have their views recorded.
- I. A member not present when evidence on a petition is taken during a public hearing shall not vote on such petition unless they have reviewed a transcript or tape recording of the public hearing when evidence was presented. The required review of material prior to vote must take place before the conclusion of the Public Hearing at which the evidence was given.
- J. In the event that the Board of Trustees sends a petition back to the Board for reconsideration, any member of the Board who took part in the original public hearing and recommendation may vote on that petition. Also, any Board member who was not present at the public hearing may vote on the reconsideration of the petition if that member has reviewed all the minutes of the public hearing and workshop meeting and all of the documents submitted in support of the petition. If the tape recordings are still available, the Board members not present at the public hearing must also review the tape recordings of the public hearing and workshop meeting.
- K. If, during the course of a meeting, it becomes apparent that the Board cannot conclude an agenda item before 10:00 P.M., those items may be adjourned to the next available Board of Zoning Appeals meeting.
- L. All written recommendations of the Board will be sent to the Village Board within sixty (60) days of the closing of the public hearing. Any Board member may submit a minority opinion to the Village Board, stating

opposition to the Board's recommendations.

- M. A member of the Board will attend meetings of the Village Board where recommendations of the Board are on the agenda for consideration. This responsibility shall be rotated among Board members, and the member presenting the opinion should agree with the majority.

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Section 6 - Continuances

- A. Hearings may be continued. All continuances shall be to a date certain; no further notification is required.
- B. One continuance must be granted to the applicant, if requested. Further continuances will be at the Board's discretion.
- C. If after the presentation of the petitioner's proposal, other interested parties wish to have the hearing continued so that they might prepare evidence or testimony of their own concerning or in response to the petitioner's proposal, the Board may grant a continuance.

Section 7 - Code of Conduct

Hearings will be conducted according to the following Code of Conduct. This Code is calculated to result in a just and lawful determination of the issues as promptly as possible and in an orderly fashion.

- 1. Each person speaking shall first be sworn in as a witness, and shall stand and give his/her name and address. So far as practical, each person speaking should cover all the points they wish to make while they have the floor.
- 2. Everyone wishing to make a statement will be recognized one time by the Chairperson. However, the Chairperson has the right not to recognize anyone a second time

until everyone else has spoken once.

3. All statements must be relevant to the subject matter of the public hearing or meeting. The Chairperson shall rule out of order any person who make statements which are not relevant.
4. The Chairperson may impose a time limit for any particular hearing or for any individuals statement or testimony. Groups sharing a particular view are encouraged to make their feeling known through a single spokesperson.
5. All materials presented as evidence will be retained and filed by the Board.

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6. Applicants or objectors may present witnesses for direct questioning. The Board may limit the number of witnesses whose testimony is cumulative
7. Cross-examination of witnesses by attorneys representing the applicant or objectors will be permitted upon request made to the Chairperson.
8. The Chairperson may require a preliminary statement of the nature of the evidence proposed to be elicited from the witness.
9. All questions or statements from the floor must be directed to the Chairperson. All others will be ruled out of order.
10. Testimony regarding statements made by persons not present at the hearing are discouraged, but may be considered at the discretion of the Board.

11. Witnesses shall refrain from attacks on the integrity of the applicants, witnesses, or on the interested parties, that are not directly relevant to the matter before the Board.

Section 8 - Amendments

These rules may be amended in a meeting at which the Chairperson is present and by a vote of four (4) members of the Board provided, however, that every member of the Board shall be furnished with a copy of the amendment at least seven (7) days before consideration of adoption.

**RULES OF PROCEDURE OF THE
DEERFIELD BOARD OF ZONING APPEALS
ADOPTED _____, 2022**

I. DEFINITIONS AND GENERAL PROVISIONS

- A. Definitions. The following terms shall have the following meanings when used in these Rules of Procedure:
1. *"Applicant"* means a person or entity presenting an Application to the BZA.
 2. *"Application"* means an application for a variation or modification, an appeal from a decision of the zoning administrator or building official, or any other matter that is within the BZA's powers and duties to consider pursuant to Section 2-152 of the Village Code.
 3. *"BZA"* means the Board of Zoning Appeals of the Village.
 4. *"Case"* means the consideration of an Application by the Board.
 5. *"Village"* means the Village of Deerfield, Illinois.
 6. *"Village Board"* means the President and Village Board of Trustees of the Village.
 7. *"Village Code"* means "The Municipal Code of the Village of Deerfield, Illinois, 1975," as it has been and may be amended from time to time.
 8. *"Zoning Ordinance"* means "The Deerfield Zoning Ordinance 1978", as it has been and may be amended from time to time.
- B. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.
- C. Headings. Headings provided are intended as a convenience to the user. In case of any difference of meaning or implication between the text of these Rules and any heading, the text shall control.
- D. Conflicts. In the case of a conflict between these Rules and the codes and ordinances of the Village or the laws of the State of Illinois or the United States, such codes, ordinances and laws shall control.
- E. Amendments. A copy of any proposed amendment to these Rules shall be provided to all members of the BZA not less than three days prior to a vote on the adoption thereof.
- F. Waiver. The chairperson may, upon good cause shown, waive any Rule that relates solely to the conduct of the BZA's meeting or hearing and is not mandated by Village codes or ordinances, or State law.

II. MEETINGS

- A. Open Meetings Act. All meetings of the BZA shall be scheduled and held, and notice thereof shall be given, in the manner provided in the Open Meetings Act, 5 ILCS 120/1 et seq.
- B. Regular Meetings. BZA meetings will be held on the third Tuesday of each month at 7:30 P.M. in the Village Hall or other advertised place, unless such day shall be a recognized holiday, for the purpose of holding public hearings and conducting other business. Any regular meeting may be canceled by the BZA if any case or matter is not ready to proceed, or if a quorum of the BZA is not available for a regular meeting.
- C. Special Meetings. The BZA may call and conduct such special or emergency meetings as it determines may be necessary from time to time. To the extent practicable, special meetings will be held on the first Tuesday of each month.
- D. Joint Meetings. The BZA shall participate in joint meetings with the Village Board, as they may be called by the Village Board from time to time. The BZA may also call and/or participate in joint meetings with other boards and commissions of the Village as may be necessary from time to time to perform their powers and duties.
- E. Workshops. The BZA may hold such workshop sessions as it determines may be necessary from time to time.
- F. Notice of Absence. All members of the BZA shall notify the Staff Secretary, or the Staff Secretary's designee, if they are unable to attend any meeting of the BZA. Such notice shall be provided as far in advance as is practical under the circumstances.

III. ORDER OF BUSINESS/AGENDAS

- A. Establishing the Agenda. The Chairperson shall establish the items to be included on the agenda for each meeting of the BZA. Each agenda shall be established in consultation with the Staff Secretary. In establishing each agenda, the Chairperson and Staff Secretary shall consider the number of pending Cases, the complexity of such Cases, and any applicable time constraints for the processing of such Cases; but in no event, without the prior consent of the Chairperson, shall more than five Applications or cases be placed on an agenda for a meeting.
- B. Order of Business. In general, the order of business for each agenda shall contain the following items in the following order:
 - 1. CALL TO ORDER
Performed by the Chairperson or the temporary chairperson.

2. ROLL CALL
Performed by the Staff Secretary or the Staff Secretary's designee.
 3. CONSIDERATION OF MINUTES
Consideration of any unapproved minutes of any previous BZA meetings.
 4. PUBLIC COMMENT TIME
Opportunity for members of the public to speak on topics not otherwise appearing on the meeting agenda.
 5. PENDING CASES
 - a. RECOMMENDATIONS AND DETERMINATIONS
Consideration of BZA Cases (in numerical order) on which the BZA has previously directed the preparation of a recommendation or determination for consideration and for which the public hearing has been closed.
 - b. CONTINUED CASES
Consideration of BZA Cases (in numerical order) for which the public hearing or meeting has previously been convened and continued by the BZA, and on which substantive evidence has been heard by the BZA.
 - c. NEW CASES
Consideration of BZA Cases (in numerical order) for which no public hearing or meeting has previously been convened or on which no substantive evidence has been heard by the BZA.
 6. OLD BUSINESS
Consideration of any matters previously before the BZA.
 7. NEW BUSINESS
Consideration of any matters not previously before the BZA.
 8. REPORT BY VILLAGE STAFF
Report by the Staff Secretary, or the Staff Secretary's designee, of any activities or events of interest occurring since the last BZA meeting or anticipated, including Village Board action on BZA recommendations, actions of other boards and commissions on BZA Cases, related Village staff activities, and pending legislation.
 9. ADJOURN
- C. Modification of Order of Business. The order of items on the agenda as distributed may be modified or rearranged by the Chairperson, for good cause shown, with the consent of the BZA.

- D. Distribution of Agenda and Related Materials. The agenda for each BZA meeting and all relevant materials prepared by applicants or Village Staff shall be distributed to each BZA member by the Staff Secretary.

IV. CONDUCT OF HEARINGS AND MEETINGS

- A. Robert's Rules of Order. Robert's Rules of Order Newly Revised, current edition, shall govern the conduct of meetings of the BZA. However, Robert's Rules of Order shall not govern where they conflict with these Rules of Procedure or other applicable law.
- B. Standards of Decorum. All BZA members and all others attending meetings of the BZA shall conduct themselves in a manner that shall not disrupt the business of the BZA. The use of cellular phones in the meeting room is prohibited. The Chairperson may indicate that persons who become personally abusive or in other ways violate ordinary standards of decorum will be ruled out of order.
- C. Public Comment and Participation
1. Rules Governing Public Comment Time.
 - a. The agenda of every regular and special meeting of the BZA shall include a reservation of time for public comment ("*Public Comment Time*").
 - b. Subject to Rule IV.C.1.d, the Chairperson shall recognize and allow to speak any person desiring to speak during Public Comment Time.
 - c. Public Comment Time is in addition to, and does not replace, the opportunity for the public to speak during any duly convened public hearing or meeting conducted by the BZA on a specific case.
 - d. If a person desires to speak during Public Comment Time about a matter or case that is the subject of its own agenda item at the same meeting, and public comment will be allowed during that agenda item whether by designation of the Chairperson or in the course of a duly convened public hearing, the Chairperson may require that person to speak about the matter during the agenda item instead of during Public Comment Time. If no public comment will be allowed during the specific agenda item, then the person will be allowed to speak about the matter during Public Comment Time.
 - e. The total amount of time allocated for Public Comment Time at any meeting shall not exceed 30 minutes, unless determined otherwise by the Chairperson. In the event that all persons desiring to speak during the Public Comment Time are not able to do so within the time limit allowed, the Chairperson may either extend the time allocated for Public Comment Time, or allow for continuation of Public Comment Time after the completion of all

other matters on the agenda, or as the BZA may otherwise determine.

- f. No person shall speak during the Public Comment Time for more than three minutes, unless the Chairperson designates a longer or shorter time period. Generally, the longer or shorter time period will apply to all persons participating in the Public Comment Time at the same meeting.

2. Rules Governing All Public Comment.

- a. Each speaker should state their name and address in a clear manner so that it can be recorded in the minutes of the meeting. If a speaker chooses, they may decline to provide their address.
- b. If a speaker is representing, or speaking on behalf of, an individual, group, or association, the speaker must state the nature of that representation.
- c. For speakers desiring to use audio or visual equipment in connection with a presentation, arrangements for such use must be made with the Village in advance of the meeting.
- d. In the interest of promoting the efficient conduct of public business, speakers should refrain from repeating their own testimony and comments, and should refrain from repeating testimony and comments that have previously been provided to the BZA by other individuals.
- e. Speaker time limits may be enforced by the Chairperson.
- f. No person should be discourteous, belligerent, threatening, disparaging, or otherwise uncivil. The Chairperson may limit the comments of any person who engages in this conduct. No person may continue to speak after the Chairperson has taken the floor from that person.
- g. All questions or statements from the floor should be directed to the Chairperson and the members of the BZA. All others may be ruled out of order.
- h. The Chairperson shall have the right to interrupt a speaker in order to enforce these Rules or other applicable rules.
- i. Interruptions and Other Disturbances: No person shall interrupt the proceedings of the BZA or cause any other form of disturbance or disruption.
- j. Any person violating the standards of process and decorum set forth in these Rules may be evicted from the premises of the meeting at the order of the Chairperson or

a majority of the BZA, or be subject to other action as deemed necessary by the Chairperson and the BZA.

- k. Any person shall have the right at any time to provide written comments to the BZA by addressing those comments to: the Village of Deerfield, c/o Building and Code Enforcement Supervisor, 850 Waukegan Road, Deerfield, IL 60015, and delivering the comments via any of the following methods:
 - i. by personal delivery at the front desk of the Village Hall between 8:30 a.m. and 4:30 p.m. Monday through Friday;
 - ii. by mail, courier, or any similar delivery service; or
 - iii. by email to the email address(es) of the current staff member(s) for the BZA.

D. Procedures for Public Hearings and Meetings. Public hearings and meetings on BZA Cases shall be conducted in accordance with the following general procedures:

1. Introduction by the Chairperson.

- a. General. The Chairperson shall begin each public hearing or meeting on a case by announcing the name of the applicant, the case number(s) and the relief requested in each case. The Chairperson shall explain the procedures for the conduct of the hearing or meeting, when oral testimony from the public will be received and when and to whom written testimony can also be submitted.
- b. Swearing In Witnesses. The Chairperson shall administer an oath to all persons intending to testify during the course of the hearing, whether for the applicant or from the public.

2. Summary of Application. The Staff Secretary, or the Staff Secretary's designee, shall explain, in summary form, the basic facts of, and relief requested in, the Application. This summary may include relevant prior history of the property or code provisions involved.

3. Applicant's Presentation. The applicant shall present the Application in such form and with testimony of witnesses and other evidence as it deems desirable. During the applicant's presentation, BZA members, but not the public, may ask questions that may be necessary to aid the BZA or the public in understanding the material being presented. The Chairperson may set a time limit for the applicant's presentation.

4. Questions by the BZA. At the conclusion of the applicant's presentation, BZA members may ask such questions of the applicant's witnesses as

may be necessary to clarify material presented or the relief requested.

5. Public Testimony and Comment on BZA Cases. Members of the public who are present shall have the right to address to the BZA their questions, testimony, evidence and comments about the relief requested and the evidence presented by the applicant and other members of the public in accordance with the following rules.
 - a. At the start of the period for public testimony and comment on a BZA Case, the Chairperson shall advise the public that all information presented is under oath.
 - b. Each speaker must state their name in a clear manner so that it can be recorded in the minutes of the meeting.
 - c. Unless the Chairperson determines another time limit is appropriate, at each BZA meeting at which public testimony is to be heard on a specific Planned Development Case, each speaker shall be limited to three minutes to provide their testimony. The Chairperson may enforce the speaker time limits.
 - d. If a speaker is representing, or speaking on behalf of, an individual, group, or association, the speaker must state the nature of that representation. At the discretion of the Chairperson, such a speaker may be granted more than three minutes to speak.
 - e. For speakers desiring to use audio or visual equipment in connection with a presentation, arrangements for such use must be made with the Village in advance of the meeting.
 - f. In the interest of promoting the efficient conduct of public business, speakers should refrain from repeating their own testimony and comments, and should refrain from repeating testimony and comments that have previously been provided to the BZA by others.
 - g. The Chairperson shall allow each speaker to speak one time only, unless the Chairperson determines that allowing a speaker to address the BZA again will contribute new testimony or other evidence.
 - h. No person may be discourteous, belligerent, impertinent, threatening, disparaging, or otherwise uncivil. The Chairperson may limit the comments of any person who engages in this conduct. No person may continue to speak after the Chairperson has taken the floor from that person.
 - i. All questions or statements from the public must be directed to the Chairperson and the BZA members. The Chairperson shall determine the manner in which responses to questions or statements from the public will be handled. In general, following the conclusion of all public participation, the Chairperson shall

direct the questions from the public to the applicant in an orderly and consolidated manner for response.

- j. After general public testimony and comment, the Chairperson will open the floor to cross examination for those individuals that request the right to cross examine by entering their names on a sign in sheet for interested parties that has been made available by the Village Staff (see **Appendix A**). The Chairperson shall have the responsibility to enforce proper decorum. Questions must be relevant to the subject matter as determined by the Chairperson. Individuals that enter their names on the sign in sheet for interested parties will be given an opportunity to cross examine the petitioner, Village Staff or others. The Chairperson may require some type of preliminary statement of the nature of the evidence proposed to be elicited from the witness.
 - k. The Chairperson shall have the right to interrupt a speaker in order to enforce these Rules or other applicable rules.
6. Response by the Applicant. The Chairperson shall allow the applicant a reasonable time to respond to the public testimony and comments presented.
 7. BZA Discussion and Deliberation. Following public testimony and comment and the applicant's response, the BZA may discuss, in an orderly fashion, the Application and all material presented. No further public testimony or comment nor further applicant information may be presented without permission of the Chairperson. During this discussion, members of the BZA may ask the Chairperson to direct additional questions to the witnesses for the applicant or members of the public who testified. Witnesses for the applicant or members of the public may not address the BZA during this portion of the meeting without the consent of the Chairperson.
 8. BZA Action.
 - a. Based on the BZA's discussions, the BZA may (i) act on a recommendation on the Application; (ii) where the BZA has recommending authority on an Application, direct the Village Staff and Village Attorney to prepare a draft recommendation for consideration at a subsequent meeting; (iii) direct the applicant, Village Staff and/or Village Attorney to provide new or additional information in connection with the Application; (iv) enter a final determination where the BZA has final authority to act on an Application; or (v) take such other action as may be permitted by law.
 - b. Prior to consideration of any other item of business, the BZA shall consider whether a public hearing should be reopened for future consideration of public testimony and comment.

9. Continuances.

- a. Any applicant may request and shall be granted one continuance of a public hearing on an Application. If an applicant fails to appear at a scheduled hearing without giving prior notice to the Staff Secretary, the hearing may be continued. Any further requests for continuance by the applicant shall be subject to the approval of the BZA for good cause shown.
- b. If, during the course of a meeting, it becomes apparent that the BZA cannot conclude an agenda item before 10:00 P.M., those items may be continued to the next available BZA meeting.

E. Voting.

1. On Applications. The BZA shall vote to make a decision on an Application only with a written recommendation before it where the applicable code or ordinance requires such a written recommendation. A concurring vote of four members of the BZA shall be necessary to: (i) reverse any order, requirement, decision, or determination of the Director of Community Development or any administrative official of the Village charged with the enforcement of the Zoning Ordinance or Chapter 6 of the Village Code; or (ii) to recommend any variation or modification to the Village Board. A roll call vote shall be taken on all decisions regarding a case before the BZA. Members absent from any portion of a hearing on an Application should not vote on the matter unless they first reviewed the entire record of such missed portion of the hearing and have fully informed themselves of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.
2. On Other Matters. Except as required by Paragraph 1 above, the BZA may take such other action to conduct its business without a written recommendation before it. In such cases, the vote required to approve such an action shall be a majority of those present, unless another vote is specifically required.

VI. TRANSMITTAL OF BZA DECISIONS

- A. Transmittal. The Staff Secretary shall promptly transmit any resolution or other recommendation of the BZA to the Village Board, the record of proceedings before the BZA, and any additional materials received by the Village after BZA action is taken; provided, however, that where the BZA possess final authority over an Application, the Staff Secretary shall promptly transmit only the resolution of the BZA to the Village Board. In addition, the Staff Secretary shall identify any changes in the materials submitted to the BZA that are made following the BZA action, as well as any change in circumstances affecting the matter between BZA action and transmittal to the Village Board.

- B. Representation at Village Board Meetings. A member of the BZA may attend meetings of the Village Board where recommendations of the BZA are on the agenda for consideration. This responsibility shall rest with the Chairperson or the Chairperson's designee, and the member presenting the opinion should agree with the majority.

**VILLAGE OF DEERFIELD
BOARD OF ZONING APPEALS
PUBLIC HEARING APPEARANCE FORM**

Any person who wishes to appear at a Village of Deerfield Board of Zoning Appeals public hearing as an "interested party" with the right to cross-examine others must complete and file this appearance form with the Chairperson of the BZA on the date of the hearing.

NOTE: IT IS NOT NECESSARY TO COMPLETE THIS FORM TO MAKE A GENERAL STATEMENT, OR OTHERWISE SPEAK AT THE PUBLIC HEARING WITHOUT CROSS EXAMINATION.

Please provide the following information:

NAME: _____

ADDRESS: _____

E-MAIL: _____

TELEPHONE NUMBER: _____

PUBLIC HEARING MATTER: _____

BZA CASE NO.: _____

PLEASE PROVIDE A BRIEF EXPLANATION OF YOUR SPECIAL INTEREST IN THE PUBLIC HEARING (such as, without limitation, your property is within 250 feet of the subject property, or your property shares facilities with the subject property that may be impacted) (completion of this section is not required, but may provide useful information to the BZA):

PLEASE DESCRIBE THE NATURE OF THE TESTIMONY YOU INTEND TO PROVIDE AND THE QUESTIONS YOU DESIRE TO POSE AT THE PUBLIC HEARING:

PRIVACY NOTICE: The information provided on this form is required for the purposes of the public hearing before the BZA. These forms are subject to properly filed Freedom of Information Act requests, but will be redacted to protect "private information" as that term is defined in the Illinois Freedom of Information Act (5 ILCS 140).

VILLAGE OF DEERFIELD

RESOLUTION NO. 2022-_____

**A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR
THE DEERFIELD BOARD OF ZONING APPEALS**

WHEREAS, the Village of Deerfield (“*Village*”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village’s Board of Zoning Appeals (“*BZA*”) has previously adopted Rules of Procedure to govern the order and manner in which it conducts its meetings and public hearings; and

WHEREAS, the BZA desires to amend its Rules of Procedure to keep its rules consistent with State law and to continue to provide for orderly and efficient meetings and public hearings; and

WHEREAS, the BZA has determined that it will serve and be in the best interest of the Village and its residents to amend the Rules of Procedure in accordance with this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF DEERFIELD APPEARANCE REVIEW COMMISSION, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the BZA.

SECTION TWO: ADOPTION OF AMENDMENT. The BZA hereby amends and replaces its Rules and Procedures in their entirety with the Rules and Procedures attached to this Resolution in the form of **Exhibit A**, which are incorporated herein.

SECTION THREE: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

ABSTAIN:

ABSENT:

PASSED:

APPROVED:

RESOLUTION NO:

Robert Speckmann, Chairperson

ATTEST:

Kent S. Street, Village Clerk

EXHIBIT A

Board of Zoning Appeals

Minutes of Public Hearing

September 21, 2021

The Deerfield Board of Zoning Appeals held a Public Hearing on Tuesday, September 21, 2021 at 7:30 p.m. at 850 Waukegan Road, Deerfield, Illinois. Chairman Robert Speckmann called the meeting to order at 7:30 p.m.

Present were:

Chairman Bob Speckmann

Len Adams

Ted Kuczek

Matthew Kustusch

Absent were:

Herb Kessel

Mark Horne

Karen Scott

Also present:

Clint Case, Building and Code Enforcement Supervisor

Ch. Speckmann reported Karen Bezman has submitted her retirement from the BZA. The Mayor and Board appointed Mark Horne, who will be at the next meeting.

Public Comment:

There was no Public Comment on non-agenda items.

Business:

Public Hearing for 1700 Mountain Court – Minimum Rear Yard Setback Variation

Ch. Speckmann confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioners Thomas J. and Andi S. Kenney were sworn in.

Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 4.02-F,e,3 of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 87 IN “NORTH TRAIL”. BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 20. TOWNSHIP 43 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1966 AS DOCUMENT 1294902 IN BOOK 42 OF PLATS, ON PAGE 42, IN LAKE COUNTY ILLINOIS.

Said property is commonly known as 1700 Mountain Court, Deerfield, Illinois.

The variation, if granted, would permit the construction of a one story 14'-7.5 inch by 25-foot screened porch addition encroaching 14'-11.25 inches into the minimum rear yard setback, leaving a rear yard setback of 25'-0.25 inches in lieu of 40 feet as specified in the Deerfield Zoning Ordinance.

Ms. Kenney grew up in Deerfield and would like to add a screened porch to the back of her house. Due to the way the house was constructed, the porch would encroach into the minimum rear yard setback, so they are requesting a variance. Michael Menn, Architect and general contractor, explained the lot is unique because the Kenney's backyard was platted as the side yard of the adjacent property. The special circumstances for the variance include the side yard, which was not self-imposed and is not exclusively monetary. The proposed adjustment is the minimum adjustment for the reasonable use of the land. Mr. Menn explained the minimum side yard setback for the adjacent property is 8-feet. The rear yard is 40-feet from the Kenney's property. The proposed addition would be 25-feet from the rear lot line. Ms. Kenney has given Mr. Case two letters of support from neighbors.

Mr. Kustusich noted the lot is conforming and meets all other Zoning requirements in regards to setbacks. Mr. Adams does not believe this is the minimum necessary variation. If the porch addition were designed parallel to the rear of the house, the same square foot porch could be built with a lesser variation. Mr. Menn explained this addition aligns with the ridge in the rear of the house with the ridge of the proposed addition and does not block the light into the house. Mr. Kuczek does not believe interior spaces should be blocked by porches added to the rear. He believes the design is appropriate.

Ch. Speckmann believes there would be 10-feet of buildable land from the rear of the house to the setback line. The family room would lose light with the proposed addition. Ch. Speckmann noted the proposed porch addition would divide the backyard resulting in the petitioner not being able to use the entire rear yard for recreational purposes. They propose adding additional patio space on the north side.

Mr. Menn explained the existing rear architecture would remain symmetrical with the proposed addition. Ch. Speckmann believes there would be adequate light into the kitchen. Mr. Menn noted the kitchen and breakfast area are one space. A parallel addition would not allow a minimum of 8 percent light into that room by code as he understood it.

Ms. Kenney explained they originally thought about putting the porch outside the kitchen. The basement escape window well would be directly north of the proposed screened porch. Ms. Kenney wanted the porch to be as close to the kitchen as possible, so it could be used for serving and eating. From a neighborhood perspective, Ms. Kenney would like the proposed porch away from the street.

Ch. Speckmann asked about the construction. Mr. Menn explained they would like to keep it as close to level down approximately 2-inches from the existing floor line.

Mr. Adams noted there is a tree in the backyard that is close to the dripline of the proposed improvement. Mr. Menn explained the proposed porch is about 3-feet outside the dripline.

Ch. Speckmann closed the information gathering portion of the meeting.

Mr. Adams does not believe this is the minimum adjustment necessary. Ch. Speckmann had the same thoughts originally, but the location of the basement escape window makes it unique and precludes other locations, without adding an additional layer of cost which in his opinion would be unnecessary.

Mr. Kuczek moved to recommend the Board of Trustees approve a variation to permit the construction of a one story 14'-7.5 inch by 25-foot screened porch addition encroaching 14'-11.25 inches into the minimum rear yard setback. Mr. Kustus seconded the motion. The motion did not pass by the following vote:

AYES: Kuczek, Kustus, Speckmann (3)

NAYS: Adams (1)

Ch. Speckmann explained the BZA is an advisory Board. This is a non-recommendation, as there were not four concurring votes. He reported this petition would be in front of the Mayor and Board of Trustees at their October 18, 2021 meeting.

Public Hearing for 205 River Road – Minimum rear yard setback variation

Ch. Speckmann reopened the informational portion of the Public Hearing and confirmed the mailings were in order for the petition and the Public Hearing was properly advertised and listed. The petitioners, Christopher and Michelle Condon were sworn in. Ch. Speckmann opened the Public Hearing to consider the request for relief from Article 4.02-F,3,e of the Deerfield Zoning Ordinance for the property legally described as follows:

LOT 3 IN BRIARWOOD VISTA FOURTH ADDITION, BEING A RESUBDIVISION OF LOT "A" IN BRIARWOOD VISTA THIRD ADDITION BEING A SUBDIVISION IN SECTION 34, TOWNSHIP 43 NORTH, RANGE 12 EAST OF THE 3RD P.M., ACCORDING TO THE PLAT OF BRIARWOOD VISTA FOURTH ADDITION, RECORDED MAY 10, 1968, AS DOCUMENT 1377767, BOOK 44 OF PLATS, PAGE 62, IN LAKE COUNTY ILLINOIS.

Said property is commonly known as 205 River Road, Deerfield, Illinois.

The variation, if granted, would permit the construction of a one story 13-foot by 18-foot screened porch addition encroaching 9-feet into the minimum rear yard setback, leaving a rear yard setback of 31 feet inches in lieu of 40 feet as specified in the Deerfield Zoning Ordinance.

Mr. Condon has lived at the property for eight years. There is a dedicated nature preserve behind his property. He proposes a 13x18 foot screened porch which would encroach 9-foot into the 40-

foot easement. The screened porch would be close in size to the existing deck. Mr. Condon noted there are neighbors on both sides of him, but the proposed porch addition would not block the light to those properties.

Ch. Speckmann noted the porch would take the place of part of the wood deck. Mr. Condon noted it would be 2-feet into the setback. Ch. Speckmann noted the elevation shows vertical track windows and asked if it would be an enclosed room or screened-in porch.

Al Betz, President of Northwestern Sunrooms, explained the proposed addition would have both screens and a vinyl glazed window system, making it a sunroom rather than a screened-in porch. The floor would be engineered in OSB on the top and bottom with foam in the middle. It would be supported by a deck-type structure made from treated wood that has two beams away from the house and the floor connecting the beams. Mr. Case questioned if it would be a conditioned space. Mr. Betz explained it is a three-seasons room. The windows would not be glass; rather, it is a flexible plastic. Mr. Betz explained the room would not have a heater and would not be insulated.

Mr. Condon discussed the standards for a variation. He explained the property is not exceptionally narrow or unique. Mr. Condon explained the sunroom would allow his family to enjoy the sunroom without the bugs from the wooded area. The proposed footprint is very similar to their existing deck. Mr. Condon spoke with his neighbors and they did not voice any objections.

Mr. Adams visited the property and spoke with Mrs. Condon, who said they discussed having the deck further to the south. Mr. Condon made a decision to reduce the size of the proposed addition to make it fit. Ch. Speckmann noted the notice states a screened-in porch. Mr. Case explained that was the description that was provided. And he does not consider the proposed sunroom an enclosure as it does not have permanent glass enclosing the structure. Ch. Speckmann questioned if the new raised deck was allowed.

Ch. Speckmann closed the information gathering portion of the meeting.

Mr. Adams believes the fact the petitioner made the proposed addition smaller makes him believe they are using the minimum necessary variation. Ch. Speckmann believes there is uniqueness because of the dedicated nature preserve.

Mr. Adams moved to recommend the Board of Trustees approve a variation to permit the construction of a one-story, 13-foot by 18-foot screen-in porch addition encroaching 9-feet into the minimum 40 foot required rear yard. Mr. Kustus seconded the motion. The motion passed by the following vote:

AYES: Adams, Kuczek, Kustus, Speckmann (4)

NAYS: None (0)

Ch. Speckmann reported this petition would be in front of the Mayor and Board of Trustees at their October 18, 2021 meeting.

Document Approval:

Mr. Kuczek moved to approve the minutes from the July 20, 2021 BZA meetings. Mr. Adams seconded the motion. The motion passed unanimously on a voice vote.

Ch. Speckmann noted the owner of the property at 303 Pine Street took down a very nice tree contrary to their Board presentation. Mr. Case explained the removal of that tree was very costly.

Adjournment:

There being no further business or discussion, Mr. Kuczek moved to adjourn the meeting. Mr. Adams seconded the motion. The motion passed unanimously on a voice vote.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jeri Cotton
Secretary