



**MEETING MINUTES
OF THE
ZONING BOARD OF APPEALS
March 21, 2019**

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

MEMBERS PRESENT:

Christopher Nickell
Peter Theodore
Bruce Heller
Rizwan Hussain

MEMBERS ABSENT:

Chairman Martina Keller
Mudassir Hussaini
Teodor Strat

STAFF PRESENT:

Doug Hammel, AICP, Community Development Manager

I. Call to Order

Community Development Manager Doug Hammel noted a quorum of four members and called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

IV. Approval of Presiding Officer

Manager Hammel noted that Chairman Keller would not be able to make it to the meeting; he recommended that they approve a Presiding Officer for this meeting. From talks with Chairman Keller and the tenure of the present Commissioners, he offered staff's recommendation that Commissioner Nickell be this evening's Presiding Officer but noted they should feel free to choose any of the members. Commissioner Heller moved to approve Commissioner Nickell to be Presiding officer. It was seconded by Commissioner Theodore. By roll call vote they approved Commissioner Nickell to be Presiding Officer as follows:

Aye: Heller, Hussain, Nickell, Theodore

Nay: None

Motion Approved: 4-0

V. Approval of Minutes

Motion to approve the January 16, 2019, Meeting Minutes; Commissioner Hussain moved to approve the minutes and Seconded by Commissioner Theodore. The Meeting Minutes were approved by a roll call vote as follows:

Aye: Heller, Hussain, Nickell, Theodore

Nay: None

Motion Approved: 4-0

VI. Case #ZB-01-19: 6927 North Lincoln Avenue—Variation Related to On-Site Parking Capacity

Presenting Officer Nickell presented case #ZB-01-19 which was a consideration of a request by Laura Frankel, on behalf of Lincolnwood Commons, LLC, property owner, for a variation for seven on-site parking spaces in order to accommodate the installation of a full-service restaurant.

Presiding Officer Nickell swore in all individuals who may want to testify about this case. Presiding Officer Nickell then asked Manager Hammel to provide some context to the ZBA about the request and considerations.

Development Manager Doug Hammel provided a brief overview of the property, requested approvals, and Variations. 6927 North Lincoln Avenue, the subject property, is in a B-1 zoning district, and Business Transition Overlay. The proposed use would be a full-service restaurant that would take up 2,400 sq. ft. The variation request is to reduce the required parking capacity by seven spaces.

Manager Hammel then listed considerations the ZBA may want to review when making their decision. This includes, offset times of parking demand, adjacent on-street parking of six spaces which tend to be unutilized, and Commissioners added that there are other spots nearby as well. Several precedent cases were provided noting that the Village has had an understanding that it can be challenging to meet the code requirements in some instances. The central concern when making that decision has been whether or not the reduction in required spaces would negatively impact adjacent properties. He finally reviewed the standards for a variation request to be approved.

Presiding Officer Nickell asked if the ZBA had questions for staff. Commissioner Hussain noted that parking spaces 7-10 were blocked out in the document they were provided and was wondering why that was represented as such. Manager Hammel said that it must have been a formatting issue when preparing the materials but those spaces are recognized as qualifying parking spaces. Commissioner Heller recognized that L. Woods has a similar parking configuration as what is being proposed and asked if the Village has noticed and complications for that kind of parking situation. Manager Hammel said that he was unaware of any code violations or safety concerns. He said that if the ZBA wanted more research on that he could report that before the Village Board's consideration. Commissioner Hussain asked if this variation was granted would the

remaining vacant space effectively have zero parking spaces. Manager Hammel said that the code requires when a new use comes into a building and that use would require more spots than the previous use then they would need to make up the difference. He gave the example of a general business use moving into the remaining space would require a similar amount to the previous use and therefore, there would be no additional parking required. Commissioner Theodore asked if the other current uses were similar in parking requirements. Manager Hammel indicated that they were similar. Presiding Officer Nickell inquired to whether the building owner was in support of this request. Manager Hammel indicated that they were in support.

Presiding Officer Nickell asked if the representatives of the request would like to address the ZBA. Mr. Harvey Gladman, restaurant representative, asked the ZBA to include in their consideration that the proposed kosher restaurant will not be open on Friday or Saturday and therefore, reduce the required parking. He also said that if they were to acquire the rest of the vacant space that they would use it for catering. Presiding Officer Nickell said that he read that they would be open on Friday until 3:00 PM. Mr. Gladman said that they may be open for lunch until 2:00 PM, closed all day Saturday and then open again 9:00 AM to 9:00 PM on Sunday. Presiding Officer Nickell asked what kind of food they would be serving. Mr. Gladman explained it would be primary fish, dairy, salads, pizza, and no other meats. He went on to explain that he has experience in restaurants and just within the last year sold a restaurant in the City. He was also asked if they would be serving alcohol. He said that the sales would be minimal but would look at obtaining a beer and wine license. Manager Hammel noted that that would require additional approval which they would work with the petitioner to get after zoning approval.

Commissioner Hussain asked if the approval of the variation is tied to operations of the business as presented and what would happen if the property was sold and a different restaurant came in. Manager Hammel said that the variation would be applied to the property and would, therefore, stay if the property was sold. Currently, the variation is not tied to how the business is operated but can be if the ZBA choose to do so. Commissioner Hussain followed up by asking if the condition could apply specifically to the applicant and to this specific business. Manager Hammel said that he would have to defer to the Village Attorney but said that the principle of a variation is based on the hardships associated with the characteristics of the property. Commissioner Heller raised concern that applying such a condition would create a bad precedent for other tangential and speculation on future conditions. Commissioner Hussain said that his concern is any additional requirements would cause hardship for the residential properties nearby similar to other places in the Village. Mr. Jordan Wankel, the architect, noted that the occupancy is dependent on the square footage of the building but that isn't the number of seats available to sit people. It is expected that they will have about 40 seats for customers. Commissioner Hussain said that his ideal variation would be tied in some way to the numbers that architect is suggested so that once the variation is approved that it doesn't create a nuisance for the surrounding residents. Manager Hammel asked the petitioner if it would be agreeable to include a maximum occupancy in the ordinance. He also suggested that ZBA could recommend that there be a one year review to make sure there isn't a nuisance being created. Presiding Officer Nickell noted that if need be there could be a requirement, like other restaurants in the area, to have a valet parking. Manager

Hammel then confirmed with the ZBA and the petitioner that they would be agreeable to a period of time which they would review the impact of parking to address any nuances that may be caused by the variance approval. Hearing no further comments Presiding Officer Nickell asked if there was any public comment and there was none.

Motion to recommend approval of the variation reducing the required parking spaces by seven spaces subject to the conditions agreed upon was made by Commissioner Heller and was seconded by Commissioner Hussain.

Aye: Heller, Hussain, Nickell, Theodore

Nay: None

Motion Approved: 4-0

V. Next Meeting

The next Zoning Board of Appeals meeting is set for Wednesday, April 17, 2019.

VI. Public Comment

Chairman Keller asked if anyone in the audience would like to address the Zoning Board of Appeals. Let the record state that no one came forward.

VII. Adjournment

Motion to adjourn was made by Commissioner Hussain and seconded by Commissioner Heller. Meeting adjourned at 7:36 p.m.

Aye: Heller, Hussain, Nickell, Theodore

Nay: None

Motion Approved: 4-0

Respectfully submitted,

Henry Wright
Community Development Intern