



**MEETING MINUTES
OF THE
June 26, 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 Anna Velasquez

Absent: Commissioners Meldina Dervisevic and Aida Cantic

Staff Present: Doug Hammel, Planning and Economic Development Manager, Scott Mangum, Community Development Director, and Village Attorney Brooke Lenneman

I. Call to Order/Roll Call

Chairman Heller noted a quorum of four members and called the meeting to order at 7:12 p.m.

II. Pledge of Allegiance

III. Approval of May 15, 2024, ZBA Meeting Minutes

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

The motion was seconded by Commissioner Hussain.

Aye: Chairman Heller and Commissioners Hussain, Youkhanna and Velazquez

Nay: None

Abstain: None

Motion Approved: 4-0

IV. Case #ZB-07-24: 6548 North Christiana Avenue – Zoning Appeal Related to Appropriate Means of Vehicular Access to a Required Parking Space

Individuals providing testimonies, Planning and Economic Development, Doug Hammel and Appellant, Mrs. Zimmerman, were sworn in.

Mr. Hammel provided context to the Commissioners explaining that he would take a different role in the proceedings, no longer being an advisor to the Zoning Board, but defending a zoning

interpretation. Therefore, Village Attorney Brooke Lenneman's presence at the meeting was to advise on legal matters.

Mr. Hammel provided background about the Appellant's submittal process and explained the difference between a zoning variation and a zoning appeal. He reviewed the facts of the proposed improvement and outlined the communications that took place between him (Zoning Officer) and the Appellant.

The Appellant's plans included interior drywall (permitted), and a reduction of the 8'-wide garage doors to be replaced with double doors and side transoms, more typical of a residential entry, that would span 6'.

Mr. Hammel presented his reasoning for interpreting the code in a way that resulted in the denied request. He first noted that the zoning code does not list a minimum garage width, therefore, interpretation of the code was needed.

Mr. Hammel's relevant findings included that the opening of a garage door is a necessary part of the means of vehicular access between a required parking space and the street and that the proposed six-foot opening would not provide appropriate vehicular access along that path.

The findings were supported by industry standard research finding that the narrowest standard garage door width at major retailers was an 8' width. A review of the garage door widths of other properties in the vicinity also did not have garage door widths less than 8'. And, other than a select few compact cars (mirror tucked in), a 6' garage door width does not allow access for most personal vehicles. Therefore, the width of the door would not provide the appropriate means of vehicular access to qualify the space as a legal parking space.

The Appellant, Mrs. Zimmerman, presented her case explaining that the family intends to use the garage space as office space due to outgrowing the existing space of the home after two children. She noted that there will not be any permanent structures added to the garage to ensure it is maintained as a viable parking space. Mrs. Zimmerman explained her inability to find 8' doors that provided the level of insulation needed to use the area as an office space. She also stated her confusion with the interpretation of the code, pointing out that the code does not specify a minimum garage door width.

Commissioner Hussain asked the Appellant if insulation was not an issue, would the garage door still need to have a residential aesthetic. Mrs. Zimmerman stated that she does not want to remove the residential- looking doors.

Mr. Hammel clarified an earlier point, that the code states that a legal number of parking spaces must be maintained on a property, but the code does not require that you park in those spaces. He noted that the discussion should not be about how the Appellant intends to use the garage space, but to determine if the 6' garage door width provides enough space to consider the garage parking spot a legal parking spot.

Chairman Heller asked if there were any concerns by the fire department regarding the 6' garage doors. Mr. Hammel said he was not aware of any code provision preventing this. Chairman Heller also asked if the height of the garage door was changing. Mrs. Zimmerman confirmed that the height of the door would not change.

Commissioner Velasquez asked if the transoms could be changed from fixed to movable to meet the 8' width but maintain the residential aesthetic of the double doors. Mrs. Zimmerman explained that, to her knowledge, the transoms could not be movable and if they were, it would most likely be out of her budget due to the customized request.

Commissioner Youkhanna asked the Appellant if she had considered glass sliding doors. She stated that glass would not provide enough insulation to use the space as an office, comfortably.

Chairman Heller asked why the Appellant decided to not install cabinets in the garage space. She explained that the insulation narrowed the width of the interior of the garage to a point where adding cabinetry would impede the ability to park a car in the space.

Commissioner Velasquez asked Mr. Hammel if he knew of any other 6' garage doors in the Village. He answered that he was not aware of any, but that staff looked at other properties in the subject property's vicinity for their garage door widths and none were under 8'.

Chairman Heller opened the floor to the Commissioners to discuss a final determination.

Commissioner Hussain stated that he agreed with the zoning officer's determination. He explained that there was a safety concern related to the impact to the sides of the car and garage doors if typical-sized cars would try to fit into the small opening. He noted that including a minimum width in the code should be explored. He also liked the approach of looking into movable transoms to get closer to the 8' width.

Commissioner Youkhanna asked about future house inspections and if this garage door width would pass those inspections. Chairman Heller explained that the issue with resale and what the homeowners would have to do if they sold the home was beyond the purview of the discussion. Village Attorney Brooke Lenneman agreed with Chairman Heller but explained that the idea that a future buyer might not think the door is a reasonable size does play into the determination.

Commissioner Velasquez stated that she agreed with the 8' wide standard for the garage door width.

Chairman Heller asked Mr. Hammel if the garage door had to be functional or if it could be cosmetic. Mr. Hammel answered that there are no specific regulations regarding the design of the door, as long as it can provide appropriate vehicular access to the required parking space.

Mrs. Zimmerman noted that the code does not state a minimum garage door width and therefore she should not have to comply with an 8' width. She asked the Zoning Board to focus their discussion on the code and not on future buyers of the property.

Commissioner Hussain noted that it is common to have parts of the code left up to interpretation by the authority in the jurisdiction. While the code does not state 8', the Zoning Officer does have the purview to determine a reasonable width in this situation. He explained that the nature of the Zoning Board discussion was a regular process.

Village Attorney Brooke Lenneman clarified with the Zoning Board that any motion made should be based on affirming or reversing the determination of the Zoning Officer, not whether a 6' garage door should be allowed.

Motion: Commissioner Hussain made a motion to recommend to affirm the determination of the Zoning Officer that the proposed 6' door opening to the garage does not provide safe, efficient, or appropriate means of access to the required garage space as required by 7.06(3) of the zoning code.

The motion was seconded by Commissioner Youkhanna.

Aye: Commissioners Hussain, Velasquez, and Youkhanna

Nay: Chairman Heller

Abstain: None

Motion Approved: 3-1

Mrs. Zimmerman asked the Zoning Board for more clarification on why one member answered "no" to the motion, in order to be prepared for her discussion with the Village Board and determine if she needs to come back with additional explanation. Chairman Heller explained that members of the Zoning Board do not have to explain their decisions. He said that if she wished to present the case in a different capacity before going to the Village Board, that could be worked out with Staff.

This item will go to the Village Board on July 16, 2024.

V. 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.

VI. Next Meeting

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

VII. Adjournment

Motion to recommend adjournment was made by Commissioner Youkhanna.

The motion was seconded by Commissioner Hussain.

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

Nay: None

Abstain: None

Motion Approved: 4-0

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Marcos Classen
Community Development Coordinator