



**MEETING MINUTES
OF THE
April 20, 2022
ZONING BOARD OF APPEALS
LINCOLNWOOD VILLAGE HALL**

Zoning Board of Appeals Members Present: Chairman Bruce Heller, Rizwan Hussain, Aida Cantic, and Martin Youkhanna

Absent: Syed Mudassir, Teodor Strat

Staff Present: Doug Hammel, Community Development Manager; Christopher Martel, Village Board Trustee

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:13 p.m.

II. Pledge of Allegiance

III. Approval of December 15, 2021 ZBA Meeting Minutes

Chairman Heller asked if any Commissioners had any comments regarding the December 15, 2021 Meeting Minutes. Hearing none, Commissioner Youkhanna made a motion to approve the minutes, and that motion was seconded by Commissioner Hussain.

Aye: Hussain, Youkhanna, Cantic and Heller

Nay: None

Abstain: None

Motion Approved: 4-0

IV. Case #ZB-01-22: 3300-3310 West Devon Avenue – Amendment to Ordinance No. 2020-3443, which Granted Certain Variations Related to Parking and Landscaping, to Reflect that a Rear Addition Will No Longer Be Constructed

This matter was continued without discussion during the March 16, 2022 meeting.

Community Development Manager Doug Hammel gave a presentation explaining the case. Chairman Heller asked if any Commissioners had any questions or comments regarding the presentation. Commissioner Hussain asked if a lookback provision for the parking has been

completed. Mr. Hammel stated that it was held off on before and that Staff will likely pursue that soon.

Chairman Heller asked whether the public had any comments. Hearing none, Commissioner Youkhanna made a motion to approve the proposed development plan. Commissioner Hussain seconded the motion.

Aye: Youkhanna, Cantic, Heller, and Hussain

Nay: None

Abstain: None

Motion Approved: 4-0

VI. **Case #ZB-02-22: 6422 North Kimball Avenue – Variation to Allow Decorative Columns That Do Not Meet Required Setbacks**

Chairman Heller introduced the next case for which Mr. Hammel gave a staff presentation. He noted that there are no prior similar requests of accessory structures seeking setback variations from a side lot line to compare to.

Chairman Heller asked if the Board has any questions for Mr. Hammel. Village Board Trustee Christopher Martel asked for clarity on a standard that states that no more than one unique object shall be located in a front or side yard. Mr. Hammel noted that that provision gives discretion to the Zoning Administrator to allow more than one object if the objects are seen as a consistent collection. Chairman Heller asked about the permissibility and history of using a fence for the purpose of shielding. Mr. Hammel confirmed that the code prohibits hedge rows or screening in the front yard, while a single object such as a single hedge could potentially be allowed in that area.

Chairman Heller asked the petitioner to come to the podium to answer questions related to the origin of the issue. Chairman Heller then swore in the petitioner, Minh Bennett. She gave an outline of the issue, including stating that her basement flooded as a result of her neighbor plowing snow onto her property. She alleged that her neighbor often drives across her property and that that was the reason she constructed the columns in question. On the point of utilizing shrubbery to achieve the same effect, she noted that she does not believe it would be effective. She stated that she did not know that the column installation warranted a permit.

Chairman Heller asked if any Commissioners had questions for Ms. Bennett. Chairman Heller asked when the columns were installed. She estimated that it was about five weeks ago. Mr. Hammel clarified that the standards were established prior to the columns' installation. Chairman Heller thanked Ms. Bennett and welcomed her to take a seat.

Commissioner Hussain then asked Mr. Hammel about the availability of other options that would effectively serve as a barrier and be code compliant. Mr. Hammel stated that a sizeable piece of rock or hard scape or a piece of shrubbery would create sufficient screening without creating a code violation and would not require a permit or a zoning variation. Commissioner Hussain asked about the required size of the rock. Mr. Hammel said that there are no requirements. Chairman Heller

gave an example of some homes in the Village that have utilized large boulders for a similar purpose.

Mr. Hammel then directed discussion over the standards. Chairman Heller asked about similar peer communities' standards to which Mr. Hammel said that he was not familiar with. Commissioner Cantic asked about what actions were being considered regarding enforcement of the commercial trucks on the neighboring property. Mr. Hammel explained that two to three large pick-up trucks were regularly parked on the property and that the Code Enforcement Officer was reviewing the Village's regulations regarding parking commercial vehicles on residential properties. Mr. Hammel noted that at least one or two of the existing vehicles are permitted and therefore, even with enforcement of the commercial vehicles, Ms. Bennett's issue regarding the presence of commercial vehicles will likely remain.

Chairman Heller asked if Ms. Bennett was aware of who was causing the issue of driving across her property. She said that it was the property owner, his son (who does not live at the property in question), and his employees. Chairman Heller clarified that they were all under one company. Ms. Bennett noted that there are a number of vehicles coming and going throughout the day. Mr. Hammel clarified where the offending vehicles are parking on Ms. Bennett's property.

Commissioner Hussain noted how similar properties on Ms. Bennett's street have utilized landscaping to achieve a similar shielding effect. Ms. Bennett voiced concerns with the timeline and the cost of landscaping being large enough to provide sufficient shielding. Discussion ensued surrounding whether railroad ties would be compliant with the code. Mr. Hammel noted that he is reluctant to endorse another solution that would require variation.

Ms. Bennett asked about the nature of the standards limiting the columns' permissibility. Mr. Hammel explained that the Zoning Board of Appeals' role was not to talk about the policy origin of the standards but rather to apply the standards.

Chairman Heller proposed asking the petitioner to come back at a later date to propose alternatives to the columns. He noted that the Board needed to vote on the current columns tonight, and then further direction could be determined from there. Commissioner Youkhanna voiced concerns about the cost burden on the petitioner of alternatives and was interested in pursuing other options. Mr. Hammel clarified the cost-neutral nature of the standards.

Commissioner Hussain made a motion to deny the requested relief on the grounds that there are several code-compliant alternatives that could be pursued. There was no second.

Chairman Heller asked if there was an alternative motion to be presented. Commissioner Youkhanna made a motion to approve the requested relief. Commissioner Cantic seconded the motion. Chairman Heller proposed an amendment to the motion, where there would be a condition of removing the columns if the neighboring property is sold and the future owner files a complaint. Commissioner Hussain voiced concerns about setting a precedent if variance is approved. Mr. Hammel suggested that the Board should specify what makes the property in this case unique. Commissioner Hussain asked if the Board would feel the same about approving the request if the

columns were not already built. Commissioner Youkhanna said that he would due to the uniqueness of the property. Commissioner Cantic stated that she empathizes with the petitioner.

Ms. Bennett expressed that while she recognizes that the columns violate the code, she believes that they do not violate the intention of the code, which she believes are intended to limit the location of accessory structures like sheds. Mr. Hammel clarified that the three feet setback established for front yard obstructions was inspired by that for accessory structures. Trustee Martel explained that the standards are similar due to the Village's intention to limit the location of all obstructions and that enforcement should target the actions of the offending neighbor rather than offering relief to the petitioner.

The Board asked Ms. Bennett if the motion to approve the requested relief with the condition of removal is acceptable to her. She stated that it is. Commissioner Hussain asked if the property was sold to another commercial vehicle owner, whether Ms. Bennett would be ok with removing the columns if needed. She stated that she would be.

Chairman Heller called for a vote on the motion.

Aye: Youkhanna, Cantic

Nay: Hussain, Heller

Abstain:

Motion Failed: 2-2

Discussion on the requested relief and next steps for the Board continued.

Chairman Heller stated that the Board will not come to a decision regarding the requested relief tonight. He asked Ms. Bennett if she would prefer to withdraw her application or return to the Board for a later hearing. Ms. Bennett asked for clarification on the variation process.

Trustee Martel proposed discussing the major variation standards one by one. Mr. Hammel outlined the standards and discussion among the Commissioners ensued.

Commissioner Hussain asked if the petitioner would consider a large landscaping stone. Ms. Bennett was open to the idea. She asked for clarity on what size stone would be code compliant.

Chairman Heller suggested a motion to continue the petition to the June 15 Zoning Board of Appeals meeting as to enable Ms. Bennett to assess alternatives and potentially withdraw her application if desired in the meantime.

Aye: Youkhanna, Cantic, Hussain, Heller

Nay:

Abstain:

Motion Approved: 4-0

VII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, May 18, 2022.

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. Adjournment

Motion to recommend adjournment was made by Commissioner Youkhanna and seconded by Commissioner Cantic. Meeting adjourned at 8:38 p.m.

Aye: Youkhanna, Hussain, Cantic, Heller

Nay: None

Motion Approved: 4-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator