



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

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

Absent: Aida Cantic

Staff Present: Doug Hammel, Planning and Economic 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 7:05 p.m.

Mr. Hammel notified members of the ZBA that the meeting would not be broadcast or recorded.

II. Pledge of Allegiance

III. Approval of May 18, 2022, ZBA Meeting Minutes

Chairman Heller asked if any Commissioners had any comments regarding the May 18, 2022, meeting minutes. No comments were made, or revisions were proposed. Commissioner Hussain made a motion to approve the minutes, and that motion was seconded by Commissioner Youkhanna.

Aye: Hussain, Youkhanna, Mudassir, and Heller

Nay: None

Abstain: None

Motion Approved: 4-0

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

Request: Request by Minh Bennett, property owner, to approve a Zoning Variation from Section 3.10(2) to allow decorative columns in the front yard that do not meet required setbacks from the front and inside lot lines at the property commonly known as 6422 North Kimball Avenue.

Chairman Heller announced the opening of the public hearing regarding this case. Planning and Economic Development Manager Doug Hammel noted that this item is the continuation of a hearing originally opened on April 20, 2022. Mr. Hammel gave a presentation summarizing the nature of the requested relief, as well as the previous discussion that had taken place during the April 20, 2022, ZBA hearing regarding this item. Mr. Hammel noted that the previous hearing has ended without formal action from the ZBA, as two motions failed to pass due to tie votes in each instance. At that time, the matter was continued, and the Petitioner agreed to consider other methods for protecting her property line from encroachments by her neighbor. Mr. Hammel stated that he had discussed options with the Petitioner, but she prefers to proceed with her original request for relief.

Ms. Minh Bennett, Petitioner, provided examples of other properties that have similar objects in their front yards, and in some cases provide no setback from property lines. She also showed photos of her neighbor's vehicles encroaching onto her property in between the columns she had installed. She made three arguments that she feels support her request; 1) that the code should support and protect residents and their property, 2) that other options would not be effective and would create safety concerns, and 3) that the code should accommodate her preference in terms of aesthetics.

Commissioner Mudassir asked about the encroachment of vehicles from the neighboring property. He noted that vehicles are still encroaching, but the Petitioner stated that the columns have reduced the amount of encroachment.

Commissioner Mudassir asked about other possible options, but the Petitioner stated that she feels the vehicles would drive over rocks or bushes.

Chairman Heller asked if any members of the public would like to speak on this topic. Let the record show that none came forward.

Motion: Commissioner Hussain made a motion to recommend denial of the request since there are other code-compliant methods that would be as effective as the columns. Commissioner Mudassir seconded the motion.

Aye: Youkhanna, Mudassir, Hussain and Heller

Nay: None

Abstain: None

Motion Approved: 4-0

Following the passing of the motion, the Petitioner continued to argue that the columns should be permitted. Mr. Hammel advised Chairman Heller that the ZBA had already passed a motion, and that it would only be appropriate to consider additional discussion of the ZBA were inclined to revisit the motion that had passed. Chairman Heller stated that the ZBA was not inclined to do so. After additional comments from the Petitioner, Chairman Heller declared the matter closed and stated that it is necessary to move on with other matters.

Mr. Hammel stated that this matter would be in front of the Village Board for final consideration during its August 16 meeting, and that the Petitioner may have an opportunity to address the Village Board at that time. Mr. Hammel also noted that the findings of fact from the April 20, 2022, ZBA meeting would also be provided to the Board as a representation of the ZBA's deliberations regarding this matter.

V. **Case #ZB-06-22: 4707 West Pratt Avenue – Variation to Allow a Wall Sign with a Signable Wall area and Maximum Permitted Sign Area in Excess of What Is Permitted**

Request: Request by Han Kook Ryu, on behalf of the Korean Bethany Church, property owner, to approve a Zoning Variations from 1) Section 11.04(2)iii of the Zoning Code to allow a signable wall area with a height of 20 feet, ten inches (instead of a signable wall area height of six feet), and 2) Section 11.04(2)iii of the Zoning Code to allow a wall sign with an area of approximately 84 square feet, as opposed to the permitted sign area of approximately 30 square feet, on the west façade of the building at the property commonly known as 4707 West Pratt Avenue.

Chairman Heller announced the opening of the public hearing regarding this case. Planning and Economic Development Manager Doug Hammel gave a staff presentation that summarized the proposed signage, characteristics of the subject property, relevant zoning regulations, public comment received prior to the hearing, and required relief. He noted that required relief for the proposed signage relates to maximum sign height (22' 10", instead of 6'), and maximum permitted sign area (84 square feet, instead of 30 square feet). Mr. Hammel noted the architectural configuration of the building and how it constrains the resulting maximum permitted sign area.

The Petitioner was represented by Attorney Paul Kolpak of Kolpak Law Group. Chairman Heller also swore in three individuals who spoke on behalf of the Petitioner; Mr. Han Kook Ryu (Senior Pastor), Seung Park (TFSA Signs), and Paul Park (interested party and member of the Asian American Coalition of Chicago).

Mr. Ryu spoke about the need for the sign, noting that the congregation comes from beyond the immediate area and that the church serves a broader Asian American community. Mr. Kolpak stated that the design of the sign aims to fit within the vertical orientation of the architecture of the building. Mr. Seung Park stated that their team looked at several configurations and designs for the proposed signage. However, other options did not provide the needed level of visibility and that ground-mounted signs would not be as effective. He also noted that the proposed signs integrate LED lighting that can be dimmed to be more sensitive to neighboring properties. He stated that the lights could be on a timer to be turned off at an agreed upon time. He noted that the primary viewers are motorists, and that the height of the building warrants a taller, vertical sign design.

Mr. Paul Park stated that the church is often used by a much broader Asian American community, including many cultures and congregations beyond the host congregation. Therefore, the signage is important to help people find the church. He also stated that a horizontal sign would not fit the architecture of the church.

Motion: Commissioner Hussain made a motion to recommend denial of the request based on the fact that, unlike other non-residential properties in the Village that benefit from signage, the subject property is immediately surrounded by residential uses, and that the sign would disrupt the residential character of the area. The motion was not seconded.

Motion Failed: no second

Due to the lack of a second, Chairman Heller stated that the motion has failed. Commissioner Hussain inquired about other alternative designs for the proposed signage. Mr. Kolpak handed out a document showing various design alternatives. Commissioner Hussain noted that two of the options comply with the maximum permitted sign area of 30 square feet. However, Mr. Seung Park stated that the character size of those signs is not big enough to be read from down Pratt Avenue, and that the intricacy of the characters makes it difficult to implement LED lighting for those signs. Commissioner Hussain reiterated his concerns about the impacts on residential properties and asked the Petitioner to consider a reduced size of the proposed sign.

Mr. Kolpak requested a brief recess to discuss that request with the Petitioner. Chairman Heller declared a brief recess, and Mr. Hammel advised that discussion among the ZBA should not continue until the matter is called back to order.

Five-minute recess

The Petitioner and Mr. Kolpak returned to Council Chambers and Chairman Heller called the meeting back to order. Mr. Kolpak and Mr. Seung Park explained that the Petitioner is willing to revise the sign design to reduce its overall width to 40 inches, and the overall height to 18 feet. This would result in an overall sign area of 60 square feet. Mr. Kolpak stated that the characters in the sign would be scaled proportionally to the original sign design.

Chairman Heller asked if any members of the public would like to speak on this topic. Let the record show that none came forward.

Motion: Commissioner Hussain made a motion to recommending denial of the requested relief (as revised based on the revised sign design) based on continued concerns of impacts on neighboring residential properties. The motion was seconded by Commissioner Mudassir.

Aye: Mudassir, Hussain, and Heller

Nay: Youkhanna

Abstain:

Motion Approved: 3-1

This item will go the Village Board on August 16, 2022.

VI. Case #ZB-07-22: 6756 North Lockwood Avenue – Special fence Approval for Landscape Screening in the Public Right-of-Way

Request: Request by Ellen and Moe Al-Hajje, property owners, to approve a Special Fence for landscape screening in the public right-of-way along the north lot line in accordance with Section 3.13(8) of the Zoning Ordinance at the property commonly known as 6756 North Lockwood Avenue.

Chairman Heller announced the opening of the public hearing regarding this case. Planning and Economic Development Manager Doug Hammel gave a staff presentation that summarized the proposed natural screening, characteristics of the development plan for the subject property, relevant zoning regulations, timeline of interactions with the Petitioner, public comment received prior to the hearing, and standards to be used for consideration of a Special Fence approval.

The Petitioner was represented by Attorney David Brown of Nixon Peabody LLP. Chairman Heller also swore Mr. Moe Hajje (Petitioner and property owner). After staff's presentation, Commissioner Hussain sought information from staff regarding the permissibility of screening and the standards to be applied. Mr. Hammel stated that the code contemplates natural screening in the public right-of-way, which makes this request different from Variations that are essentially a request to change the application of certain regulations for a given property. Instead, this request should be seen as permitted by the code so long as there is not a compelling reason to deny it when weighed against the standards for Special Fence approvals.

The Petitioner stated that he seeks approval for the screening in order to create privacy for his property and to make the area more attractive. He stated that he would not want to do anything that would make the area less safe. He also noted that he had removed pre-existing natural screening that was more obstructive than the natural screening he seeks approval for. Mr. Brown stated that the Petitioner will be living in the home, and that drivers on Lockwood would likely pull up closer to Pratt Avenue than shown in staff's photos prior to making a turn onto Pratt. This would reduce any visual obstructions to oncoming traffic.

Commissioner Hussain sought clarification that the screening would have to be maintained below a certain height. Mr. Hammel confirmed that the screening would have to be kept at a height of under eight feet.

Mr. Brown reviewed each of the standards and stated that he believes the Petitioner's proposal meets all the standards identified in the Zoning Code, including the required three-foot setback from the sidewalk since the petitioner relocated the screening.

Commissioner Hussain stated that the ZBA should compare the proposed screening against a scenario with no screening, rather than the pre-existing screening. He stated that he has seen several T-bone accidents along Pratt Avenue due to the speed of traffic and lack of visibility. Commissioner Hussain asked the petitioner if privacy can be achieved through any other measures. The Petitioner stated that he is willing to place the screening wherever the Village sees appropriate and suggested that instead of creating a 90-degree bend at the front of the house, trees could be brought back to the home at an angle to reduce any visual obstruction for motorists.

Chairman Heller asked if any members of the public would like to speak on this topic. Two members of the public offered comment.

Ms. Abby Jones, Village resident on Lockwood Avenue, stated that the trees create an unsafe condition. She noted that Pratt is a very busy street, and several motorists use Lockwood as a cut-through due to its proximity to Central. She feels the screening creates a dangerous traffic condition.

Mr. Peter Theodore, Village resident in the vicinity of the proposed screening, stated that he believes the development of the new home is generally an improvement to the block. He also stated that while the new screening is more attractive and better than what was there, it still creates a visual obstruction for traffic. He stated that the aesthetics are good, but safety is still a concern.

Chairman Heller closed the public comment portion of the hearing.

The Petitioner stated that some trees had been removed to increase visibility, and Mr. Brown reiterated the distance from Lockwood to the end of the shrub row.

Motion: Commissioner Mudassir made a motion to recommending approval of the Special fence request, so long as the Petitioner revises his plan to return the screening toward the front corner of the home at a 45-degree angle, rather than extending the screening to a point even with the front of the home then returning it to the corner at a 90-degree angle, to minimize the amount of visual obstruction for oncoming traffic. The Petitioner stated that he is agreeable to that condition. The motion was seconded by Commissioner Youkhanna.

Aye: Youkhanna, Mudassir, and Heller

Nay: Hussain

Abstain:

Motion Approved: 3-1

This item will go the Village Board on August 16, 2022. Mr. Hammel stated that, prior to that meeting, staff will request a revised plan showing the footprint of the natural screening that is consistent with the motion approved by the ZBA. That plan would then be used as an exhibit to the Ordinance that the Village Board will consider.

VII. Discussion: Zoning Board of Appeals Rules and Procedures

Planning and Economic Development Manager Doug Hammel offered a brief introductory presentation to draft ZBA Rules and Procedures, as well as the regulations in the Village Code that require the ZBA to adopt such Rules and Procedures. Given the length of deliberation prior to this item, Mr. Hammel requested that members of the ZBA review the document to determine if they have any questions. Mr. Hammel noted that a similar document is under consideration by the Plan Commission, and that it would be appropriate to get comments from both the ZBA and Plan Commission prior to finalizing the draft Rules and Procedures. Mr. Hammel stated that this would be discussed in more detail at an upcoming ZBA meeting.

No formal action was taken by the ZBA regarding this item.

VIII. Next Meeting

The next meeting of the Zoning Board of Appeals is scheduled for Wednesday, August 17, 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 Mudassir. The meeting adjourned at 9:35 p.m.

Aye: Youkhanna, Hussain, Mudassir, and Heller

Nay: None

Motion Approved: 4-0

Respectfully submitted,

Douglas Hammel
Planning and Economic Development Manager