



Village of Lincolnwood Zoning Board of Appeals

Meeting
Wednesday, December 18, 2024
7:00 P.M.

in the
Gerald C. Turry Village Board Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiances**
3. **Approval of Minutes**
November 4, 2024, Meeting Minutes
4. **Case #ZB-13-24: 7301 N. Cicero Avenue – Special Fence Approval**
Request: Consideration of a request by a + c architects, on behalf of the Assyrian Universal Alliance Foundation, Inc., property owner, for approval of Special Fences and Variations for the installation of fences at the property commonly known as 7301 North Cicero Avenue. Special Fence approvals requested pursuant to Section 3.13(8) of the Zoning Ordinance include a) the use of decorative wrought iron as a primary fence material, for a fence enclosing the majority of the property, and b) the installation of operable gates at the entrances of parking area near the northwest corner and southeast corner of the primary structure. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
5. **Case #ZB-12-24: 3332 West Columbia Avenue – Variations Regarding Permitted Obstructions in the Front Yard**
The hearing regarding this matter was continued without discussion on October 22, 2024, November 4, 2024, and November 20, 2024.
Request: Consideration of a request by Suad Hoxha, property owner, for approval of Zoning Variations from a) Section 3.10(1) to allow unique freestanding objects (decorative masonry columns) to encroach into the interior side yard, and b) Section 3.10(2) to allow those objects with a reduced minimum setback from side lot lines (seven inches instead of three feet), and a height of five feet (instead of four feet) when having a width of more than one foot. During the Public Hearing, the Zoning Board of Appeals may consider any additional relief related to this case.
6. **Public Comment**
7. **Adjournment**

Posted: December 13, 2024



**Draft MEETING MINUTES
OF THE
November 4th, 2024
ZONING BOARD OF APPEALS

LINCOLNWOOD VILLAGE HALL
Gerald C. Turry Village Board Room**

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Commissioners Martin Youkhanna, Rizwan Hussain, Anna Velasquez and Meldina Dervisevic

Absent: Commissioner Aida Cantic

Staff Present: Community Development Director Scott Mangum

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:02 p.m.

II. Pledge of Allegiance

III. Approval of September 18th, 2024, ZBA Meeting Minutes

Commissioner Hussain mentioned having the spelling of his name corrected throughout the previous meeting Minutes

Motion: Commissioner Hussain made a motion to accept the minutes with corrections.

The motion was seconded by Commissioner Youkhanna.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna and Dervisevic

Nay: None

Abstain: None

Motion Approved: 4-0

Commissioner Velasquez arrived at 7:05pm

IV. Case #ZB-09-24: 7125 North Kilbourn Avenue – Special Fence for Natural Screening in the Public Right-of-Way

Community Development Director Scott Mangum presented information regarding the case. The petitioner is looking for relief of a Special Fence to increase privacy for his home. Director Mangum also provided an overview of this case's discussion at the previous meeting noting

important points. The petitioner no longer requires a Setback Variation as a suitable location of the natural screening fence was determined. Additionally, the petitioner clarified that he would be compliant in removing his non-compliant wood fence when a motion is decided. The petitioner originally proposed a natural screening fence made of utilizing the current landscaping and supplementing with bushes. The Board suggested removing the already established landscaping to create a new row of natural screening to maintain an aesthetic appearance.

Director Mangum discussed the petitioners “new proposal” for this meeting, stating the petitioner is seeking his original request.

Chairman Heller called the petitioner forward for his testimony.

Petitioner:
Salman Khan

Mr. Khan discussed his cost concerns with removing the current landscaping and inserting new natural screening. He stated that since the last meeting he was able to go over the logistics of natural screening including cost breakdowns to present to the Board. He also clarified that while he hopes the Board will vote in his favor, he will be removing the non-permitted fence regardless of outcome but seeks ample time to do so.

Chairman Heller asked for clarification on what exactly the petitioner wants to do with the space once the fence is removed.

The petitioner restated he wants to plant landscaping between the already standing natural screening.

Commissioner Dervisevic asked for an update on the landscaping company and price of work.

Mr. Khan presented the information from his meeting with a landscape company, stating that removing the already existing trees and replanting would be quite costly and the company said planting between the existing landscaping (about 15-16 shrubs) would be easily doable and more cost effective.

Chairman Heller asked a clarifying question about the plan to replant landscaping where initial landscaping had been before the petitioner removed it for the non-permitted fence.

Commissioners Hussain and Dervisevic clarified key points from the last meeting, citing the two different conditions that were discussed: removing the current landscaping to build a new row of natural screening or solely maintaining the trees with no additional filling. There was also previous discussion about allowing the new natural screening to be supplemented between existing trees.

Commissioner Velasquez sought further clarification about the proposed plan.

Commissioner Hussain and Chairman Heller went over key aspects of the proposed plan, summarizing the previous discussion about the overgrown trees, the logistics of having two rows of

natural screening from an aesthetic point, the non-permitted fence, and setback requirements. Also noting that the Board asked the petitioner to consult with a landscaping company prior to this meeting which the petitioner did.

Commissioner Youkhanna brought up a concern from the previous meeting regarding the health and life of shrubs that would be planted in the proposed location between the trees.

Mr. Khan stated that the shrubs would be planted in the Spring and that the landscaping company would make it as uniform as possible. This is also a reason the petitioner is seeking an extended period to remove the fence.

Motion: Commissioner Hussain motioned to deny the request as presented.

Director Mangum clarified that for the bushes to be planted between the trees in the right of way, the petitioner needs special approval, however, if the bushes are planted where the non-permitted fence currently is then they would meet the setback requirement.

Commissioner Hussain withdrew motion.

Mr. Khan clarified that the shrubs will be planted behind the current trees in the gaps.

Director Mangum, Commissioner Youkhanna and Chairman Heller discussed the variation standards for natural screening in the public right of way and if one would be necessary in this case.

Commissioners Velasquez and Hussain clarified measurements and distances with the petitioner.

Variation to waive required setback is not needed.

Motion: Commissioner Velasquez made a motion to recommend approval of the Special Fence with the conditions of removing the non-permitted fence, keeping and maintaining existing trees, and natural screening would be allowed 3 feet from the inside of the sidewalk, so they are located behind the current tree line with work being completed in the Spring by May 1st, 2025.

The motion was seconded by Commissioner Dervisevic.

The Language was amended in the Motion to include the maintenance of existing trees to prevent interference in the right-of-way sidewalk.

Motion seconded by Commissioner Hussain.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna, Dervisevic and Velasquez

Nay: None

Abstain: None

Motion Approved: 5-0

This item will go to the Village Board on November 19th, 2024.

V. Case # ZB-10-24: 6503 North Le Mai Avenue – Special Fence for Natural Screening – Applicant requests continuance to November 20th, 2024

Community Development Director Scott Mangum introduced the case and the petitioners request for a continuance to the November 20th meeting.

Motion: Commissioner Hussain made a motion that this case be continued at the next scheduled meeting on Monday, November 20th, 2024.

The motion was seconded by Commissioner Youkhanna

Aye: Chairman Heller and Commissioners Hussain, Youkhanna, Dervisevic, and Velasquez

Nay: None

Abstain: None

Motion Approved: 5-0

VI. Case # ZB-11-24: 7215 North District Avenue – Amendment to the Unified Sign plan and Zoning Variations Pertaining to Signage

Community Development Director Scott Mangum introduced the case. District 1860 development was approved in 2019 with the Unified Sign plan being approved subsequently which governs signage at the development. The petitioner is seeking approval of revisions to the unified center sign plan at the subject property including additional zoning variations related to the number of permitted wall signs, the size of permitted window signs, the allowance for temporary banner signs, and other proposed signage at the development.

Director Mangum discussed the regulatory context of Unified Sign plans within the Village's Zoning Code, specifically Section(s) 11.07(8) and 11.08(16). He further discussed the required variations to the site plan as follows:

- Variations Related to Wall Signs
 - Section 11.4(02)i allows for one wall sign per tenant per street frontage. The following requested signs require relief from that provision:
 - Additional wall sign on the south façade of the mixed-use building near Lincoln Avenue and Touhy Avenue
 - Additional wall sign on the north façade of the grocery building
 - Painted murals at parking garage entrances
- Variations Related to Monument Signs
 - Section 11.04(1)i.3 states that “sign copy for a multi-tenant monument sign shall contain a maximum of a combination of 24 words and graphic elements no greater than two inches in height.”
 - Petitioner seeks approval for text and logos with a height of nine inches
- Variations Related to Window Signs

- Section 11.04(6) states that “permanent window signs may be affixed or applied to window glass, provided that the area of permanent window signs does not exceed 20% of the window surface area.”
 - The Petitioner has been temporarily granted approval to install window wraps that cover the entirety of windows for tenant spaces that are either vacant or under interior build-out. That temporary allowance expires on December 6, 2024. The Petitioner is seeking a Variation from that provision to essentially make permanent the temporary allowance previously granted
- Variations Related to Temporary Signs and Banners
 - Section 11.04(8) establishes regulations related to temporary signs. (States that signs can only be considered temporary if they are displayed for no more than 20 days, except for signs advertising a grand opening or anniversary, which can be displayed for up to 30 days:
 - Petitioner seeks relief from the previous provision for three types of signs:
 - **“Now Leasing”**
 - The intent appears to be to take advantage of the high level of visibility offered from westbound Touhy Avenue, eastbound Touhy Avenue, and northbound Lincoln Avenue. The petitioner’s application does not specify the number, locations, or sizes for these signs.
 - **Retail Tenant Advertising**
 - The Petitioner is proposing signs for individual tenants that could identify businesses coming soon, now open, or special offers. The request specifies that these signs could be installed for a period of up to 90 days
 - **Village Green temporary signs and banners**
 - The Petitioner is proposing banners and temporary signs for events being held in the Village Green

Director Mangum discussed proposed revisions to the Unified Center Sign Plan stating that they do not require variations, just approval to adopt these changes into the plan.

- **Maximum Permitted Height and Offset of Tenant Walls**
 - Decrease in the required offset between tenant wall signs and architectural elements on the mixed-use building from three feet to one foot
 - Increase the maximum permitted wall sign height for tenants in the mixed-use building from 36 inches to 48 inches
- **Pole Banner Sign Content**
 - Clarification that the content of the pole banner signs can be changed at the discretion of the owner
- **Wayfinding Signage**
 - Clarification that tenant wayfinding signs in the interior of the parking garage in the mixed-use building are not subject to Village regulations or approval
- **Awnings and Awning Signs**
 - Clarification that awnings and awning signs are permitted, subject to generally applicable regulation on the Zoning Ordinance
- **Deletion of Reference Table on Pages 8-11**

Director Mangum discussed considerations as follows:

- **Relevant Regulations Related to Signage**
 - Levels of illuminations for different types of signage
 - Glare reduction for illuminated signs adjacent to residential uses
 - Hours of Illumination
 - Compliance with sight triangle requirements
- **Character and Scale of Development**
 - Traffic and Visibility Concerns
- **Parameter Regarding Temporary Signs**
 - Section 11.04(8) establishes regulations for temporary signs related to the number permitted on a multi-user property, the maximum permitted areas of a temporary sign, maximum height above grade, the duration and frequency at which temporary signs can be installed, and that they generally be freestanding signs

Director Mangum noted variation standards.

He presented that staff received inquiries from the public and met with a resident of Barclay Condominiums but did not result in written public comments.

The petitioner seeks revisions to the previously approved unified center sign plan, including additional variations.

Petitioner: Richard Tucker

Mr. Tucker stated that all requests for revisions came from tenants at the development to increase visibility and promote the success of the mixed-use development.

Commissioner Hussain asked the petitioner his opinion on relief within a certain time frame or if he is solely seeking permanent relief.

The petitioner does not believe a trial period of revisions is necessary or productive as the revisions are necessary while the development is operating, and he does not foresee the development going anywhere or stopping soon.

Commissioner Velasquez asked a question about the grounds for an offset variation from 3 feet to 1 foot.

Mr. Tucker stated that some tenant names are longer and with small letters, they become illegible. At the time of initial provisions, the development did not know the tenants that would be there so they could not preemptively choose an appropriate measure. Mr. Tucker clarified they are not seeking to change panels, only to fit names to current panels.

Commissioner Dervisevic asked about other properties with this type of signage. Mr. Tucker gave examples in Chicago along with noting that their website has more examples.

Commissioner Velasquez proposed talking about each variation separately and then at the end, depending on discussion, make one or more motions.

Commissioner Hussain asked Director Mangum if he foresees any issues with these revisions. Director Mangum discussed that this commercial development is different in scale from others in the Village and that can be considered when deciding variations.

The Commissioners started discussing the first variation relief related to Wall Signs

Motion: A motion was made by Commissioner Youkhanna to approve the variations related to wall signs.

Commissioner Hussain seconded the motion.

Prior to voting on the motion, the Commissioners decided to discuss all variations due to lack of objection. The Commissioners continued discussing the variations related to monument signs, window signs, and temporary signs. There were no differences in opinion but Chairman Heller sought further clarification about the precedent approving the temporary sign variation would set. Director Mangum brought up the fact that no size of temporary signs was listed in proposal.

Chairman Heller called the petitioner back to the podium.

Mr. Tucker clarified that there would only be the three current temporary signs on the building, but that he does not know the exact size of these signs. Mr. Tucker also discusses that the point of these signs is not just for leasing space at the development, but for advertising community activities at the space.

Chairman Heller sought more information about the location of a Now Leasing sign.

Mr. Tucker stated that all three signs would be at the top of the building.

Commissioner Hussain brought up aesthetic concerns related to permanent leasing signs.

Mr. Tucker stated that year-round Now Leasing signs are common and that due to the first class quality of the development, all signs will remain in good condition. If they start to deteriorate or become unsightly they will be changed.

Commissioners moved to discuss the revisions to the Sign Plan.

Chairman Heller asked about an awning ordinance and Director Mangum clarified that the current Unified Sign Plan does not allow for awnings but if approved they would be subject to other regulations in the Zoning Ordinance.

Commissioner Hussain proposed a motion to approve all variations and revisions with the condition that the Village could revoke any item if an issue arises or if there is public opposition.

Commissioners Velasquez and Hussain along with Chairman Heller and Director Mangum discussed what introducing a time frame for “Now Leasing” signs in order to maintain image could offer. Director Mangum stated that the concerns about sign quality align with a style regulation more than a time frame.

Commissioner Dervisevic highlighted the benefit of having these signs year around on the top of the building to draw businesses into the Village.

Motion: Commissioner Velasquez made a motion to approve the proposed zoning variations and revisions to the Unified Center Sign Plan with the caveat that under the temporary sign variation, the “now leasing” banner variation have the standard that signs must maintain quality to avoid deterioration, number of banners not to exceed the three current ones, and the size of the banners to be maintained.

Commissioner Dervisevic seconded the motion.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna, Dervisevic, and Velasquez

Nay: None

Abstain: None

Motion Approved: 5-0

This case will go to the Village Board in December due to a scheduling conflict with the petitioner.

V11 Case # ZB-12-24: 3332 West Columbia Avenue – Approval of Variation Regarding Permitted Obstructions

Petitioner requests continuance to November 20th, 2024.

Motion: Commissioner Youkhanna motioned to continue this case to the November 20th meeting.

Commissioner Hussain seconded the motion.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna, Dervisevic, and Velasquez

Nay: None

Abstain: None

Motion Approved: 5-0

VIII. Public Comment

The public was asked if anyone participating in the meeting would like to address the Zoning Board of Appeals. Let the record state that no one came forward.

VIII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for November 20th, 2024.

VIII. Adjournment

Motion to adjourn was made by Commissioner Youkhanna

The motion was seconded by Commissioner Velasquez.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna, Dervisevic, and Velasquez

Nay: None

Abstain: None

Motion Approved: 5-0

The meeting was adjourned at 8:35pm.

Respectfully submitted,

Abigail Honeycutt
Community Development Intern



Zoning Board of Appeals Staff Report

Case #ZB-13-24

December 18, 2024

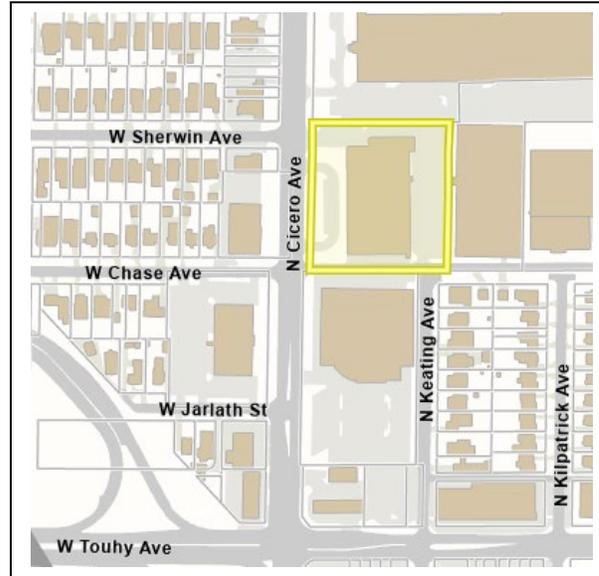
Subject Property: 7301 North Cicero Avenue

Zoning District: O-1 Office District

Petitioner: a + c architects, Owners Representative

Requested Action: Approval of Special Fences

Notification: Notice was published in the Lincolnwood Review on November 22, 2024, a public hearing sign was installed at the subject property at 7301 N Cicero Ave and mailed notices dated November 25, 2024, were sent to properties within 250 Feet.



Summary of Request: The property owner, Assyrian Universal Alliance Foundation, Inc, seeks zoning relief to install a wrought iron fence enclosing the side and rear yards of this corner lot. Fencing is to include gates at the driveway entrances from Cicero Avenue and from Chase Avenue. The property is developed with a one-story office building with the north half of the building intended for offices and the south half for a child development center. The property is located at the northeast corner of Cicero Avenue and Chase Avenue.

Property Description

The property is approximately 2.8 acres and is improved with a one-story, 30,000 square foot building. It has been used primarily as an office building. There are two separate parking areas on the property including a “visitor” parking area in the front yard and “employee” parking located on the north side and east side (rear yard) of the building.



View from the Southwest Corner



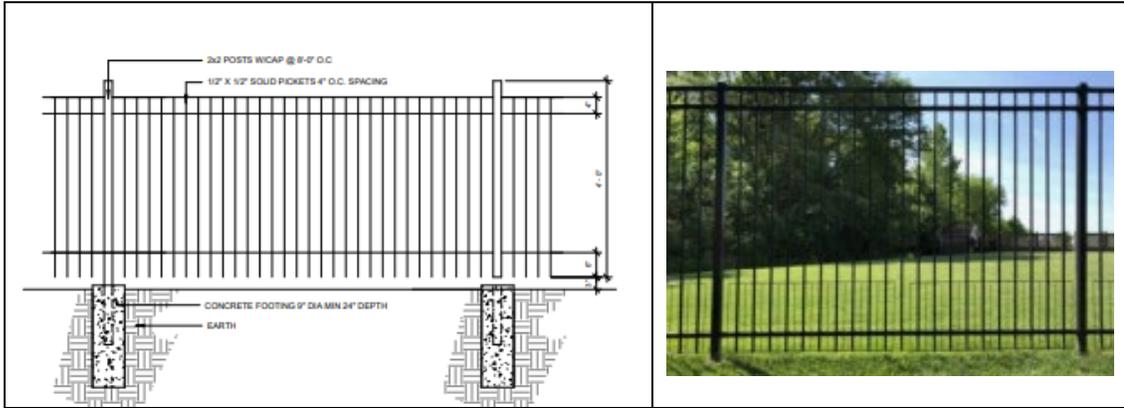
View from the Northwest Corner

The building is currently undergoing significant remodeling both on the interior and exterior. The property owner intends to use the north half of the building for offices and to use the south half as a child development center. Both uses are permitted in the existing O-1 Office District zoning of the property.

Zoning Regulations

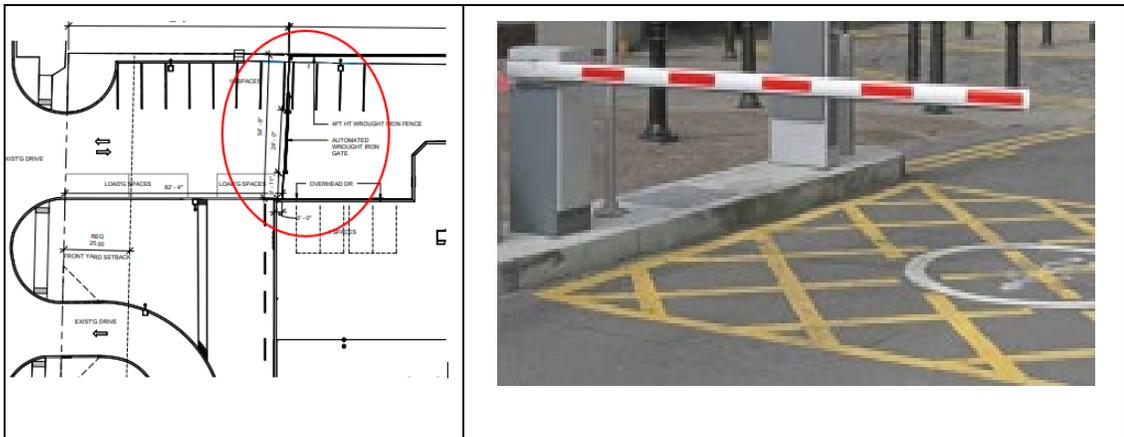
Pursuant to Section 3.13(8) of the Zoning Ordinance, the following Special Fence approvals are requested:

- Special Fence approval for the use of decorative wrought iron as a primary fence material. This fence is to be located along the north, east and south sides of the “employee” parking area.

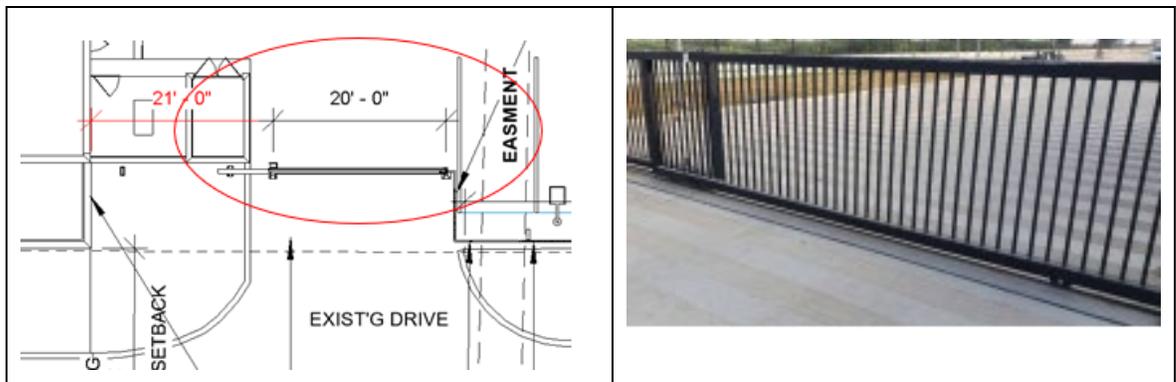


Proposed 4-foot Fence

- Special Fence approval for the installation of operable gates at the entrances of parking areas near the northwest corner and southeast corner of the building.



Proposed North Gate (Cicero Avenue)



Proposed South Gate (Chase Avenue)

Proposed Improvement

The proposed wrought iron fence (red dashed line) will surround the parking areas located to the north (side yard) and east (rear yard) of the building. A single arm gate will be located at the north entrance (from Cicero Avenue) and a sliding wrought iron gate will be located at the south entrance (from Chase Avenue).

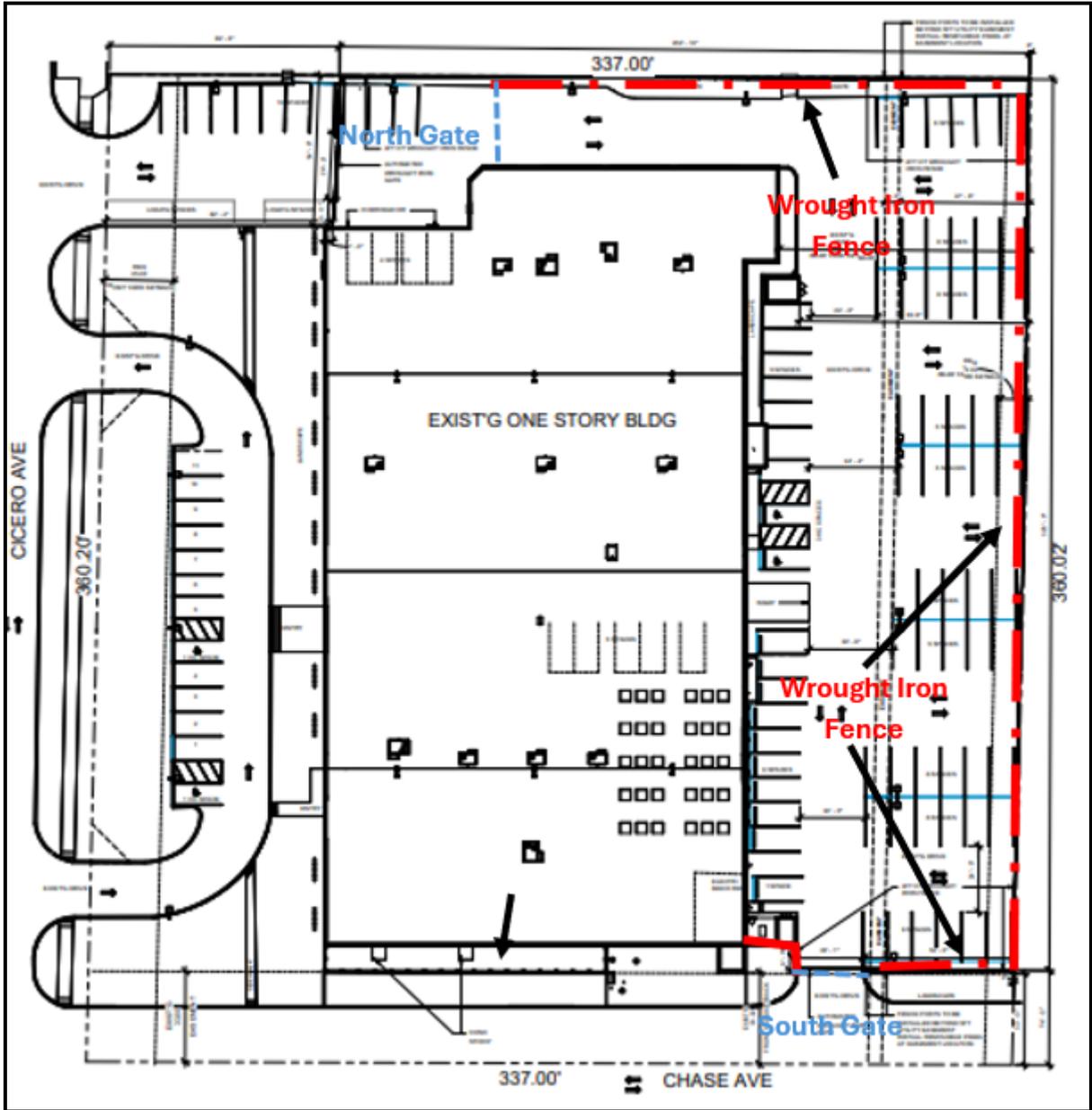




Photo of Location of North Gate (Cicero Avenue)



Photo of Location of South Gate (Chase Avenue)

Considerations

The Zoning Board of Appeals (ZBA) may consider the following when determining the appropriateness of the requested approvals.

Special Fence Standards

Section 3.13(25)b of the Zoning Ordinance establishes standards specifically related to the review of a Special Fence request. That section states that “*the Zoning Board of Appeals shall not recommend to the Board of Trustees that a special fence permit be granted unless it makes findings of fact based upon evidence presented at the hearing in any given case that:*

- i. The special fence will serve the public convenience at the location of the subject fence; or that the establishment, maintenance or operation of the special fence will not be detrimental to or endanger the visibility, public safety, comfort or general welfare.*
- ii. The special fence will be in harmony and scale with the architecture of the building in this development and with other fences in the neighborhood.*
- iii. The special fence will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purpose already permitted; nor substantially diminish and impair the visibility of adjacent property.*
- iv. The nature, location and size of the special fence will not impede, substantially hinder, or discourage the installation of fences on adjacent property in accordance with the Fence Ordinance.*
- v. The special fence shall in all other respects conform to the regulations of this Section 3.13 except as modified as provided herein.”*

It is worth noting that, unlike Variation standards that are to be considered, the Special Fence standards specifically state that such a request shall not be recommended for approval unless it is found that all standards are satisfied.

Surrounding Land Use and Development

The area surrounding the property is primarily commercial. The property adjacent to the proposed fence includes car dealerships to the north and south and an indoor ice hockey arena to the east. The fence would have minimal visibility from Cicero Avenue.

Operation of Gates

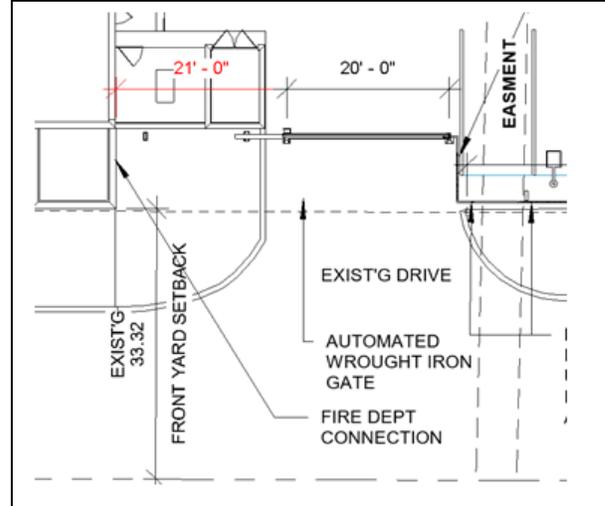
The installation of gates for a parking lot raises questions regarding the operation of the gates both for users visiting the property and emergency vehicle operations. In response to a request from staff, the petitioner provided the following information about the gates:

- The south gate will be open from 7am-9am and 4pm-6pm which coincide with the drop-off / pick up time for the child development center. All other remaining times the south gate will be closed and operated by a plate recognition system going into the parking lot. The south gate will open going out of the parking lot as the vehicle approaches the gate.
- The north gate will open going in and out of the parking lot when the vehicle approaches the gate during business hours.
- After business hours both south and north gates will be closed and open only by the plate recognition system.
- The Fire Department access will be provided at all the times and as required by the municipal code.

Emergency Vehicle Access: At the request of the Lincolnwood Fire Department, each gate will include a Knox Box (a box accessible only by emergency personnel) that would hold either keys, fobs, codes, or a transmitter. Thus, allowing access through the gates for emergency vehicles.

Impact on Adjacent Street Traffic Flow

Gates should be located so that waiting vehicles do not interfere with traffic on an adjoining street. The north gate is far from Cicero Avenue. The first submitted plan showed the south gate located approximately 12-15 feet from the Chase Avenue pavement. At staff's suggestion, the petitioner agreed to move the gate further away from Chase Avenue as shown in the adjacent graphic. Relocating the gate increases the vehicle waiting area to more than 20 feet which is sufficient area for a car, SUV or pick-up truck.

***Other Considerations***

The petitioner has indicated that the fence is wanted primarily to provide security for the child development center in the south half of the building. Thus, the more substantial gate is located at the south entrance. The applicant has also placed safety bollards between the building and Chase Avenue to provide additional security for the child development center.

Public Comment

As of the publication of this report, staff has not received any public comments regarding this Special Fence request.

Conclusion

The Petitioner seeks Special Fence approvals pursuant to Section 3.13(8) of the Zoning Ordinance including:

- The use of decorative wrought iron as a primary fence material.
- The installation of operable gates at the entrances of parking area near the northwest corner and southeast corner of the primary structure.

Documents Attached

1. Petitioner Responses to Special Fence Standards
2. Plat of Survey
3. Site Plan and Fence Elevation
4. Relevant Regulations



Special Fence Standards

To be approved, each Special fence request must meet certain specific standards. These standards are listed below. After each listed standard, explain how the Special Fence request satisfies the listed standard.

Project Address	7301 Cicero Ave
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1. Please explain how the Special Fence is necessary for the public convenience at this location. (Please explain in detail)

The proposed special fence is necessary for the employees secured access to the building and site access control.

2. Please explain how the Special Fence is so designed, located, and proposed to be in harmony and scale with the architecture of the building in this development and with other fences in the neighborhood.

The Special Fence design and location is in harmony and scale with architecture of the existing 1story masonry building. The proposed fence is in compliance with the code requirements.

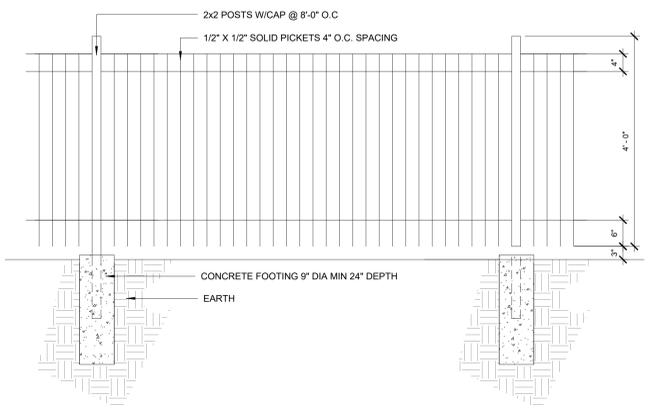
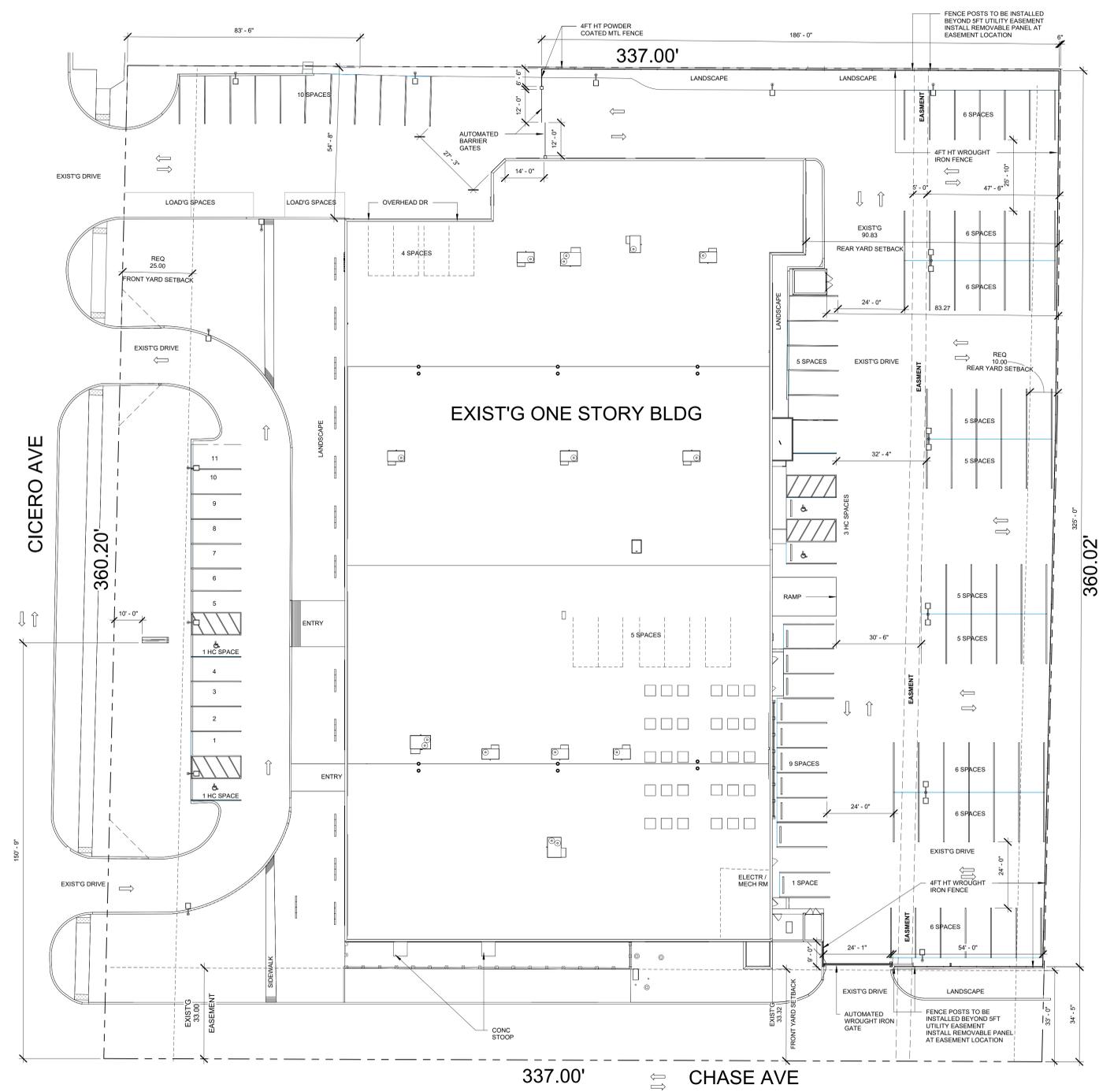
3. Please explain how this Special Fence would not cause substantial injury to the value of other properties in the neighborhood in which it is located nor substantially diminish and impair the visibility of adjacent property .

The Special Fence is a minimal height of 4ft and it open fence constructed with wrought iron. The fence will not impact and the visibility of the adjacent properties.

4. Explain how the nature, location and size of the special fence will not impede, substantially hinder, or discourage the installation of fences on adjacent property in accordance with the Fence Ordinance.

The fence is installed on the subject property according to the zoning code requirements. Therefore, it will not impede, substantially hinder or discourage the installation of fences on adjacent properties in accordance with the fence ordinance.

Once you have completed the responses to the standards above, please return to your online application and upload this document to that application.



2 FENCE ELEVATION / DETAIL
 3/4" = 1'-0"

1 SITE PLAN W/ PROPOSED FENCE
 1" = 20'-0"



NORTH BARRIER GATE



SOUTH GATE



FENCE IMAGE

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Attachment #4. Relevant Regulations

3.13 Fences and natural screening.

(8) Special fences; preexisting masonry fences: landscape terrace walls; decorative wrought iron fences, through lot fences.

Special fences are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood. Special fences may be appropriate in some locations and inappropriate in other locations. The following fences may be allowed by special fence authorization in accordance with this Section 3.13 where the Zoning Board of Appeals finds that a special fence is appropriate at the location requested. The Zoning Board of Appeals may recommend, and the Board of Trustees may impose conditions, terms and restrictions in addition to those set forth herein as a condition of granting special fence authorization.

a. The following types of fences shall be special fences:

- i. Brick walls, masonry fences, and stone walls.
- ii. Masonry enclosures.
- iii. Landscape terrace walls of stone or masonry construction, over 30 inches in height.
- iv. Decorative wrought iron fences.
- v. Through lot fences, except to the extent specifically permitted pursuant to Section 3.13(11)j of this Zoning Code.
- vi. Natural screening on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense, but only if the natural screening is set back at all times not less than: five feet from all hydrants, utility poles, and similar installations; three feet from all sidewalks; and five feet from the curblineline of a street.
- vii. (Reserved)
- viii. Operable barriers or gates intended to restrict access to off-street parking lots located on lots that are not located in a residential district, and only upon a showing by the applicant of a specific need for the barriers or gates, based upon the characteristics of the subject property or its use.

(25) Special fence procedures.

- a. Processing. Special fence applications shall be processed in the same manner as special uses as set forth in Article V, Part D of this chapter, except that the following specific regulations shall apply to special fences and if in conflict with the procedures governing special uses as set forth in Article V, the regulations set forth in this section shall prevail for the processing of applications for special fences.
- b. The Zoning Board of Appeals shall not recommend to the Board of Trustees that a special fence permit be granted unless it makes findings of fact based upon evidence presented at the hearing in any given case that:

i. The special fence will serve the public convenience at the location of the subject fence; or that the establishment, maintenance or operation of the special fence will not be detrimental to or endanger the visibility, public safety, comfort or general welfare.

ii. The special fence will be in harmony and scale with the architecture of the building in this development and with other fences in the neighborhood.

iii. The special fence will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purpose already permitted; nor substantially diminish and impair the visibility of adjacent property.

iv. The nature, location and size of the special fence will not impede, substantially hinder, or discourage the installation of fences on adjacent property in accordance with the Fence Ordinance.

v. The special fence shall in all other respects conform to the regulations of this Section 3.13 except as modified as provided herein.

c. The Zoning Board of Appeals may recommend the imposition of such conditions and restrictions upon a special fence, the location, the construction, design, time duration, and use of the property or premises benefited by the special fence as may be deemed necessary to assure compliance with the standards set forth in this article, to reduce or minimize the effect of such special fence upon other property in the neighborhood, or to implement the general purpose and intent of this Fence Ordinance. A special fence will not be permitted where any portion of such special fence encroaches in, on, over, under or above the public right-of-way.

d. After the close of the public hearing on a special fence, the Zoning Board of Appeals may recommend to the Board of Trustees the granting of a special fence permit in accordance with its findings regarding the standards for special fences.

e. The terms of the special fence ordinance so granted shall be specifically set forth in a conclusion or statement which is supported from the findings of fact of the Zoning Board of Appeals. The subject property for which the special fence has been granted shall not be used in violation of the specific terms and the findings of fact unless such use is allowed by further findings of fact or additional approval, pursuant to additional hearings and appeal therefor.



Zoning Board of Appeals Staff Report

Case #ZB-12-24

December 18, 2024

Subject Property:
3332 West Columbia Avenue

Zoning District: R-4 Residential

Petitioner: Suad Haxha, property owners

Requested Action: Approval of a Zoning Variation related to decorative objects as obstructions in the front yard



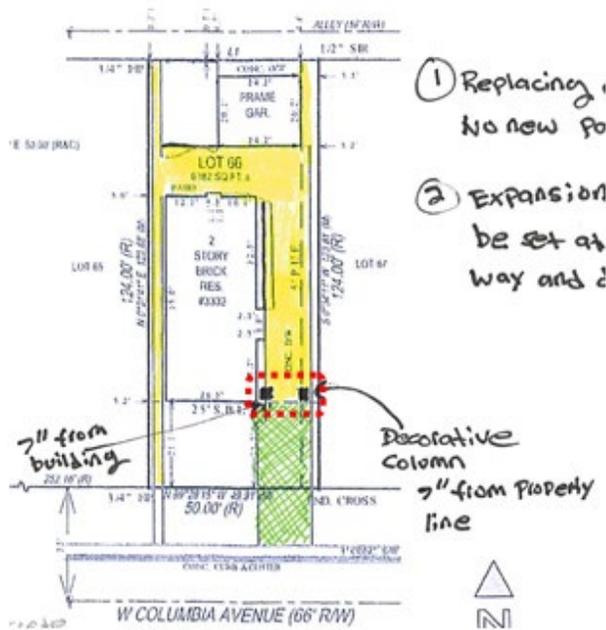
Notification: Notice was published in the Lincolnwood Review on October 3, 2024, a public hearing sign was installed at the subject property at 3332 West Columbia Avenue, and mailed notices dated September 30, 2024, were sent to properties within 250 Feet. *The public hearing was continued from the Zoning Board of Appeals meetings of October 22, 2024, November 4, 2024, and November 20, 2024 to the December 18, 2024 meeting.*

Summary of Request

Suad Hoxha, property owner, seeks approval of a Zoning Variation to allow the installation and maintenance of decorative columns at the property commonly known as 3332 West Columbia Avenue. The property is located in the R-4 Residential zoning district and abuts other properties in that same zoning district. The property has an area of approximately 6,200 square feet and hosts a single-family home and detached garage. The garage is accessed from both the alley abutting the north side of the lot and the driveway with a curb cut on Columbia Avenue.

Proposed Improvement

During the permitted installation of a new driveway, the Petitioner installed decorative columns on either side of the driveway generally in line with the front façade of the home. The footprint of each column is 21 inches by 21 inches, and they are each approximately five feet tall. According to the Petitioner's application, he intends to install a gate between the columns at some time in the future.



Plat of Survey (left) and photo showing the locations of the decorative columns

Required Approvals

Section 3.10 of the Zoning Ordinance establishes regulations related to permitted obstructions in yards. The proposed decorative columns require relief from the following provisions in that section:

- Section 3.10(1) establishes the permitted locations on a lot for certain accessory structures. Specifically, it states that “*unique freestanding objects, specifically limited to decorative driveway columns, lampposts, and sculptures*”, are permitted in the front and corner side yards of properties. The decorative columns, as they are currently installed, are mostly in front of the front façade of the home. However, at least a portion of them is behind the front façade and in the interior side yard. This can be interpreted as not fully complying with this provision. Therefore, a Variation from this provision is required.
- Section 3.10(2) establishes provisions applicable to “*unique freestanding objects*”. Subsection (c) states that such objects must be setback from all three feet from all interior side lot lines. However, the easternmost column is located approximately seven inches from the interior side lot line shared with the property to the east. Additional, Subsection (e) states that any unique freestanding object with a height of greater than four feet cannot exceed one foot in width in any dimension. The columns are five feet in height and 21 inches in width in each direction. Therefore, Variations from Subsections (c) and (e) are required.

Considerations

The Zoning Board of Appeals may consider the following when deliberating the appropriateness of the requested relief.

Future Fence and Required Setback from the Front Façade of the Home

Materials submitted as part of the Petitioner’s application indicate that he may seek to install a gate between the columns in the future. If the columns are considered part of a fence installation, they would require the following actions:

- Approval of a Special Fence, subject to the public hearing process, to allow masonry columns, pursuant to Section 3.13(8)a of the Zoning Ordinance; and
- Compliance with Section 3.13(9) of the Zoning Ordinance regarding the permitted location of a fence. Section 3.13(9)c of the Zoning Ordinance states that *“fencing shall not be allowed in front yards....”* Additionally, Section 3.13(9)d states that *“permitted interior side yard fencing...shall be set back from the front facing facade of the principal building by three feet or more.”* As noted earlier in this report, the columns are located largely in the front yard. Therefore, if they are used to support a gate, the gate would not comply with Sections 3.13(9)c-d. The Petitioner has the ability to seek a Variation to allow a fence between the columns, though one of the standards to be considered in relation to a Variation request is whether *“the alleged difficulty or hardship has not been created by any person presently having an interest in the property.”* Depending on the application of this standard by a public hearing body and Village Board, this may be a barrier to approval of a gate in that location.

Circumstances Related to the Installation of the Driveway and Columns

During discussions with Village staff and in their public hearing application, the Petitioner refers to certain circumstances pertaining to inspections that took place during the installation of the permitted driveway. The timeline of that permit and its inspections is summarized below, along with claims by the Petitioner and responses from Village staff:

- November 8, 2023: The Petitioner submitted a permit application for the replacement of the driveway. The plans submitted with the application did not show the installation of the decorative columns.
- December 7, 2023: The permit related to the replacement of the driveway is issued. That permit specified as per the Applicant’s plans that the driveway would be replaced according to its preexisting dimensions. No decorative columns were included in the scope of work at the time of the issuance of that permit.
- December 14, 2023: The Village conducted the requisite pre-pour inspection. Village records show that the work passed inspection, allowing the owner to proceed with the installation of concrete flat work.
 - Petitioner’s claim: The Petitioner claims that during that inspection the Building Inspector observed the forms for the decorative columns and stated that they meet relevant regulations. Based on that discussion, the Petitioner felt they were approved to proceed with the installation of the columns.
 - Village response: Staff has attempted to confirm whether the Building Inspector commented on the forms for the decorative columns. That inspection was conducted by the Village’s third-party consultant due to the in-house inspector being on vacation. Notes in the Village’s permitting system reference a patio, sidewalk, and driveway, but there is no mention of forms for decorative columns. Staff speculates that, if the inspector commented on the forms for the columns, it would have been to confirm whether or not the forms were set correctly. Nonetheless, plans were not revised to indicate that decorative columns would be included in the scope of work.

- December 28, 2023: The Village conducted the requisite final inspection for the flat work. The Building Inspector failed the work, noting that there were pop-up drains that were not part of the plans and were installed in a non-compliant manner. The decorative columns were not complete and were not commented on by the inspector.
- January 2, 2024: The Village conducted a follow-up final inspection for the flat work. The Building Inspector approved the work, presumably because the pop-up drains had either been removed or modified to be in compliance. Again, the decorative columns were not complete and were not commented on by the inspector.
 - Petitioner’s claim: The Petitioner claims that because the installation of the columns was partially complete at the time of the final inspection, he was authorized to finish their installation.
 - Village response: The Village’s in-house inspector conducted the final inspections and made no finding regarding the columns since they did not appear on the approved scope of work.
- March 2024: Village staff observed construction activity related to the installation of electrical lines and masonry related to the decorative columns. Staff notified the owner of the issue, which led to discussions and, ultimately, the submittal of the Petitioner’s application seeking a Zoning Variation to allow the columns to remain in place.

Variation Standards

When considering the appropriateness of a Variation request, Section 5.15(7) of the Zoning Code states that “*there shall be taken into consideration the extent to which the following facts are established:*”

- a) *The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;*
- b) *The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;*
- c) *The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;*
- d) *The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;*
- e) *The alleged difficulty or hardship has not been created by any person presently having an interest in the property;*
- f) *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;*
- g) *The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property; and*
- h) *The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.”*

Prior Similar Requests

Because regulations included in Sections 3.10(1) and (2) regarding unique freestanding objects were adopted in 2021, there is only one prior case that relates to a Variation request pertaining to those regulations.

In 2022, the owner of 6422 North Kimball Avenue sought approval of a Variation to allow decorative columns to remain in place in her front yard. The series of three columns was installed along her interior side lot line in an effort to protect her driveway from a neighbor's vehicles. The ZBA recommended denial of her request, noting other code-compliant options that could have the same benefit of establishing a stronger physical presence along her lot line. The Village Board concurred with the ZBA's recommendation, and directed staff to provide a reasonable amount of time for the Petitioner to come into compliance by removing the columns. (The Petitioner acted in good faith and within a reasonable timeframe to remove the columns.)

Public Comment

Staff did not receive any public comments related to this case. Any public comments received between the drafting of this staff report and the ZBA hearing will be provided to the ZBA at that hearing.

Conclusion

The Petitioner seeks approval of Zoning Variations from Sections 3.10(1) and (2) to allow the maintenance of decorative masonry columns at 3332 West Columbia Avenue.

Documents Attached

1. Petitioner Responses to Variation Standards
2. Plat of Survey Showing the Locations of the Proposed Columns
3. Sketch of Decorative Column Dimensions
4. Photo Report Submitted by the Petitioner
5. Relevant Regulations



Variation Standards

To be approved, each Variation request must meet certain specific standards. These standards are listed below. After each listed standard, explain how your Variation request satisfies the listed standard.

Project Address	3332 W. Columbia Lincolnwood IL 60712
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1. The requested Variation is consistent with the stated intent and purposes of the Zoning Ordinance and the Comprehensive Plan.

The requested variation is consistent with the stated intent and purposes of the Zoning Ordinance and the Comprehensive Plan. The installation of the columns enhances the structural integrity and aesthetic appeal of the property, contributing to the overall improvement of the neighborhood and aligning with community development goals. There are two other properties on the same block with columns the same size and the exact same location. I understand there was a change in code, but this specific property is a multi-family home where other 2 properties on the block have the same column location. These columns do not interfere with public welfare and align with the village's architectural guidelines, maintaining the neighborhood's cohesive appearance.

2. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced.

The particular physical surroundings and the prior guidance from village inspectors during the inspection process create a hardship. The columns were installed based on verbal approval during the rough and final inspections. The denial of this Variation would create a financial and emotional burden, as significant investment has already been made with the understanding that the columns were compliant.

3. The conditions upon which the petition for the Variation is based would not be applicable generally to other property within the same Zoning District.

The conditions for this Variation are unique to this property due to the mistaken guidance provided by the village inspector during the construction process. Unlike most properties in the district, this property relied on inspector approval for work that was later deemed non-compliant due to recent zoning changes.

4. The Variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property.

The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property. Instead, it is intended to maintain aesthetic harmony with neighboring properties that have similar decorative columns and to enhance the visual appeal of the property. It was approved initially by both appointed inspectors and then taken back weeks later after driving by and stating "they must have missed it". This would cause financial hardship.

The columns are decorative and serve to enhance the property aesthetically, in line with neighborhood standards.

5. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The hardship was not created by the current property owner but resulted from misguidance by village inspection staff. The columns were installed with the good faith belief that they adhered to zoning regulations, based on verbal feedback from village inspectors. In addition to verbal feedback, both rough inspection (which has the footings) and final inspection (with the columns standing) were passed.

6. The granting of the Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The granting of the Variation will not be detrimental to the public welfare or injurious to other properties in the neighborhood. The columns are decorative in nature, do not obstruct views or access, and are consistent with the appearance of other properties on the block. Their presence enhances the visual appeal of the neighborhood without posing any risk to public safety.

7. The Variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property.

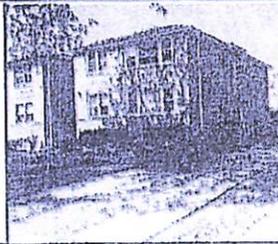
This Variation request seeks the minimum change necessary to alleviate the hardship caused by the inspector's approval of the columns. Removing or relocating the columns would impose significant financial and aesthetic losses that are unnecessary given the minor nature of the Variation.

8. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The proposed Variation will not impair the supply of light or air to adjacent properties, increase the danger of fire, or pose a public safety risk. The decorative columns are purely for aesthetic purposes and do not interfere with property values or the general safety of the neighborhood.



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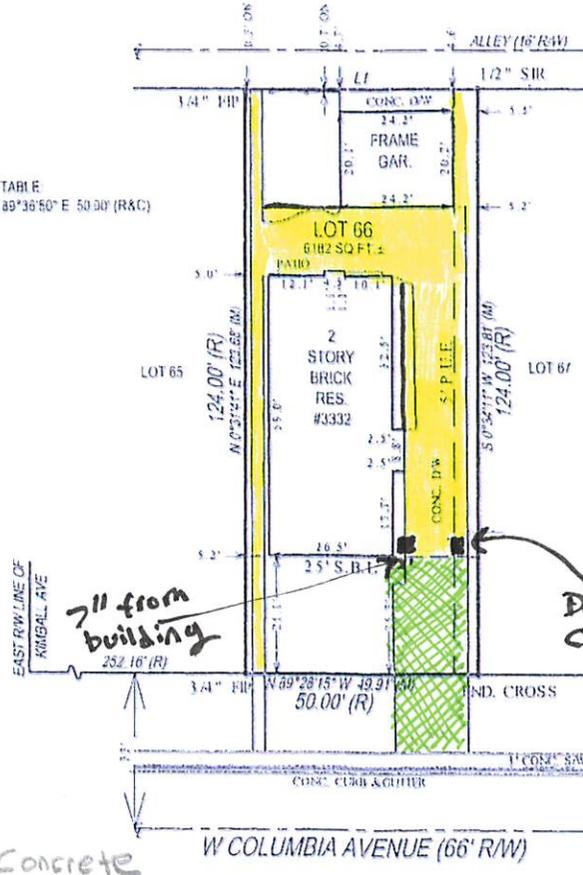


PROPERTY ADDRESS: 3342 W COLUMBIA AVENUE, LINCOLNWOOD, ILLINOIS 60712

SURVEY NUMBER: 2309 4085

2309.4085
PLAT OF SURVEY
COOK COUNTY

LINE TABLE
L1 S 89°36'50" E 50.00' (R&C)

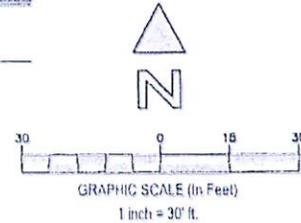


- ① Replacing existing - No new paved areas
- ② Expansion joint shall be set at right of way and drive

7" from building

Decorative Column
7" from Property line

Concrete



STATE OF ILLINOIS } SS
COUNTY OF LASALLE }

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON

Warren D. Johnson



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2921
LICENSE EXPIRES 11/30/2024
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 18400859 0008

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
1556 IN 2012059
o. 773 305 4011
116 East Jackson Street | Chicago, IL 60604



DATE OF SURVEY: 09/26/23
FIELD WORK DATE: 9/23/2023

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

Plan to attach gate/fence in the near future.

Building

Neighbor Lot

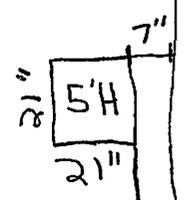
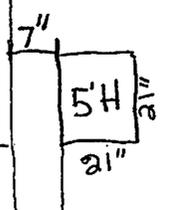




Photo on Village Portal from inspector of approved final inspection.



Photo of columns currently on property



Boxwood bushes will be planted in front of column



Bushes will go across driveway; will cover most of the column.

Similar properties on the same block:

3300 W. Columbia Lincolnwood IL 60712



3316 W. Columbia Lincolnwood IL



Columns are in front of the building and in-line to the neighboring lot.

Attachment #5. Relevant Regulations

3.10 Permitted obstructions in yards.

(1) Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; a "—" denotes that the obstruction is prohibited.

Table 3.10.01 Permitted Obstructions in Yards				
Item	Yard			
	Front	Rear	Side	Corner Side
<i>[Abridged for Brevity]</i>				
Unique freestanding objects, specifically limited to decorative driveway columns, lampposts, and sculptures, as regulated pursuant to Section 3.10(2) of this article	P	—	—	P

(2) The unique freestanding objects specifically permitted pursuant to Section 3.10(1) of this Zoning Ordinance shall be subject to the following standards:

- a. Not more than one such unique object may be located on a zoning lot in either the front or the corner side yard. However, the Zoning Administrator may permit additional such unique objects if he or she determines that they are clearly and obviously intended to be compatible and complementary with one another.
- b. No such unique object may be located in a designated line of sight triangle established using the standard illustrated by Figure 3.xx in Section 3.13(9) of this Zoning Code for the intersection of a street and alley. This restriction shall also apply to the intersection of a street and a driveway.
- c. Such unique object must be set back at least one foot from all front and corner side lot lines, and at least three feet from interior side and rear lot lines.
- d. Such unique object must fit within a four-foot by four-foot area.
- e. Any unique object that has a height greater than four feet can be no wider than one foot in any dimension, with the exception of a light fixture at the top of a lamppost.
- f. No unique object may be animated or create the effect of animation.

g. To the extent possible, such unique object must feature materials that are consistent and compatible with the primary structure on the property and the overall character of the neighborhood.

5.15 Major variations.

(7) Standards. In determining whether in a specific case there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Zoning Ordinance, there shall be taken into consideration the extent to which the following facts are established:

- a. The requested major variation is consistent with the stated intent and purposes of this Zoning Ordinance and the Comprehensive Plan;
- b. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced;
- c. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same zoning district;
- d. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property;
- e. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
- f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- g. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property;
- h. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
- i. For variations from Article XI of this Zoning Ordinance:
 - (1) The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of this Zoning Ordinance;
 - (2) The proposed sign complies with any additional standards or conditions set forth in Article XI of this ordinance;
 - (3) The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any; and
 - (4) The proposed sign conforms with the design and appearance of nearby structures and signs.