



**MEETING MINUTES
OF THE
May 15, 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 Aida Cantic

Absent: Commissioners Meldina Dervisevic and Anna Velasquez

Staff Present: Doug Hammel, Planning and Economic Development Manager

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 March 21, 2024 ZBA Meeting Minutes

Motion: Commissioner Hussain made a motion to accept the minutes as presented.

The motion was seconded by Commissioner Youkhanna.

Aye: Chairman Heller and Commissioners Hussain and Youkhanna

Nay: None

Abstain: Commissioner Cantic

Motion Approved: 4-0

IV. Case #ZB-04-24: 7163 North East Prairie Avenue – Approval of a Special Fence Request

Planning and Economic Development Manager Doug Hammel introduced the case. The subject property is in the R-3 Residential district and is across the street from a property that is zoned in the B-2 general Business zoning district and fronts on Touhy Avenue. That property is currently under renovation to accommodate a new restaurant.

Mr. Hammel explained the petitioner has requested approval to install a decorative fence that would enclose the rear yard and north side yard and the nature of the proposed masonry columns.

He explained that Section 3.13(8) states that certain types of fences are subject to Special Fence approval, among them are decorative wrought iron fences and masonry fences.

Additional considerations of the subject property were discussed. He explained that the petitioner changed the original design to meet zoning regulations. They reduced the height of the fence along the north side of the house, agreed to a three foot fence setback in the interior side yard, and eliminated a low masonry wall to avoid stormwater impacts.

One piece of public comment was received supporting the proposed fence.

Mr. Hammel presented prior similar requests comparable to the requested approval.

Commissioner Hussain asked Mr. Hammel to clarify where the petitioner agreed to the setback of the fence in the interior side yard.

Petitioner – Jamila Vega, Daughter of Property Owners, Angel and Judith Vega

Chairman Heller asked the petitioner to explain what the connector between the fence and the home in the interior side yard to the north would look like. She explained there would be a gate for access in and out.

Commissioner Youkhanna asked the petitioner if the property to the south had a fence and if the proposed fence would be replacing an existing fence on their shared lot line. The petitioner explained that the subject property has a six-foot wooden fence to the south located solely on the subject property that will be replaced should the proposed fence be approved.

There was some discussion about the impact on the neighbors and privacy concerns. Mr. Hammel clarified that approving the petitioner's fence request would not prevent the neighbors from building their own fence to restore privacy.

Commissioner Hussain asked about the intent of requiring the petitioner to have the fence setback three feet from the front façade of the home. He pointed out that the front façade was already setback due to the shape of the home.

Chairman Heller asked if the brick used in the masonry columns would match the brick material used on the property façade. The petitioner confirmed that they plan to match the brick materials of the fence and the house.

There was discussion about waiving the setback requirements and adding a variance to the recommended approval to allow the petitioners to make the fence flush with the front of the home in the interior side yard to the north. However, the petitioner stated that they are planning to provide the required setback.

Motion: Commissioner Hussain made a motion to recommend approval of the request as presented with the three-foot setback requirement.

Commissioner Hussain noted the special fence standards and concluded that the standards were sufficiently discussed by the Commissioners and that the standards were met, specifically that the fence is not located in the front yard.

The motion was seconded by Commissioner Youkhanna.

Chairman Heller reviewed the special fence standards list and the Commissioners decided that all standards were met. It was determined that the proposed fence will not endanger visibility, will be in harmony with architecture of the building and neighborhood, will not be injurious to the use and enjoyment of other properties, will not impede the installation of fences on adjacent properties, and conforms to all other regulations.

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

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on June 4, 2024.

Mr. Hammel noted that the petitioner may not be able to attend the June 4, 2024, meeting, but that he would work with them to decide when to advance the case to the Village Board.

IV. Case #ZB-05-24: 6708 North Kedvale Avenue – Approval of Zoning Variation Regarding the Setback of a Deck

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 unique configuration.

He reviewed the proposed improvement of a 310 square foot deck. The deck would have the same elevation as the ground floor interior of the home (31 inches above grade) and have stairs providing access to the rear yard to the west and the new patio to the south.

Mr. Hammel outlined that Section 3.10.01 of the Zoning Ordinance states that decks are permitted to be in the rear yard of the property, but they must meet the required setback for the building. He noted that the proposed deck could not be classified as a patio (which would have lesser setback requirements) because it is more than 1-foot above grade.

Mr. Hammel explained the staff interpretation of the rear lot lines due to the unique configuration of the property. The designation prevents any size deck from being built without a zoning variation.

It was noted that the petitioner installed the deck without a permit, but has been acting in good faith to come into compliance.

Mr. Hammel explained the unique configuration of the property and an easement that runs along the entirety of the rear yard setback. Additionally, the proposed deck would cover an existing concrete mass and expand the area by 58 square feet.

Mr. Hammel explained that the petitioners already installed arborvitae along the entire length of the rear lot line to provide them and their neighbors with privacy. He suggested that if the Commissioners determine that screening is necessary, they could require that natural screening remain in place as a condition of approval.

One letter of support for the proposed improvement was provided prior to the presentation, and letters of support from two additional property owners were provided to Commissioners at the hearing.

The requested relief was a zoning variation from Section 3.10.01 to reduce the required rear yard setback from 30' to one foot to accommodate a deck attached to the rear portion of the home.

Petitioner – Sol Ashback, Property Owner

Chairman Heller asked the petitioner the dimensions and setback measurements of the existing concrete slab. Mr. Ashback stated that the pinch point of the existing concrete slab has a four-foot setback.

The petitioner provided context to the issues of the unique configuration of the property and explained the difficulties of working within the required setbacks.

Chairman Youkhanna asked Mr. Hammel if the deck were to be added to the footprint of the existing concrete slab, would a zoning variation still be needed. Mr. Hammel confirmed that while the concrete slab is legal non-conforming, any changes to its dimensions would need a variation.

There was discussion about the variation standards as they applied to the case. The Commissioners determined that the requested variation met all variation standards. A hardship related to the property configuration is present, the improvement is not solely for enhancing the value of the property, the hardship was not created by any person, and is not detrimental to public welfare.

Motion: Commissioner Cantic made a motion to recommend approval of the request as presented with the condition that landscaping screening be maintained along the rear lot line adjacent to the deck.

There was discussion about the quantity of landscape screening that should be included in the condition of approval and how that would affect neighboring properties or future property owners.

Commissioner Hussain suggested a condition requiring landscape screening or a six-foot tall fence to provide more flexibility.

The petitioner stated that he had no intention of removing the landscape screening, and a condition upon approval would not affect him. However, portions of the arborvitae along the rear lot line are

across both the subject property and the neighboring property. Should the neighbor wish to remove the landscaping, the subject property owner would need to replant the landscape screening on his property.

Mr. Hammel confirmed that if the Commissioners add a stipulation to a variance, that variance stays with the property even after a change in property owners.

Motion: Commissioner Cantic made a motion to recommend approval of a variation for Section 3.10.01 to reduce the required setback of the deck from 30' to 1' with the condition that there be maintained landscape screening or a 6' fence in the area adjacent to the proposed deck.

The motion was seconded by Commissioner Youkhanna.

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

Nay: None

Abstain: None

Motion Approved: 4-0

This item will go to the Village Board on June 4, 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, June 19, 2024.

VIII. Adjournment

Motion to recommend adjournment was made by Commissioner Hussain. The meeting was adjourned at 8:15 p.m.

The motion was seconded by Commissioner Cantic.

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

Nay: None

Abstain: None

Motion Approved: 4-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator