



Village of Lincolnwood Zoning Board of Appeals

Meeting
Wednesday August 20, 2014
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
July 16, 2014 Meeting
4. **Public Hearing: 5080 West North Shore Avenue – Residential Variations**
Request: Variations to permit a first floor addition to the existing single-family home including: 1) relief from the minimum side yard setback; and 2) relief from the maximum lot coverage.
5. **Next Meeting**
6. **Public Comment**
7. **Adjournment**

DRAFT

**DRAFT MEETING MINUTES OF THE
ZONING BOARD OF APPEALS
JULY 16, 2014 – 7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

MEMBERS PRESENT:

Chairman Herb Theisen
Paul Gordon
Paul Grant
Jean Ikezoe-Halevi
Martina Keller
Christopher Nickell
Kathy O'Brien

MEMBERS ABSENT:

None

STAFF PRESENT:

Aaron N. Cook, AICP, Community Development Manager

I. CALL TO ORDER

Chairman Theisen noted a quorum of seven members and called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Motion to recommend approval of the June 18, 2014 Meeting Minutes was made by Commissioner Grant, and seconded by Commissioner O'Brien.

Aye: Grant, O'Brien, Ikezoe-Halevi, Gordon, Keller, Nickell, and Theisen

Nay: None

Motion Approved: 7-0

IV. Public Hearing: 6677 North Lincoln Avenue – Sign Variations

Mr. Cook presented the two variations requests for a wall sign at 6677 North Lincoln Avenue. The first variation is relief from the permitted wall sign location requirements and the second variation is relief from the wall sign area. Staff presented an aerial view of the property that is located in the B-1 General Business Zoning District. A picture of the elevation that is in question was also shown.

Charter One Bank previously received approval for a sign in this location. The wall sign variation is a glass building elevation which does not meet the sign location requirement. In 2004, Charter One Bank received approval for a sign in this location, but the ordinance included a text provision that could not be carried over to US Bank. They are seeking the same relief as Charter One Bank.

The sign request is for permission to exceed the maximum permitted sign area of 62.7-square feet. The proposed US Bank sign area is 90-square feet. The previously approved Charter One Bank sign was approximately 60-square feet.

Chairman Theisen swore in the Petitioner Ernie DiFiore of Modern Signs who is representing US Bank.

Mr. DiFiore said that because the sign needs to be attached to the window mullions instead of bolted into the wall, they are restricted to the 20 feet of signage where the mullions are.

Commissioner Grant asked if the backing could be taken off the sign. Mr. DiFiore said that would be possible, but it would not be in compliance with US Bank's branding but would be willing to work out a suitable compromise.

Chairman Theisen asked if anyone in the audience would like to speak regarding this Public Hearing. Let the record state that no one came forward.

Motion to recommend approval of the Sign Variation location request for 6677 North Lincoln Avenue was made by Commissioner Gordon, and seconded by Commissioner Nickell.

Aye: Gordon, Nickell, Grant, Ikezoe-Halevi, Keller, O'Brien, and Theisen

Nay: None

Motion Approved: 7-0

Motion to recommend denial of the maximum sign area variation request for 6677 North Lincoln Avenue was made by Commissioner O'Brien and seconded by Commissioner Nickell.

Aye: O'Brien, Nickell, Gordon, Grant, Ikezoe-Halevi, Keller, and Theisen

Nay: None

Motion Approved: 7-0

V. NEXT MEETING:

Chairman Theisen declared that the next Zoning Board of Appeals meeting will be held on Wednesday, August 20, 2014.

VI. ADJOURNMENT:

Hearing no further business, **motion to adjourn** was made by Commissioner Grant and seconded by Commissioner Nickell. Meeting adjourned at 7:25 p.m.

Aye: O'Brien, Keller, Gordon, Grant, Ikezoe-Halevi, Nickell, and Theisen

Nay: None

Motion Approved: 7-0

Respectfully Submitted,

Kathryn M. Kasprzyk
Community Development Coordinator



Staff Report

Zoning Board of Appeals

August 20, 2014

Subject Property:
5080 North Shore Avenue

Zoning District: R1 Residential

Petitioner: Thomas N. Dallas, as Trustee of the Thomas N. Dallas Trust and Evangelia A. Dallas, As Trustee of the Evangelia A. Dallas Trust - Property Owner

Requested Action: Variation sought to Article IV, Part C, Section 4.11 of the Zoning Code to reduce the required side yard setback and Article IV, Part C, Section 4.11 to exceed the maximum 60% permitted lot coverage.



Nature of Request: The property owner is seeking variations in order to allow an addition for the purpose of adding a first floor bedroom to the north side of the existing single-family home.

Notification: Notice in Lincolnwood Review dated July 31, 2014, Public Hearing Sign Installed at 5080 North Shore Avenue, and Mailed Legal Notices Dated July 30, 2014 to Properties within 250 Feet.

Summary of Request

The property owner of 5080 North Shore Avenue seeks approval to construct a one-story addition for the purpose of adding a bedroom on the first floor of the existing single-family home. The property owner recently experienced a fire damaging much of the existing home. The owner is moving forward with restoration plans and also seeks approval of the requested variations. The property owner has indicated in the responses to the variation standards that the need for the first floor bedroom is created by accessibility and mobility issues of the home owner.

The addition is 9' x 36' 4 3/8" (approx. 348.8 square feet) and is proposed at the north elevation. The proposed addition includes the conversion of an existing spa room. The property has a required side yard setback of 8 feet 1 3/16 inches (10% of lot width). The

proposed addition encroaches approximately 1 foot 9 9/16 inches into the required side yard. If approved, the addition would be setback from the north lot line by 6 feet 3 5/8 inches.

The proposed addition also requires a variation to exceed the maximum lot coverage. The Zoning Ordinance includes a maximum 60% lot coverage requirement. The subject property has a maximum lot coverage of 6,418.1 square feet (Lot Area: 10,696.86 square feet x .60 = 6,418.1 square feet). The addition increases an existing nonconforming condition relative to lot coverage. The existing lot coverage is 6,825.8 square feet. The proposed addition increases the lot coverage to 7,168.5. The property owner will be able to, without variation, restore the damaged home. The increase in lot coverage as a result of the proposed addition will require action by the Village Board.

The proposed addition complies with all other bulk regulations including but not limited to floor area ratio and building height.

Related Village Action

In fall of 2013 the property owner of 6643 Tower Circle Drive sought approval to construct a two-story addition for the purpose of installing an elevator in the existing single-family home. The property owner of 6643 Tower Circle Drive indicated the elevator was necessary in order to gain access to the entirety of the two-story home. The owner indicated accessibility and mobility issues as the primary reason for the elevator/addition.

Also, the Village in the past four years has considered several setback variations for single-family residential additions. While every project is unique the Village has approved ten requests for relief from side yard setback requirements. These requests resulted primarily from the existing home encroaching into the required setback.

Pertinent Property Information – The existing single-family home was constructed in or around 1969. The Village issued a permit for an addition in 1981 however no drawings or plans were available for review. A search of Village records resulted in no additional records or information regarding the subject property pertinent to this request.

Conclusion

The property owner is seeking a variation in order to allow a 348.8 square foot one-story addition at the north elevation of the existing single-family home. The addition is requested in order to add a bedroom on the first floor of the residence. As a result, variations to permit the addition within the required side yard setback and to exceed the maximum lot coverage are required.

Documents Attached

1. Residential Zoning Variation Application
 - a. Zoning Calculations
 - b. Applicant Submitted Photographs of Property
 - c. Plat of Survey
 - d. Construction Drawings



SUBJECT PROPERTY

Property Address: 5080 W. NORTSHORE

Permanent Real Estate Index Number(s): 10-33-402-058-0000

Zoning District R-1 Lot Area: 10,696.86

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.

EXISTING 2-STORY MASONRY SINGLE FAMILY RESIDENCE TO REMAIN. EXISTING STRUCTURE TO BE RESTORED DUE TO FIRE DAMAGE.

Are there existing development restrictions affecting the property? ___ Yes X No
(Examples: previous variations, conditions, easements, covenants)

If yes, describe: _____

REQUESTED ACTION

- | | |
|---|--|
| <input checked="" type="checkbox"/> Variation - Residential | <input type="checkbox"/> Variation - Signs/Special Signs |
| <input type="checkbox"/> Variation - Non-Residential | <input type="checkbox"/> Minor Variation |
| <input type="checkbox"/> Variation - Off-Street Parking | <input type="checkbox"/> Other |
| <input type="checkbox"/> Variation - Design Standards | |

PROJECT DESCRIPTION

Describe the Request and Project: _____

THE PROJECT INCLUDES THE ELIMINATION OF THE EXISTING SOLAIRUM ON THE FIRST FLOOR. THE FOOTPRINT OF THE OLD SOLARIUM SHALL BE REPURPOSED FOR A NEW ONE STORY BEDROOM ADDITION WHICH WILL INCLUDE AN ADA COMPLIANT BEDROOM AND BATHROOM.

PROPERTY OWNER/PETITIONER INFORMATION

Property Owner(s): THOMAS N. DALLAS, AS TRUSTEE OF THE THOMAS N. DALLAS TRUST DATED 01/26/06 and EVANGELIA A. DALLAS, AS TRUSTEE OF THE EVANGELIA A. DALLAS TRUST DATED 01/26/06

Name: (List all beneficiaries if Trust): _____

MAILING Address: 6722 N. MINNEHAHA, LINCOLNWOOD, IL 60712

Telephone: (773 363-0385) Fax: (_____) E-mail Address: DIMITRA@ALAWPC.COM

Petitioner (if different from owner):

Name: _____ Relationship to Property: _____

Address: _____

Telephone: (_____) Fax: (_____) E-mail Address: _____

REQUIRED ATTACHMENTS *

Check all documents that are attached:

- Plat of Survey X
- Site Plan X
- Proof of Ownership X
- Floor Plans X
- Elevations X
- Applicable Zoning Worksheet X
- Photos of the property X
- PDF files of all drawings X

For Office Use Only

Fee: _____ Deposit: _____

Date Received: _____

Checked By: _____

The article(s), section(s) and paragraph(s) of the Village of Lincolnwood Zoning Ordinance from which the Action is being sought:

**The above documents are required for all applications. The Zoning Officer may release an applicant from specific required documents or may require additional documents as deemed necessary.*

COST REIMBURSEMENT REQUIREMENT

The Village requires reimbursement of certain out-of-pocket costs incurred by the Village in connection with applications for zoning approvals and relief. These costs include, but are not limited to, mailing costs, attorney and engineer costs, and other out-of-pocket costs incurred by the Village in connection with this application. In accordance with Section 5.02 of the Village of Lincolnwood Zoning Ordinance, both the petitioner and the property owner shall be jointly and severally liable for the payment of such out-of-pocket costs. Out-of pocket costs incurred shall be first applied against any hearing deposit held by the Village, with any additional sums incurred, to be billed at the conclusion of the hearing process.

Invoices in connection with this application shall be directed to:

Name: MR. THOMAS & EVANGELIA DALLAS

MAILING Address: 6722 N. MINNEHAHA

City, State: LINCOLNWOOD, IL 60712

ATTESTMENT AND SIGNATURE

I hereby state that I have read and understand the Village cost reimbursement requirement, as well as the requirements and procedures outlined in Article V of the Village Zoning Ordinance, and I agree to reimburse the Village within 30 days after receipt of an invoice therefor. I further attest that all statements and information provided in this application are true and correct to the best of my knowledge and that I have vested in me the authority to execute this application.

PROPERTY OWNER

PETITIONER (If different than property owner)

JULY 21, 2014

Signature Date

Signature Date

MR. THOMAS DALLAS

PRINT NAME

PRINT NAME



VILLAGE OF LINCOLNWOOD

COMMUNITY DEVELOPMENT DEPARTMENT

VARIATION STANDARDS

To be approved, each variation request must meet certain specific standards. These eight standards are listed below. After each listed standard, explain how your variation request satisfies the listed standard. Use additional paper if necessary.

1. The requested variation is consistent with the stated intent and purposes of the Zoning Ordinance and the Comprehensive Plan.

A. THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS, CONVENIENCE, AND GENERAL WELFARE WILL NOT BE AFFECTED BY THE ONE STORY BEDROOM ADDITION. THE ADDITION WILL BE OF THE SAME CONSTRUCTION AND DESIGN AS THE EXISTING STRUCTURE.
B. SECURING NATURAL LIGHT, PURE AIR, AND SAFTY FROM FIRE AND OTHER DANGERS WILL NOT BE AFFECTED BY THE ONE STORY BEDROOM ADDITION. THE ROOF OF THE PROPOSED ADDITION WILL BE LOWER THAN THE EXISTING RESIDENCE.
C. THE TAXABLE VALUE OF THE LAND AND BUILDING WILL BE PRESERVED BY THE ONE STORY BEDROOM ADDITION. THE ADDITION WILL ENHANCE THE LAND AND BUILDING VALUE.
D. CONGESTION ON THE PUBLIC STREETS WILL NOT BE AFFECTED BY ONE STORY BEDROOM ADDITION. THERE WILL NOT BE ANY ADDITIONAL TRAFFIC AS A RESULT OF THE ADDITION.
E. THE ONE STORY BEDROOM ADDITION IS ONLY 348,8 SQUARE FEET IN SIZE. THUS THE ADDITION WILL BE A NOMINAL INCREASE IN THE TOTAL SQUARE FOOTAGE OF BUILDING AREA AND TOTAL LOT COVERATE. AN ACCUMULATION OR RUNOFF OF STORM OR FLOODWATERS IN NOT ANTICIPATED FROM THIS ADDTION.

2. The particular physical surroundings, shape or topographical conditions of the subject property would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of this Zoning Ordinance is enforced.

THE SUBJECT PROPERTY IS A CORNER LOT THUS HAS INHERENT DIFFICULTIES GIVEN THE SIDE YARD SETBACK REQUIREMENTS. WHEN THE EXISTING RESIDENCE WAS DEVELOPED BY THE PREVIOUS OWNERS, THE RESIDENCE WAS ERECTED CLOSE TO THE NORTH PROPERTY LINE LEAVING MORE ROOM ALONG THE SOUTH PROPERTY LINE. THERE IS OVER 20' OF SETBACK ALONG NORTHSORE AND MUCH LESS ALONG THE NORTH PROPERTY LINE. THE EXISTING DRIVEWAYS AND REAR YARD PATIO AS CONSTRUCTED BY THE PREVIOUS OWNERS ADD QUITE A BIT TO THE TOTAL LOT COVERAGE. THIS ADDITIONAL LOT COVERAGE MAKES THE EXISTING PROPERTY EXISTING NON-CONFORMING EVEN BEFORE THE ADDITION. THIS WAS NOT CREATED BY MR. AND MRS. DALLAS.

3. The conditions upon which the petition for the variation is based would not be applicable generally to other property within the same Zoning District.

THE EXISTING SOLARIUM WILL BE ELIMINATED TO ACCOMODATE THE NEW ONE STORY BEDROOM ADDITION. PART OF THE PROPOSED BEDROOM ADDITION WILL BE WHERE THE SOLARIUM IS CURRENTLY LOCATED THUS WITHIN THE EXISTING FOOTPRINT OF THE BUILDING. REPURPOSING THE AREA WHERE THE SOLARIUM IS LOCATED WILL ALLLOW THE PROPOSED BEDROOM ADDITION WILL ALLOW FOR MINIMUM ENCROACHMENT ONTO THE SIDE YARD. THE ONE STORY BEDROOM ADDITION THAT IS PROPOSED IS SPECIFIC TO THIS PARTICULAR PROPERTY, BUILDING, AND OWNER. IT IS NOT PROBABLE THAT THE SAME SET OF CIRCUMSTANCES WOULD BE GENERALLY APPLICABLE TO OTHER PROPERTY WITHIN THE SAME ZONING DISTRICT. SINCE 1967, MR. DALLAS HAS BEEN CHALLENGED WITH A PERMANENT PHYSICAL DISABILITY. HE HAS BEEN ABLE TO MANUEVER IN A 2-STORY RESIDENCE FOR THE PAST 25 YEARS. HOWEVER AS HIS AGE HAS ADVANCED, GOING UP AND DOWN STAIRS HAS BECOME A MORE DIFFICULT TASK. HIS ABILITY TO GO UP AND DOWN STAIRS WILL ULTIMATELY BECOME IMPOSSIBLE FOR HIM. THE NEED TO CREATE AN ADA COMPLIANT BEDROOM AND BATHROOM FACILITY FOR HIS FUTURE YEARS HAS BECOME A REQUIREMENT FOR HIM TO REMAIN IN HIS HOME.

4. The variation is not solely and exclusively for the purpose of enhancing the value of or increasing the revenue from the property.

THE PURPOSE OF THE BEDROOM AND BATHROOM ADDITION IS SOLELY FOR THE PURPOSES OF HANDICAPPED ACCESSIBILITY FOR THE OWNERS OF THE PROPERTY. THE ADDITION IS NOT FOR THE PURPOSES OF ENHANCING THE VALUE OF THE PROPERTY OR INCREASING THE REVENUE FROM THE PROPERTY.

VARIATION STANDARDS (continued)

5. The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

MR. AND MRS. DALLAS HAVE ADVANCED IN AGE AND NOW FIND IT MORE DIFFICULT TO GO UP AND DOWN THE CURVED STAIRCASE TO ACCESS THE BEDROOMS UP STAIRS. IN ADDITION, MR. DALLAS HAS A PERMANENT PHYSICAL DISABILITY WHICH HAS BECOME EVEN MORE DIFFICULT RECENTLY TO CLIMB STAIRS. MR. AND MRS. DALLAS HAVE LIVED IN THIS HOUSE FOR OVER 25 YEARS, AND THEY INTEND ON LIVING THE DURATION OF THEIR LIVES IN THIS RESIDENCE.

AS A SIDE NOTE, TWO OF MR. DALLAS' THREE CHILDREN AS WELL AS THE BROTHER OF MR. DALLAS LIVE IN LINCOLNWOOD ONLY BLOCKS AWAY FROM THEIR OWN RESIDENCE. THE REASON FOR MENTIONING THIS IS TO POINT OUT ANOTHER REASON AS TO WHY MR. AND MRS. DALLAS WANT TO REMAIN IN THEIR HOME.

6. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

THE ONE STORY ADDITION IS ONLY ROUGHLY 348.8 ADDITIONAL SQUARE FEET AND WILL BE LOCATED ON AN INTERIOR NORTH LOT LINE. THE EXISTING AND CURRENT PUBLIC WELFARE THAT IS ENJOYED BY THE NIEGHBORING RESIDENTS AND PEDESTRIANS WILL NOT BE ALTERED OR AFFECTED BY THE PROPOSED BEDROOM ADDITION.

7. The variation granted is the minimum change to the Zoning Ordinance standards necessary to alleviate the practical hardship on the subject property.

AS A REQUEST OF THE OWNERS, THE ADDITION HAS BEEN DESIGNED WITH THE SPECIFIC INTENT TO BE ADA COMPLIANT; BARRIER FREE. THE PRIMARY REASON FOR THE ENCROACHMENT ONTO THE SIDE YARD SETBACK IS THAT THE NEW ADA COMPLIANT RESTROOM NEEDS TO BE LARGE ENOUGH TO ACCOMODATE A FUTURE WHEEL CHAIR THAT IS BEING ANTICIPATED BY MR. DALLAS. MAKING THE PROPOSED RESTROOM SMALLER WOULD NOT ALLOW FOR ACCESSIBILITY OF A WHEEL CHAIR. THE ZONING VARIANCE REQUESTED IS THE MINIMUM REQUIRED TO ALLOW FOR THE RESTROOM TO BECOME ADA COMPLIANT.

8. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

THE PROPOSED ADDITION IS A ONE STORY STRUCTURE. THE PROPOSED ROOF LINE WILL BE LOWER THAN THE EXISTING ROOF LINE. THE ADEQUATE SUPPLY OF LIGHT AND AIR TO THE ADJACENT PROPERTY WILL NOT BE AFFECTED AS THE PROPOSED ROOF IS LOWER THAN THE EXISTING ROOF.

THE MATERIALS TO BE USED IN THE ERECTION OF THE ADDITION ARE CONSISTENT WITH THE MATERIALS IN THE EXISTING RESIDENCE. THE EXTERIOR OF THE ADDITION WILL BE BRICK TO MATCH THE EXISTING RESIDENCE. THE ADDITION HAS BEEN DESIGNED TO BLEND IN WITH THE EXISTING STRUCTURE INCLUDING MATCHING THE ROOF LINES, MATCHING BRICK AND BRICK DETAILS.

SIGN VARIATION STANDARDS

For all Sign Variation and/or Special Sign requests the Applicant shall also complete Questions 9-12.

9. The proposed variation is consistent with the statement of purpose set forth in Section 11.01 of the Zoning Ordinance.

NOT APPLICABLE

10. The proposed sign complies with any additional standards or conditions set forth in Article XI of the Zoning Ordinance.

NOT APPLICABLE

11. The proposed sign will substantially enhance the architectural integrity of the building or other structure to which it will be attached, if any.

NOT APPLICABLE

12. The proposed sign conforms with the design and appearance of nearby structures and signs.

NOT APPLICABLE