



**MEETING MINUTES
OF THE
May 18, 2022
ZONING BOARD OF APPEALS
LINCOLNWOOD VILLAGE HALL**

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

Absent:

Staff Present: Doug Hammel, Planning and Economic Development Manager; Scott Mangum, Community Development Director, Marcos Classen, Community Development Coordinator; Christopher Martel, Village Board Trustee; Marcus Martinez, Village Attorney for the Zoning Board of Appeals; Brooke Lenneman, Village Attorney representing the Village of Lincolnwood

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.

It was announced that Teodor Strat has resigned from the Zoning Board of Appeals

II. Pledge of Allegiance

III. Approval of April 20, 2022, ZBA Meeting Minutes

Chairman Heller asked if any Commissioners had any comments regarding the April 20, 2022, meeting minutes. There was a note that the date on the agenda was listed incorrectly, also it was noted that there was a grammar issue on page 3. Commissioner Hussain made a motion to approve the minutes as amended, and that motion was seconded by Commissioner Youkhanna.

Aye: Hussain, Youkhanna, Mudassir, Cantic and Heller

Nay: None

Abstain: None

Motion Approved: 5-0

IV. Case #ZB-03-22: 7350 North Cicero Avenue – Variations to Allow a Wall Sign with an Area in Excess of What Is Permitted

Planning and Economic Development Manager Doug Hammel gave a presentation explaining the case going over the three main reasons that a variation is required.

The petitioner Irfan Ali spoke then addressed the Board and explained that the signs were from his previous business location. He stated that he believed that the signs were approved when the interior remodel was approved.

Chairman Heller asked if any Commissioners had any questions or comments regarding the presentation. Commissioner Hussain stated that having signs from a previous location is not a valid reason for a variation being granted. There was discussion about the height of the sign and if it could be lowered. There was discussion about sightlines from Cicero Ave. and how trees may block sign visibility. There was discussion about other sign types being used. There was discussion about the unique façade of the building and how that affected the permissible size of the sign based on the Village Code.

Chairman Heller asked whether the public had any comments. Hearing none he asked if there were any motions.

Motion: Commissioner Hussain made a motion to approve the installed sign as is based on the linear feet of the building frontage, the over surface area of the building façade, and the linear distance of the building facade from the street (Cicero Ave.). Commissioner Youkhanna seconded the motion.

Aye: Youkhanna, Cantic, Mudassir, and Hussain,

Nay: Heller

Abstain: None

Motion Approved: 4-1

This item will go to the Village Board on June 7, 2022.

V. **Case #ZB-04-22: 3925 West Lunt Avenue/6950 North Crawford Avenue – Variation to Waive Parking Lot Landscaping Requirements**

Chairman Heller introduced the next case for which Mr. Hammel gave a staff presentation. He noted that this improvement is part of a larger improvement planned for this lot. He also noted that SD74 is the only address in this zoning district making this a unique case. It was also noted that the proposed changes would both increase the amount of available parking as well as extending the parking queue for parent either picking up or dropping off their children at the location.

There was discussion about how the school district has agreed to plant 4 new trees and relocate one tree to come into compliance so only the screening provision would require a variance. They stated that the screening could cause a safety hazard for the children in and around the parking lot.

There was discussion about the unique characteristics of the property and that it is the only property in this zoning district.

There was some discussion about the environmental impact of the proposed changes.

Chairman Heller asked for any public comments hearing none he called for a motion.

Motion: Commissioner Hussain made a motion to approve a variation in regard to the screening regulations based on the unique characteristics of the subject property. The motion was seconded by Commissioner Cantic

Aye: Youkhanna, Cantic, Mudassir, Hussain, and Heller

Nay:

Abstain:

Motion Approved: 5-0

This item will go the Village Board on June 7, 2022.

VI. Case #ZB-05-22: 6942 North Crawford Avenue – Appeal of a Determination of Eligibility and Compliance by the Zoning Officer Regarding the Proposed Development of a Single-Family Home

Request: Consideration of an appeal by Jaye Weiss, Appellant, regarding the Zoning Officer's determinations that 1) the property commonly known as 6942 North Crawford Avenue is eligible to be developed with a single-family home, and 2) a proposed development plan previously submitted to the Village for that property complies with certain requirements and standards of the Zoning Code.

Author's note: Based on the structure of the proceedings, the minutes are structured to go over each item raised by the appellant. Each item includes the Appellant's statement, the Village's response, the Appellant's rebuttal, and any additional response or discussion of that item.

Chairman Heller went over the procedure for this appeal case. The appellant would go over their appeal first, the Village would then go over their defense. The appellant would then go over their rebuttal. There would then be a discussion from the commissioners, and they would vote to either affirm staffs' findings or would vote to recommend that staffs finding should be reversed.

Commissioner Hussain recused himself from this hearing based on a relationship with the Appellant.

Appellant Jay Weiss and Jonathan Glassner the Principal Structural Engineer addressed the board.

Village of Lincolnwood were represented by Planning and Economic Development Manager Doug Hammel and Village Attorney Brooke Lenneman.

Community Development Director Scott Mangum gave an overview of the following nine items that were points of contention for the appellant:

- Item 1: Eligibility for Development as a single-family Residence
- Item 2: Daylight Plane Restriction
- Item 3: Sodded Swale
- Item 4: Landscape Plans
- Item 5: Single Family Driveway Regulations
- Item 6: Windows Coverage

- Item 7: Minimum Front Setback
- Item 8: Design Guidelines
- Item 9: Design Standards

Mr. Mangum also gave a timeline of events in regards to how staff handled review of the proposed plans for the lot going back to 2018.

Item 1: Eligibility for Development as a single-family Residence

Ms. Weiss spoke about why she was appealing the findings of the Village and stated that she felt the Village had a lack of transparency during the process of approving plans for development of the lot at 6942 Crawford. She stated that a similar plan to develop the lot was denied in 1980 and she stated that if the house was built as currently planned it would be an eyesore.

Mr. Hammel stated that there was no nefarious intent by staff to keep information from neighbors. He stated that if a request meets the requirements, he is unable to deny the request. He stated that in 2007 the Village passed an ordinance in regard to nonconforming lots which stated that lots that have not been held in continuous ownership (as of the July 2007 date of the ordinance enacting Section 9.11) would be eligible for improvement. Mr. Hammel stated that, base on information available to the Village, no contiguous ownership had been demonstrated.

Ms. Weiss submitted additional information regarding the sale of the property between various members of her family. That information was made available to all members of the ZBA and to staff. After reviewing the information Mr. Hammel stated that the information does not appear to demonstrate any contiguous ownership of the subject property since July 2007.

Item 2: Daylight Plane Restriction

Mr. Glassner spoke about how the current configuration would cause an impairment of adequate light to the neighboring residence and would cause a health and safety issue, and that the proposed plans do not meet the daylight plane requirement of the Zoning Ordinance.

Mr. Hammel stated that this is not relevant as the Village code states that the proposed plans either need to meet maximum eave height standard or the daylight plane standard. He stated that he determined that the 22-foot-high top of parapet meets the standard related to maximum eave height.

There was some discussion about if the appellant had conducted a daylight analysis to support their claims.

Item 3: Sodded Swale

Mr. Glassner spoke about how the side setback between the proposed project and the appellants home being at the minimum 5 feet as allowed by the code doesn't allow for an effective installation and maintenance without encroachment onto Ms. Weiss's property.

Mr. Hammel stated that the Village Engineer is the final authority for the Village in regard to the drainage plan and that finding is not subject to appeal as it is not a part of the zoning code.

There was some discussion about other drainage options, but it was determined that this would not be the proper forum to discuss those at this time.

Mr. Glassner reiterated that as currently envisioned there would be encroachment onto Ms. Weiss's property.

Item 4: Landscape Plans

The initial discussion was about there being no Landscaping plans included in the plans, however, after some discussion it was determined that a residential dwelling is exempt from the requirements related to the submittal of landscaping plans.

This item was withdrawn by the Appellant.

Item 5: Single Family Driveway Regulations

Mr. Glassner spoke about how in the plans the driveway widened from 10 feet to almost 16 feet and stated that this did not meet Village code

Mr. Hammel stated that the standard related to maximum driveway width has traditionally been interpreted as applying at the lot line, but that driveways are permitted to flare out to provide access to required parking spaces. Mr. Hammel stated that this is consistent with the interpretation of this provision in other parts of the Village.

There was some additional discussion about keeping the driveway a consistent 10 feet wide with a one car garage and on car parking in the driveway. Mr. Hammel noted that this would not be allowed by Village code as parking on a front pad is not considered a legal.

Item 6: Windows Coverage

Mr. Glassner spoke about the proposed plans not meeting the minimum requirement for window coverage on the south and north facing facades

Mr. Hammel stated that the standards related to window coverage do not apply as the north and south building faces are not considered facades based on the definitions established in the code.

After some discussion the item was withdrawn by the appellant.

Item 7: Minimum Front Setback

Mr. Glassner spoke about how the current plans do not meet the minimum setback requirement and that the set back should be 25.6' not 25.0'

Mr. Hammel stated that staff agreed with this assessment and would require any new plans to be updated to reflect this setback before a building permit would be issued.

Mr. Glassner stated that meeting the 25.6-foot setback would be acceptable however he still believes that a major variation would need to be granted.

Item 8: Design Guidelines

Mr. Glassner spoke about how the design guidelines in the Village code were not being followed.

Mr. Hammel stated that the guidelines referred to by Mr. Glassner are merely suggestive and are not required by code.

Mr. Glassner noted that supporting graphics imply that eave heights must align.

Mr. Hammel stated that the information provided with the graphics do not state that alignment is necessary.

Item 9: Design Standards

Mr. Glassner stated that the proposed building does not meet the Village design standards. He spoke about the design not being consistent with the shape or design other homes in the neighborhood. He specifically referenced the north and south facades and the flat roof planned for the building

Mr. Hammel spoke about how the design standards considered by the appellant do not apply in regard to the north and south faces of the building. He also noted that they do not apply to the front façade as it is less than 30 feet in length.

Chairman Heller asked if there were any members of the public that wanted to speak.

Georgia T. a resident for 40 years. Stated that she lived on Crawford. She spoke about how she reached out to the developer and didn't get anywhere. She stated she then reached out to the Village and put in a FOIA request but hasn't received the information yet. She spoke about how the proposed house would be an eyesore in the neighborhood.

Amanda – asked the Village Attorney representing the ZBA Marcus Martinez a question about liability.

Mr. Martinez spoke about how liability is not what the ZBA is considering tonight and that the commissioners should only be looking at whether they affirm or want to reverse the decision made by the Village's Zoning Officer.

Chairman Heller followed up these comments by stating that the ZBA is only a recommending body and the recommendation made would then go to the Village board for a final decision.

Amanda – Followed up by asking why she never heard about this case until the appeal.

Mr. Hammel answered this question by going over the difference between this case where there is no relief being sought, the case is strictly an appeal to a Zoning Determination and the notice requirements are only for the “interested parties” in this case being the appellant and the current owner of the subject property.

There was some discussion about plans that were made public through the MLS service and about how they differed from the plans initially approved by the Village. There was also discussion about how the previously approved plans are not currently valid as there is a new homeowner that would need to submit updated plans (specifically referencing the updated setback requirement).

There was some discussion among the board about how creating a motion would go. Commissioner Mudassir went over the seven items still open.

Item 1: Eligibility for Development as a single-family Residence

Motion to Affirm finding of the zoning officer that the property is eligible for development, seconded by Commissioner Youkhanna

Item 2: Daylight Plane Restriction

Motion to Affirm finding of the zoning officer that the daylight plane standard does not have to be met because the maximum eave height standard has been met, seconded by Commissioner Youkhanna

Item 3: Sodded Swale

Motion to Affirm finding of the zoning officer that this finding is not subject to the zoning appeals process, seconded by Commissioner Youkhanna

Item 5: Single Family Driveway Regulations

Motion to Affirm finding of the zoning officer that the maximum driveway width standard was appropriately applied, seconded by Commissioner Cantic

Item 7: Minimum Front Setback

Motion to Affirm that plans should be approved if revised to show a front yard setback of 25.6', seconded by Commissioner Youkhanna

Item 8: Design Guidelines

Motion to Affirm finding of the zoning officer that the plans cannot be denied as the guidelines are suggested and not required, seconded by Commissioner Cantic

Item 9: Design Standards

Motion to Affirm finding of the zoning officer that the design standards had been met by the proposed plans, seconded by Commissioner Youkhanna

Aye: Youkhanna, Cantic, Mudassir, Heller

Nay:

Abstain:

Motion Approved: 4-0

This item will go to the Village Board on June 7th

Commissioner Hussain rejoined the meeting.

VII. Discussion: Zoning Board of Appeals Biennial Report

Planning and Economic Development Manager Doug Hammel went over the report showing the activities of the ZBA over the past two years and potential goals for the next two years.

There was discussion about potential training opportunities and also trying to establish a standard or a baseline for commissioners. There was some discussion about setting up a curriculum for continuous training and what should be reasonable expected of volunteer committee members.

By a voice consensus, the ZBA approved the report. It is scheduled to be presented to the Village Board on June 21, 2022.

VIII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, June 15, 2022.

IX. 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.

X. Adjournment

Motion to recommend adjournment was made by Commissioner Youkhanna and seconded by Commissioner Cantic. Meeting adjourned at 11:05 p.m.

Aye: Youkhanna, Hussain, Mudassir, Cantic, and Heller

Nay: None

Motion Approved: 5-0

Respectfully submitted,

Marcos Classen
Community Development Coordinator