



**MEETING MINUTES
OF THE
March 21, 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, and Meldina Dervisevic

Absent: Commissioners Aida Cantic and Anna Velasquez

Staff Present: Doug Hammel, Planning and Economic Development Manager and Village Trustee Chris Martel

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance

III. Approval of February 21, 2024 ZBA Meeting Minutes

Motion: Commissioner Dervisevic made a motion to accept the minutes with a revision on page 3 to change the incorrect addressment of “Chairman Hussain” to the correct addressment, “Commissioner Hussain.”

The motion was seconded by Commissioner Youkhanna.

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

Nay: None

Abstain: None

Motion Approved: 4-0

IV. Case #ZB-02-24: 4720 West Farwell Avenue – Zoning Variation Related to the Rear Setback for an Addition to a Single-Family Structure

Planning and Economic Development Manager Doug Hammel introduced the case, explaining that the subject property is in the R-3 Residential district and is a two-story, single-family home flanked by a single-story garage on the west side and a single-story three seasons room on the east.

It was stated that the petitioner had requested to install a one-story addition on the east side of the home. The addition would extend further east and north than the existing three seasons room and accommodate a master bedroom suite. The addition would add approximately 545 square feet of year-round living space.

Mr. Hammel described the layout of the addition and provided elevation and floor plans. He noted the unique shape of the lot, and how staff determined that the two diagonal lot lines would be considered the rear lot lines.

He outlined that Section 4.11 establishes area, bulk, density, and setback standards for properties in the R-3 zoning district and establishes a rear yard setback of 30'. When applying the 30' rear yard setback to the diagonal lot lines, the proposed addition would encroach on that setback. A variation would be required to reduce the required setback of the northeast corner of the addition from 30' to 13' 6".

Mr. Hammel noted the proximity and impact on neighboring properties. He also noted that much of the new addition would replace and enlarge the three seasons room, possibly lessening the incremental change to the property.

Additional considerations of the subject property were discussed.

Two public comments were received regarding the possible new addition. One expressed concerns of increased stormwater flooding in the Village and was worried that the new addition would contribute to the issue. The second comment came from the property northeast of the subject property expressing concerns about the proximity of the new addition to their property stating that it could disrupt the view from their backyard.

Mr. Hammel stated that there were no prior requests comparable to the situation because of the unique property layout, but he summarized quasi-related past requests.

Commissioner Hussain asked Mr. Hammel to clarify the determination of the diagonal lines as the rear lot lines. There was discussion about where the 30' setback should be measured from.

Chairman Heller announced a short recess. The meeting resumed after two minutes.

Chairman Heller noted that the Commissioners should be aware that the building expansion would not exceed the maximum FAR.

Commissioner Dervisevic asked about the history of the subject property and if the rear lot line used to be parallel to the front lot line. It was confirmed that the surrounding properties were newer builds and most likely encroached onto the lot area of the subject property.

Petitioner – Sean Pernell, Architect

Mr. Pernell explained the homeowner's reasoning for the home addition. He stated that she wishes to stay in her home and in the Village but can only stay if she is able to live on the first level of the

home. He noted the uniqueness of the lot lines and explained that the layout of the addition was conservative as they wished to stay respectful to neighboring properties.

Commissioner Hussain asked the petitioner to consider moving the addition south to be in line with the front façade of the house. He explained that an additional variation would need to be added to the request, but the change would reduce the requested setback variation from the rear lot lines and increase the distance from the neighboring property.

Mr. Pernell stated that there were aesthetic concerns with bringing the addition south to be in line with the front façade. There is a front window in the three seasons room that they would like to maintain in the new addition that would have to be enveloped if they moved the addition south. He also stated that the streetscape of the house is better served by a setback from the front lot line.

Commissioner Youkhanna asked the petitioner if he could reduce the square footage of the addition. Mr. Pernell stated that the floor plan was planned in accordance with the needs of the homeowner, but if the decision came down to size, a nominal accommodation could be made.

There was discussion about the impact to the neighboring property to the northeast of the subject property. Mr. Pernell stated that the addition was comparable to the height of the existing three seasons room. He clarified that there is a 6' fence between the two properties.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the unique physical characteristics of the property should be considered a hardship and that the conditions the variation would be based on would not be applicable generally to other properties within the same zoning district. They also determined that the hardship was not created by the Petitioner, the addition would not be a detriment to public welfare, the variation granted would be the minimum change to the Zoning Ordinance standards necessary, and that the addition would not impair adequate supply of light and air.

Motion: Commissioner Hussain made a motion to recommend approval of the request as presented.

The motion was seconded by Commissioner Dervisevic.

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

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on April 2, 2024.

IV. Case #ZB-03-24: 6812 North Kenneth Avenue – Zoning Variation Related to an Open-Air Parking Pad in the Corner Side Yard

Planning and Economic Development Manager Doug Hammel introduced the case, explaining that the subject property is in the R-3 Residential district and is a single-family home that has a

driveway accessible from North Kenneth Avenue that provides access to a one-car attached garage. The property also has a legal non-conforming open-air parking pad adjacent to the driveway.

It was stated that the petitioner had requested to extend the southern edge of the driveway to match the southern edge of the open-air parking pad essentially creating side-by-side parking in the driveway where one lane would access the garage, and one lane that would serve as open-air parking.

He outlined that Section 7.06(5) states, “...*open-air, off-street parking spaces may be located in: (a) any rear yard, in any zoning district; and (b) in a front yard or a side yard abutting a street, but only within the B-1, B-2, B-3, O-1, M-B, and P Districts....*” This does not include the corner side yard of a residential property. Therefore, a variation from Section 7.06(5) would be required to expand the driveway.

Mr. Hammel reviewed information provided by the petitioner about how an expanded driveway would enhance curb appeal, enhance property values, and reduce accidents along that portion of Kenneth Avenue. He also noted the roadway characteristics and parking demand of Kenneth Avenue.

There was no public comment received prior to the meeting.

Mr. Hammel stated that there was one prior request comparable to the situation. In 2017, a property, 7235 North Kostner Avenue, sought approval for an open-air parking pad in their front yard. The ZBA recommended approval with a split vote. The Village Board denied the request due to concerns about the aesthetic impact on residential areas and the lack of unique property characteristics that could prevent the approval of the request being broadly applicable elsewhere in the Village.

Commissioner Youkhanna noted that the utility pole is near the proposed driveway. Mr. Hammel explained that there was no easement on the utility pole and the driveway maximum restriction of 20’ would prohibit the driveway from being too close to the utility pole.

Chairman Heller asked if the plans included more than a 50% increase in the size of the existing driveway. Mr. Hammel explained that the driveway would not exceed the 20’ width restriction.

Chairman Heller asked if there had been discussion with the petitioner about who would be responsible for costs associated with the sidewalks, curbs, and potentially sewers. Mr. Hammel explained that when a private property owner undertakes work that impacts the public right of way, the code requires that the private property owner pay for the reforming of the curb and apron. He also clarified that even with the expanded driveway, the property remains under the 60 percent impervious surface restriction.

Trustee Martell asked for clarification about how far the driveway was planned to extend south toward the lot line. Mr. Hammel explained that the petitioner could clarify the details once sworn in, or those details would be solidified during the permitting process should the request be approved.

Mr. Hammel explained that a policy discussion about a potential zoning text amendment that might allow this improvement without special approval is ongoing. However, he estimated a timeline of a few more months to complete staff research and additional policy discussions before a zoning text amendment could be approved.

Petitioner – Shiraz Syed, Son of the Property Owner

Mr. Syed explained that the purpose of the expansion would be to make the driveway look uniform because the parking pad and driveway are two different materials. He also noted the safety issues of parking along Kenneth as a need to expand the driveway for more parking spaces directly on the property.

Chairman Heller asked the petitioner what material would be used to pave the new driveway. Mr. Syed stated that he would remove the existing concrete and then re-pour a new concrete driveway. Chairman Heller asked him to clarify the hardship as it related to safety. Mr. Syed explained that there have been three accidents recently and it would be best to have the cars parked on the property and not the street due to this issue.

Commissioner Hussain asked for clarification on the code as it related to allowing all residential properties two-car garages. Mr. Hammel explained that in the R-3 and R-4 districts, building coverage can be exceeded if it was due to the addition of a detached or attached garage, up to a two-car garage. This was due to on-street parking demand in those districts.

There was discussion about the impact of the expansion to neighboring properties and the characteristics of the right of way.

Commissioner Hussain noted that single lane driveways can be a public nuisance when cars are parked behind one another and need to back out into the street to let other cars out.

Mr. Hammel asked the Commissioners to identify unique characteristics of the property that would contribute to the decision to recommend approval of the driveway expansion and not making this case a precedent for future cases. He noted that the curb-to-curb width on Kenneth Avenue (approx. 26 feet) being about 4' narrower than the typical width of residential streets is the only major unique characteristic about the case.

There were no members from the public for public comment.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the requested variation would be consistent with the stated intent and purposes of this Zoning Ordinance, a hardship related to the narrower than normal street of Kenneth Avenue is present, the improvement is not solely for enhancing the value of the property, the hardship was not created by any person, and the driveway expansion would improve public welfare by having less cars parked along the street.

Chairman Heller noted that properties in the same area have the same hardship as it relates to the narrowness of Kenneth Avenue, which might set a precedent for properties similar to the subject property.

Motion: Commissioner Dervisevic made a motion to recommend approval of the request as presented.

The motion was seconded by Commissioner Hussain.

Aye: Commissioners Youkhanna, Hussain, and Dervisevic

Nay: Chairman Heller

Abstain: None

Motion Approved: 3-1

This item will go to the Village Board on April 2, 2024.

VI. 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.

VII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, April 17, 2024.

VIII. Adjournment

Motion to recommend adjournment was made by Commissioner Hussain. The meeting was adjourned at 8:16 p.m.

The motion was seconded by Commissioner Dervisevic.

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

Nay: None

Abstain: None

Motion Approved: 4-0

Respectfully submitted,

Marcos Classen

Community Development Coordinator