



AGENDA ITEM #19

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
11/28/2022**

Item Title: **Planning & Zoning Commission / Zoning Board of Appeals Discussion**

Staff Contact: Caron Bricks, AICP, Community Development Manager

NEW BUSINESS

VILLAGE BOARD ACTION:

Provide direction to staff about the Zoning Ordinance Update recommendation to combine the Planning & Zoning Commission and Zoning Board of Appeals into one (1) appointed board.

Executive Summary:

The Zoning Ordinance Update is in the final stages before formal adoption, which is tentatively scheduled for early 2023. Prior to holding a public hearing before the Planning & Zoning Commission (P&Z) to consider the various text amendments proposed in the update, a working group will convene on November 29, 2022 to discuss several policy questions posed by the consultants, which will be further vetted by the P&Z.

One policy question that will be discussed, and will ultimately need to be decided by the Village Board, is the proposed combination of the Planning & Zoning Commission (P&Z) and Zoning Board of Appeals (ZBA).

As outlined in current Village Code, the P&Z and ZBA are two (2) separate, appointed bodies that hold public hearings for specific types of requests by the public. They are scheduled to each hold one (1) meeting per month.

Typically, the ZBA considers requests such as fences in the corner side or front yards, lot coverage variations, driveway width and location, and setback variations to accommodate additions or new construction. The P&Z reviews new subdivisions, special uses, commercial requests, etc. Examples include Metro 19, Bryn Mawr Village Subdivision, animal grooming text amendment, among others.

The updates proposed by the consultants and staff for the zoning ordinance will likely eliminate many of the ZBA requests reviewed in the past 7 years (specifically fence

height and driveway size and location). The Zoning Administrator will also have more discretion in granting administrative variances for smaller requests.

The number of meetings held each year can vary widely, however, they are, on average, meeting only half the time or less. As the meetings are infrequent and several months can pass between meetings, institutional knowledge dissipates, familiarity with the public hearing process and meeting procedures can be lost, and attendance (quorum) can be difficult to secure. Combining the two (2) boards will likely ensure that meetings are held more often than they are currently (ideally 8-10 a year) as the new board would be handling all public hearings.

As the ZBA is quasi-judicial with final action authority, the variations that would typically go through the ZBA process will now be presented to the Village Board for final approval. This may increase the number of Community Development related ordinances on Village Board agendas. However, the Board could by policy allow requests that receive unanimous approval from the new board be placed on the consent agenda.

	Planning & Zoning	Zoning Board of Appeals
# of Members	7 required, 7 current	7 required, 6 current
Average # of meetings/year	6.25 (2015-2022)	4 (2015-2022)
Types of requests	<ul style="list-style-type: none"> • Special uses, including PUDs • Variations, when part of a special use request • Zoning Map / Zoning Code Amendments • Plats of subdivision / consolidation 	<ul style="list-style-type: none"> • Variations • Appeals of decisions made by the Zoning Administrator • Appeals of decisions made by the P&Z
Public Hearing Notification requirements	<ul style="list-style-type: none"> • Completed by applicant for all property types except for single-family residences • Notice in newspaper • Certified mail within 350' • Regular mail within 500' • Sign in front of the property 	<ul style="list-style-type: none"> • Completed by Village unless property is not a single-family residence • Notice in newspaper • Regular mail within 350' • Sign in front of the property
Final action authority	None, recommending body only. VB ultimately approves/denies.	Quasi-judicial. Final action on all requests (does not go to VB).

Implications:

Is this item budgeted? N/A

Estimated cost: N/A

Any other implications to be considered? If the Village Board supports combining these two boards, it would be comprised of 7 members with one appointed as the Chair. Staff would then work with the Village Attorney and consultants on bringing back to the

Village Board additional details and recommendations for the creation and procedures of the new commission.

Strategic Priority:

N/A

Attachments:

N/A